

Strasbourg, 4 December 2017  
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**T-PVS (2017) 27**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

37<sup>th</sup> meeting  
Strasbourg, 5-8 December 2017

Opening of the meeting: 9:30am, Tuesday 5 December 2017, Room 9

**DRAFT**  
**ANNOTATED AGENDA**

*Document prepared by  
the Directorate of Democratic Citizenship and Participation*

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## PART I – OPENING

*NB Delegations are kindly reminded that only written statements will be included in the report of the meeting.*

### 1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

Relevant documents: T-PVS (2017) 1 - Draft agenda  
T-PVS (2017) 27 - Annotated draft agenda

The 37<sup>th</sup> meeting of the Standing Committee to the Bern Convention will be opened by the Chair, Mr Øystein Størkersen, at the Council of Europe (Strasbourg), at 9:30 am on Tuesday 5th December 2017.

Mr Matthew Johnson, Director of Democratic Citizenship and Participation, welcomes the participants, reflects upon the achievements of the Bern Convention in 2016-2017 and addresses new developments regarding organisational and financial concerns.

The draft agenda was drawn up by the Secretariat after consultation with the Bureau.

**DECISION:** The Standing Committee is invited to adopt the agenda.

### 2. CHAIRMAN'S REPORT AND COMMUNICATIONS FROM THE DELEGATIONS AND FROM THE SECRETARIAT

Relevant documents: T-PVS (2017) 9 and 25 - Reports of the Bureau meetings in March and September 2017  
T-PVS (2016) 29 – Report of the 36<sup>th</sup> Standing Committee meeting

The Chair will report on the various developments and issues at stake for the Convention since the last meeting of the Committee.

Contracting Parties have the opportunity to report in writing on the implementation of the Convention in their States.

Observer States may be invited to briefly inform the Standing Committee of progress made towards the ratification of the Convention, together with any other information they may consider useful. The representatives of the invited Organisations may report on their activities directly concerned with the Convention (Article 13.3).

The Secretariat will inform the Standing Committee on the general implementation of the Programme of Work for 2017, presenting at the same time the reports of the meetings of the Bureau of the Standing Committee.

**DECISION:** No decisions are expected from the Standing Committee under this item.

## PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

*NB Delegations are kindly reminded that only written statements will be included in the report of the meeting.*

### 3. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION

#### 3.1 Biennial reports 2013-2014, 2015-2016 concerning exceptions made to Articles 4, 5, 6, 7 or 8 and quadrennial reports 2009 – 2012 and 2013 - 2016<sup>1</sup>

Relevant documents: T-PVS/Inf (2017) 12 – Summary tables of reporting under the Bern Convention  
T-PVS/Inf (2017) 24 – Registered users to the ORS System

Article 9.2 of the Convention requests Parties to report on the exceptions made to Articles 4, 5, 6, 7 and 8.

Parties may present general reports on the implementation of the Convention.

These reports will not be discussed unless Parties require so at the adoption of the Agenda.

Parties who wish to present their experience with and observations on their work with the Online Reporting System may do so by requesting the floor under this agenda item.

**DECISION:** No decisions are expected from the Standing Committee under this item. The Standing Committee is invited to take note of the reports presented.

PARTIES NOT HAVING SENT THEIR BIENNIAL REPORTS ARE KINDLY REQUESTED TO SEND THEM AS SOON AS POSSIBLE THROUGH THE ORS SYSTEM.

#### 3.2 Legal analysis of the draft Law on the conservation of natural habitats, biodiversity and landscape of Andorra

The Secretariat will briefly inform on the recent cooperation with the national authorities of Andorra, in support of their efforts to improve their national nature conservation legislation.

**DECISION:** No decisions are expected from the Standing Committee under this item.

#### 3.3 Proposal for amendment of the Convention: Proposal for listing the Balkan lynx (*Lynx lynx ssp. balcanicus*) in the Appendix II of the Bern Convention

Relevant document: T-PVS (2017) 17 – Proposal for amendment of Appendix II to the Bern Convention + Annex1 + Annex2

On 15 September 2015, Albania deposited a proposal for listing the Balkan lynx (*Lynx lynx ssp. balcanicus*) in Appendix II (Strictly protected fauna species) of the Bern Convention.

The Secretariat will remind the procedure for amending the text of the Convention and its Appendices (Art. 17 of the Convention).

The national delegate of Albania will be invited to present their proposal.

**DECISION:** The Standing Committee is invited to examine the proposal by Albania and to adopt it, if appropriate, by a two-thirds majority of the Contracting Parties.

<sup>1</sup> For information only, unless otherwise requested

### 3.4 Gender mainstreaming and the Bern Convention

Relevant documents: T-PVS (2017) 21 – Draft Recommendation on mainstreaming a gender equality perspective in the implementation of the Convention  
Council of Europe Gender Equality Strategy 2014 - 2017

#### a. Draft Recommendation on mainstreaming a gender equality perspective in the implementation of the Convention as well as in the work of the Convention Secretariat

Ms Cécile Greboval from the Gender Equality Unit (DG Democracy) at the Council of Europe will present the current Council of Europe Gender Equality Strategy 2014-2017 and its strategic objectives and the finalisation of the future Gender Equality Strategy of the organisation for the period 2018-2023.

The Secretariat will introduce the text of the Draft Recommendation on mainstreaming a gender equality perspective in the implementation of the Convention as well as in the work of the Convention Secretariat.

**DECISION:** The Standing Committee is invited to

- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on mainstreaming a gender equality perspective in the implementation of the Convention as well as in the work of the Convention Secretariat

Draft

## PART III – MONITORING OF SPECIES AND HABITATS

*NB Delegations are kindly reminded that only written statements will be included in the report of the meeting.*

### 4. MONITORING OF SPECIES AND HABITATS

Contracting Parties have the opportunity to report on specific conservation actions, upon previous request.

<sup>2</sup> Documents for information only:

- T-PVS/Files (2016) 30: Compilation of 2016 reports by Parties on the follow-up of Recommendation No. 176 (2015)
- T-PVS/Inf (2017) 18: Compilation of Parties' replies to the 2017 Questionnaire for the reporting by Parties on the implementation of Recommendation No. 176 (2015)
- T-PVS/Inf (2017) 20: Compilation of national reports for 2017 on the conservation of amphibians and reptiles

#### 4.1 Biodiversity and Climate Change

Relevant documents: T-PVS (2017) 19 – Report of the 1<sup>st</sup> meeting of the Restricted Group of Experts on Biodiversity and Climate Change  
T-PVS (2017) 18 – Mandate of the Restricted Group of Experts

##### a. Report of the 1<sup>st</sup> meeting of the Restricted Group of Experts on Biodiversity and Climate Change

Ms Elvana Ramaj, member of the Restricted Group of Experts will present the report of the meeting, held in Paris (France) on 14-15 June 2017 and the proposals for the future work of the Convention in that area.

**DECISION:** The Standing Committee is invited to:

- Take note of the report of the 1<sup>st</sup> meeting of the Restricted Group of Experts on Climate Change and Biodiversity;
- Take note of the agreed terms of reference of the Restricted Group of Experts;
- Take note of the following proposals of the Restricted Group of Experts:
  - to include financial provisions in the Programme of Work 2018-2019 for the development of European level species' vulnerability assessments,
  - to develop a reporting format on Parties' action in implementing the Convention standards in the field of climate change. The format should focus on outcomes, include both qualitative and quantitative information on progress at national level and enable learning between Parties as much as possible. The reporting should take place every two years.
  - to develop synergies between the Bern Convention and the EUR-OPA Major Hazards Agreement,
  - to organise in 2018 a joint meeting of the Group of Experts on Protected Areas and Ecological Networks and the Group of Experts on Climate Change and biodiversity, where

<sup>2</sup> These items will not be discussed, unless Parties request so at the adoption of the Agenda.

issues such as adaptive management of protected areas can be discussed.

## 4.2 Invasive Alien Species

Relevant documents: T-PVS/Inf (2017) 3 - Report of the Expert meeting on the eradication of the ruddy duck  
 T-PVS (2017) 12 - Report of the 12<sup>th</sup> meeting of the Group of Experts on IAS  
 T-PVS (2017) 14 - Draft Recommendation on the European Code of Conduct for Invasive Alien Trees  
 T-PVS/Inf (2017) 8 - Draft Code of Conduct for Invasive Alien Trees  
 T-PVS (2017) 15 - Draft Recommendation on the European Code of Conduct on International Travel and IAS  
 T-PVS/Inf (2017) 1 - Code of Conduct on International Travel and IAS  
 T-PVS (2017) 16 - Draft Recommendation on the control and eradication of IAS on islands

### a. Expert Meeting on the implementation of the Action Plan for the eradication of ruddy duck in Europe

The Secretariat is going to present the results of the Expert Meeting which took place in Sevilla (Spain), on 30-31 January 2017.

**DECISION:** The Standing Committee is invited to:

- Take note of the report of the Expert meeting;
- Warmly thank the Spanish conservation authorities for the excellent organisation of the meeting;
- Take note of the progress in the implementation of the Action Plan for the eradication of the ruddy duck in the Western Palearctic endorsed in its Recommendation No. 149 (2010) recognising the efforts by all Parties implied.

### b. Report of the 12<sup>th</sup> meeting on the Group of Experts on IAS and its back-to-back Seminar on the eradication of IAS in small European islands

The Secretariat is going to present the outcomes of the 12<sup>th</sup> meeting of the Group of Experts on Invasive Alien Species, held in Funchal (Madeira) and hosted by the University of Madeira in co-operation with the Regional Ministry of Environment and Natural Resources of Madeira and with the support from the Portugal Government, on 1-3 June 2017.

**DECISION:** The Standing Committee is invited to:

- Take note of the report of the meeting and, in particular of the reports presented by State Parties, the European Commission and other international organisations on the progress in the implementation of the Convention's European Strategy on Invasive Alien Species;
- Thank the Portuguese authorities, the Region of Madeira and the University of Madeira for the great hospitality and excellent preparation of the meeting;
- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on the European Code of Conduct for Invasive Alien Trees;
- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on the European Code of Conduct on International Travel and Invasive Alien Species;
- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on the control and eradication of invasive alien species on islands;
- Take note of proposal of the Group of Experts on the future work of the Convention in the field of invasive alien species.

**c. Draft recommendation of the European Code of Conduct for Invasive Alien Trees**

The consultant, Mr Giuseppe Brundu, will present the final draft European Code of Conduct on Invasive Alien Trees and in particular the changes introduced since the last presentation of the draft text of the Code at the 36<sup>th</sup> meeting of the Standing Committee.

The Secretariat will introduce the text of the Draft Recommendation on the European Code of Conduct for Invasive Alien Trees.

**DECISION:** The Standing Committee is invited to

- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on the European Code of Conduct for Invasive Alien Trees

**d. Draft Recommendation on the European Code of Conduct on International Travel and Invasive Alien Species**

The consultant, Mr Riccardo Scalera, will present the text of the final draft Code of Conduct on International Travel and Invasive Alien Species.

The Secretariat will introduce the text of the Draft Recommendation on the European Code of Conduct on International Travel and Invasive Alien Species.

**DECISION:** The Standing Committee is invited to

- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on the European Code of Conduct on International Travel and Invasive Alien Species

**e. Draft Recommendation on the control and eradication of IAS in islands**

The Secretariat will introduce the text of the Draft Recommendation on the control and eradication of IAS in islands.

**DECISION:** The Standing Committee is invited to

- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on the control and eradication of IAS in islands

## **4.3 Conservation of Birds**

Relevant documents: T-PVS (2017) 23 - Report of the 6<sup>th</sup> meeting of the Group of Experts on the conservation of birds  
T-PVS (2017) 22 – Report of the Joint Bern SFPs Network/CMS MIKT meeting  
T-PVS (2017) 10 - Draft Recommendation on the establishment of a Scoreboard for measuring progress in combatting illegal killing, taking and trade of wild birds  
T-PVS/Inf (2017) 14 - Scoreboard for measuring progress in combatting illegal killing, taking and trade of wild birds

### **4.3.1 Group of Experts on the Conservation of Birds**

**a. Report of the 6<sup>th</sup> meeting of the Group of Experts on the Conservation of Wild Birds**

The Chair of the Group, Mr Rastislav Rybanic, will present the outcomes of the 6<sup>th</sup> meeting of the Group of Experts on the Conservation of Birds which took place in Sliema (Malta) on 21 June 2017 and the proposals for the future work of the Group.

**DECISION:** The Standing Committee is invited to:

- Take note of the report of the 6<sup>th</sup> meeting of the Group of Experts on the Conservation of Wild Birds which took place on 21 June 2017 in Sliema (Malta);
- Thank the national authorities of Malta for the excellent hosting of the meeting;
- Take note of the decision by the Group to review its mandate and develop a Framework Programme of Work (FPoW) with clear expected outcomes, to be debated at its next meeting;
- Take note of the proposals made for the future work priorities for the Group and based on the discussions on the added value of the Convention on wild birds' conservation.

#### ***4.3.2 Eradication of illegal killing, trapping and trade of wild birds***

##### **a. Report of the Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT)**

The Chair of the Bern Convention Network of Special Focal Points (SFPs) on Eradication of Illegal Killing, Trapping and Trade in Wild Birds, Mr Sergei Golovkin, will present the outcomes of the Joint Bern SFPs Network/CMS MIKT Meeting which took place in Sliema (Malta) on 22-23 June 2017.

He will further explain the process of preparation of the Scoreboard for measuring progress in combatting illegal killing, taking and trade of wild birds and the agreement reached in Malta regarding its first implementation in 2018.

**DECISION:** The Standing Committee is invited to:

- Take note of the report of the Joint Bern SFPs Network/CMS MIKT meeting;
- Thank the national authorities of Malta for their warm hospitality and the excellent preparation of the meeting as well as for their initiative on and contribution to the preparation of the Scoreboard for measuring progress at national level in combatting IKB;
- Take note of the agreement of the Joint Bern SFPs Network/CMS MIKT meeting on the final version of the Scoreboard as included in document T-PVS/Inf(2017)14.

##### **b. Draft Recommendation on the establishment of a Scoreboard for measuring progress in combating illegal killing, taking and trade of wild birds**

The Secretariat will introduce the text of the Draft Recommendation on the establishment of a Scoreboard for measuring progress in combating illegal killing, taking and trade of wild birds.

**DECISION:** The Standing Committee is invited to

- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on the establishment of a Scoreboard for measuring progress in combating illegal killing, taking and trade of wild birds



## 4.4 Amphibians and Reptiles

Relevant documents: T-PVS (2017) 28 – Report of the meeting of the 9<sup>th</sup> Group of Experts on amphibians and reptiles  
T-PVS (2017) 26 – Draft recommendation on biosafety measures for the prevention of the spread of amphibian and reptile species diseases

### a. Report of the 9<sup>th</sup> meeting of the Group of experts on the Conservation of Amphibians and Reptiles (including Marine Turtles)

The Chair of the Group, Mr Benedikt Schmidt, will present the outcomes of the 9<sup>th</sup> meeting of the Group of Experts on Amphibians and Reptiles which took place in Trondheim (Norway), on 9-10 October 2017.

**DECISION:** The Standing Committee is invited to:

- Take note of the report of the 9<sup>th</sup> meeting of the Group of Experts on Amphibians and Reptiles which took place on 13 October 2017 in Trondheim (Norway);
- Thank the Norwegian Environment Agency for the excellent hosting of the meeting;
- Take note of the proposals by the Group for its future work priorities and working methods, including the date of its next meeting.

### b. Draft Recommendation on biosafety measures for the prevention of the spread of amphibian and reptile species diseases

The Secretariat will introduce the text of the Draft Recommendation on biosafety measures for the prevention of the spread of amphibian and reptile species diseases and will explain the rationale behind the decision of the Group to propose the draft Recommendation.

**DECISION:** The Standing Committee is invited to

- Examine and, if appropriate, adopt the following draft Recommendation:
  - Draft Recommendation No. ... (2017) on biosafety measures for the prevention of the spread of amphibian and reptile species diseases

## 4.5 Conservation of other threatened Species

### a. Workshops on the revision of the Strategy for the Leopard Conservation in the Caucasus and coordinating the Monitoring of Leopard and Prey Species in the Ecoregion

Relevant document: T-PVS/Inf (2017) 21 – Results from the Strategic Planning Workshop on Leopard Conservation in the Caucasus (Tbilisi, Georgia, 25 – 26 April 2017)

Ms Manuela von Arx from KORA (Switzerland) will inform on the results of the Workshop on the revision of the Strategy for the conservation of the Caucasus leopard and present the Revised Strategy resulting from the deliberations at the Workshop.

**DECISION:** The Standing Committee is invited to:

- Take note of the report of the WWF/Council of Europe Workshop and its results.

### b. Action Plan for the conservation and restoration of the European sturgeon (*Acipenser sturio*) – state of implementation and future needs

Relevant document: T-PVS/Inf (2017) 22 – Status of implementation of the Action Plan for the Conservation of sturgeons (*Acipenseridae*) in the Danube River Basin

Ms Cristina Sandu, representing the Danube Sturgeon Task Force (DSFT), will present the result of their analysis of the state of implementation of the Action Plan for the conservation and restoration of the European sturgeon.

**DECISION:** The Standing Committee is invited to:

- Take note of the report on the state of implementation of Action Plan for the conservation and restoration of the European sturgeon.

## 4.6 Habitats

### 4.6.1 Protected Areas and Ecological Networks

Relevant documents: T-PVS/PA (2017) 12 - Report of the 2<sup>nd</sup> meeting of the ad-hoc Restricted Group of Experts  
 T-PVS/PA (2017) 13 - Report of the 8<sup>th</sup> meeting of the GoEPAEN  
 T-PVS/Inf (2017) 11 - Legal analysis of the Emerald Network reporting requirements under the Bern Convention  
 T-PVS/PA (2017) 9 - Draft reporting format for the period 2013-2018  
 T-PVS/PA (2017) 11 – Subset of species from Resolution No. 6(1998) and habitats from Resolution No. 4(1996) for the reporting under Resolution No. 8(2012) over the period 2013-2016  
 T-PVS/PA (2017) 15 - Updated list of officially nominated candidate Emerald sites  
 T-PVS/PA (2017) 16 - Updated list of officially adopted Emerald sites  
 T-PVS/PA (2017) 8 - The concept of the “ecological character” of sites in the Bern Convention/Emerald Network context, and options for addressing changes in ecological character

#### a. Report of the Ad Hoc Restricted Group of Experts on reporting on the Emerald Network

The Secretariat will present the results of the meeting of the Restricted Group of Experts, which met in Belgrade (Serbia) on 26 September 2017.

**DECISION:** The Standing Committee is invited to:

- Take note of the results of the meeting of the Restricted Group of Experts.

#### b. Report of the 8<sup>th</sup> meeting of the Group of Experts on Protected Areas and Ecological Networks

Mr Tore Opdahl, Chair of the Group, is going to present the outcomes of the 8<sup>th</sup> meeting of the Group of Experts on Protected Areas and Ecological Networks.

**DECISION:** The Standing Committee is invited to:

- Take note of the results of the meeting;
- Thank the Serbian authorities for the excellent organisation and hosting of the meetings of the Restricted Group of Experts and the Group of Experts on Protected Areas and Ecological Networks;
- Take note of the launch of the Emerald Network Viewer, its current functionalities and consider providing support to its further development;
- Take note of the Co-operation Agreement with the European Environment Agency until the end of 2018 focussed on the strengthening of the Emerald Network in the Eastern Partnership countries which mitigates temporarily the non-renewal of the joint programme with the EU;
- Take note of the readiness of the Contracting Parties from South East Europe to resume their efforts on the setting-up of the Emerald Network, in parallel with the EU funded projects on Natura 2000 implemented within the framework of the pre-accession to the EU.

#### c. Draft Format on reporting under Resolution No. 8 (2012)

Mr Marc Roekaerts is going to present the reporting format adapted from the one adopted by the EU for the reporting under the Nature Directives.

**DECISION:** The Standing Committee is invited to

- Examine and, if appropriate, adopt the:
  - Draft Format on reporting under Resolution No. 8 (2012);
  - The list of species and habitats considered for the reporting under Resolution No. 8 (2012) over the period 2013-2018;
- To take note of the timeschedule for the reporting under Resolution No. 8 (2012), agreed by the Group of Experts on Protected Areas and Ecological Networks: 1<sup>st</sup> January 2019: launch of the online reporting – 31<sup>st</sup> December 2019: deadline for the delivering the reports.

**d. Draft updated lists of candidate Emerald sites**

The Secretariat will present the draft updated list of officially nominated candidate Emerald sites.

**DECISION:** The Standing Committee is invited to:

- Examine and if appropriate, adopt the following documents:
  - Draft updated list of officially nominated candidate Emerald sites

**e. Draft updated lists of Adopted Emerald sites**

The Secretariat will present the draft updated list of officially adopted Emerald sites.

**DECISION:** The Standing Committee is invited to:

- Examine and if appropriate, adopt the following documents:
  - Draft updated list of officially adopted Emerald sites.

**f. The concept of ecological character of sites in the context of the Emerald Network under the Bern Convention**

Mr Dave Pritchard is going to present a gap analysis of the provisions of the Bern Convention to detect, assess and respond to changes and likely changes in the ecological character of Emerald sites.

**DECISION:** The Standing Committee is invited to:

- To take note of the gap analysis report;
- To mandate the Secretariat with the development of guidance describing the ecological character of Emerald Network sites;
- To mandate the Secretariat with the development of a review of Bern Convention case files that relate to the change in the ecological character of Emerald Network sites, with a view to identify successful responses and define good practices for detecting, reporting, assessing and responding to changes.

#### ***4.6.2 European Diploma for Protected Areas***

##### **a. Report of the meeting of the Group of Specialists on the European Diploma for Protected Areas, follow-up of decisions**

Relevant documents: T-PVS/DE (2017) 14 – Report of the meeting of the Group of Specialists on the European Diploma for Protected Areas  
T-PVS/DE (2017) 9 - Draft Resolutions on the renewal of the European Diploma for Protected Areas

Mr Jan-Willem Sneep, outgoing Chair of the Group of Specialists will present the results of the annual meeting of the group which took place on 8 March 2017 in Strasbourg. The Secretariat will further inform on the on-the-spot appraisals which took place in the spring/summer/autumn period of 2017 and the planned visits in 2018.

**DECISION:** The Standing Committee is invited to:

- Take note of the meeting report of the Group of Specialists;
- Take note of the draft resolutions on the renewal of the European Diploma for Protected Areas to 7 areas
- Note in particular that the Group:
  - decided not to renew the European Diploma of Białowieża National Park, to remove the Białowieża National Park from the Diploma awarded list of areas and to inform the authorities of the National Park of this decision and that it entrusted the Standing Committee to monitor the situation and to request the Polish authorities to report on the situation and on the state of conservation of the area.

#### ***4.6.3 Conference for protection of old growth forest in Europe***

Mr Toby Aykroyd from Wild Europe Initiative will present the outcomes of the Conference for protection of old growth Forest held in Brussels on 13-14 September 2017.

**DECISION:** The Standing Committee is invited to:

- Take note of the report of the Conference and its results.

## PART IV – MONITORING OF SPECIFIC SITES AND POPULATIONS

*NB Delegations and observers are kindly reminded that only written statements will be included in the report of the meeting.*

### 5. SPECIFIC SITES AND POPULATIONS

Relevant documents: T-PVS (2017) 24 – Summary of case files and complaints  
T-PVS/Inf (2017) 2 – Register of Bern Convention's case-files

*(Note: a detailed summary of each case-file is available in document T-PVS (2017) 24 – Summary of Case files)*

#### 5.1 Files opened

##### ➤ 1995/6: Cyprus: Akamas peninsula

Relevant documents: T-PVS/Files (2017) 19 - Government Report  
T-PVS/Files (2017) 24 - Complainant Report  
T-PVS/Files (2017) 22 - EU Report

This case concerns the plans for tourist developments in the Peninsula of Akamas (Cyprus) with detrimental effect on an ecologically valuable area with many rare plant and animal species protected under the Bern Convention. It was first discussed at the 16th meeting of the Standing Committee in 1996.

Two on-the-spot appraisals were carried out in 1997 and 2002 and the latest Recommendation adopted at the 36<sup>th</sup> meeting of the Standing Committee – Recommendation No. 191 (2016) on the conservation of the Akamas peninsula and the sea turtle nesting beaches of Chrysochou Bay (Cyprus).

The Bureau, at its second meeting on 18-19 September 2017, invited the national authorities and the complainant at the 37<sup>th</sup> meeting of the Standing Committee to provide a status update on the Recommendation's implementation.

**DECISION:** The Standing Committee is invited to discuss this case-file and decide on its possible follow-up.

##### ➤ 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica

Relevant documents: T-PVS/Files (2017) 18 – Government report  
T-PVS/Files (2017) 31 – NGOs report

This case was first submitted to question the building of wind farms in Balchik and Kaliakra, on the Black Sea coast; it has then extended to the exponential rise in wind farms' developments in Bulgaria. The case is pending since 13 years and according to the Bureau little has been achieved in terms of progress.

At its 36<sup>th</sup> meeting, the Standing Committee decided to keep the case-file open. Taking into account the pending implementation of the ECJ's ruling against Bulgaria over its failure to protect unique habitats and important species in the Kaliakra special protection area, the Standing Committee expressed its hopes to see quick and tangible progress in terms of action and mitigation measures implemented by the authorities in the area. The Standing Committee further urged the authorities to ensure that all procedures taking place at national level in relation to the ECJ's ruling implementation are transparent and inclusive to all stakeholders.

The Bureau, at its second meeting on 18-19 September 2017, invited the Bulgarian authorities to the 37<sup>th</sup> meeting of the Standing Committee to provide a status update on the development of the Integrated Management Plan (IMP), on how it will address the operational points of Recommendation No. 130 (2007), on the conclusions of the public consultations which were expected to be held in early July 2017 and on the expected final adoption of the IMP. The Complainant is also invited to provide an updated report for the above mentioned Standing Committee meeting.

**DECISION:** The Standing Committee is invited to discuss this case-file and decide on its possible follow-up.

➤ **2010/5: Greece: threats to marine turtles in Thines Kiparissias**

Relevant documents: T-PVS/Files (2017) 20 - Government Report  
T-PVS/Files (2017) 37 – NGO Report  
T-PVS/Files (2017) 30 - Complainant Report

This complaint was lodged in August 2010 to denounce uncontrolled development on a NATURA 2000 site (THINES KYPARISSIAS - GR2550005), with potential impacts on *Caretta caretta*. The complaint was discussed as an open case-file at the 33<sup>rd</sup> Standing Committee meeting, following the persistent lack of concrete information on the conservation and management of the area, as well as the enforcement of relevant legislation.

An on-the-spot appraisal carried out in July 2014 led the Standing Committee to adopt Recommendation No. 174 (2014) on the conservation of the loggerhead sea turtle (*Caretta caretta*) and of sand dunes and other coastal habitats in Southern Kyparissia bay (NATURA 2000 – GR 2550005 “Thines Kyparissias”, Peloponnesos, Greece). In addition, in 2016 the Advocate General of the Court of Justice of the European Union issued her conclusions on case number C-504/14 and the Court ruling is awaited.

The Bureau, at its second meeting on 18-19 September 2017, decided that the file should be kept open until the national authorities’ report on satisfactory progress regarding the implementation of Recommendation No. 174 (2014) and until it is clearly shown that the Presidential Decree is adopted and that its establishment ensures the adequate protection of the species and their habitat.

The Bureau further invited the Greek authorities to report to the Standing Committee at its 37<sup>th</sup> meeting, on their concrete efforts in ensuring they comply with the Recommendation and their plans and timetable for the adoption of the Presidential Decree.

**DECISION:** The Standing Committee is invited to discuss this case-file and decide on its possible follow-up.

➤ **2012/9: Turkey: Presumed degradation of nesting beaches in Fethiye and Patara SPAs**

Relevant documents: T-PVS/Files (2017) 35 - Government Report  
T-PVS/Files (2017) 29 - Complainant Report

This complaint concerns the severe threats posed to marine turtles by the lack of adequate management of Fethiye and Patara nesting beaches. The file was opened after the presentation by the NGO MEDASSET of a detailed report alerting the Standing Committee on the lack of adequate management of Fethiye and Patara SPAs. After an on-the-spot appraisal in 2015, the Standing Committee adopted two Recommendations No. 182 (2015) and No. 183 (2015) identifying a set of recommended actions to be implemented by the national authorities.

In 2016, the Standing Committee welcomed the commitment by the authorities but noted that most of the operational recommendations have remained unanswered so far and decided to keep the case-file open until the Turkish authorities to step up their current efforts and ensure that both Bern Convention Recommendations

At its meeting in September 2017, the Bureau expressed its concern that national authorities have not made progress in the development of a management plan or legal protection of the areas, in particular Patara.

The Bureau further invited the authorities to report to the Standing Committee at its 37<sup>th</sup> meeting with a detail plan on how they plan to remedy these concerns. The authorities' report should provide a Timeline which clearly shows when the planned measures will be implemented, ultimately aiming to fully meet the terms of Recommendations No. 182 (2015) and No.183 (2015).

**DECISION:** The Standing Committee is invited to discuss this case-file and decide on its possible follow-up.

➤ **2013/1: “The former Yugoslav Republic of Macedonia”: Hydro power development within the territory of the Mavrovo National Park**

Relevant documents: T-PVS/Files (2017) 9 - Government Report  
T-PVS/Files (2017) 14 - Complainant Report

This complaint was submitted in March 2013 to denounce the possible breach of the Convention by “the former Yugoslav Republic of Macedonia” with regards to the development of two big hydro-power projects (HPP) within the territory of the Mavrovo National Park. Noting that the area is a key biodiversity hotspot in Europe and a candidate Emerald site, in 2014 the Standing Committee decided to open a case file and conduct an on-the-spot appraisal.

Further to an on-the-spot appraisal to the area, the Standing Committee adopted Recommendation No. 184 (2015) and decided to keep then case-file open in order to follow-up the implementation of the recommended measures.

At its meeting in 2016, the Standing Committee invited the authorities to speed up the process of development of the SEA, which should be realised according to national legislation and international standards/European SEA Directive. The authorities confirmed that the country's national legislation already complies with these standards, comprising inclusion of all stakeholders.

In 2017, no new information was provided by the authorities on progress in implementing the SEA. The complainant informed that a Regional Strategy for Sustainable Hydropower in the Western Balkans is under preparation, financed by European Commission's DG NEAR and warns about possible contradictions of this study's conclusions on the feasibility of the HPP Lukovo Pole accumulation project with the operational part of Recommendation 184 (2015), calling for a holistic SEA study for the cumulative effects of all proposed projects in the region.

The Bureau, at its meeting in September 2017, invited the national authorities and the complainant, to provide a status update on the file and respond specifically on measures taken to meet Recommendation No. 184 (2015).

**DECISION:** The Standing Committee is invited to discuss this case-file and decide on its possible follow-up.

## 5.2 Possible files

➤ **2001/4: Bulgaria: Motorway through the Kresna Gorge**

Relevant documents: T-PVS/Files (2017) 10 + Annex + Annex 2 + Annex 3 Part I & II + Annex 4- Government Report  
T-PVS/Files (2017) 33 + Annex 1 - Complainant Report  
T-PVS/Files (2017) 41 – Stakeholders Reports

This case was brought to the attention of the Standing Committee by the Bureau, which received an alert about governmental plans for the construction of the last section of the Struma motorway through the Kresna Gorge, thus rejecting the alternative solution chosen in 2008 as a follow-up to the Standing Committee Recommendation No. 98 (2002). This Recommendation was adopted by the Standing Committee in 2002, as a follow-up to a complaint lodged by several NGOs from Bulgaria.

At the 36<sup>th</sup> Standing Committee meeting, the Standing Committee decided to keep the file as a possible file, pending the decision on the alternative to be chosen for the Lot 3.2 section of the highway within the new EIA/AA procedure.

The Bureau, at its last meeting in September 2017, invited the national authorities to provide an exhaustive, detailed and clear update to the Standing Committee at its 37<sup>th</sup> meeting regarding progress of the motorway plan and specifically how these plans comply with the Recommendation No. 98 (2002). This report should also provide information regarding the progress and results of public the consultations. The complainants are also invited to provide an update on the case.

**DECISION:** The Standing Committee is invited to discuss this case-file and decide on its possible follow-up.

➤ **2017/01: Lack of legal protection for Northern goshawk and birds of prey in Norway**

Relevant documents : T-PVS/Files (2017) 16 - Government Report  
T-PVS/Files (2017) 27 + Annex 1 + Annex 2 - Complaint Form

The complaint was submitted to the Convention in January 2017 by the Norwegian Ornithological Society and concerns a possible breach of the Convention by Norway. In the process of replacing the previous Norwegian Wildlife Act with the new Nature Diversity Act, an unintentional change was operated which opens protected raptors for destruction as a precautionary measure, under the cover of a self-defence clause.

A Supreme Court decision comments that if the law has mistakenly become different from what was intended then this must be rectified by law.

In their response to the Bureau inquiries, the national authorities agree that during the process of replacing parts of the Wildlife Act with the Nature Diversity Act, the wording of the legislation was unintentionally slightly changed and inform that they are monitoring the situation, aware of the risks, but do not inform on plans to correct the loophole in the current legislation.

The Bureau, at its meeting in September 2017, agreed that the unintentional change to the wording of the Wildlife Act is corrected and decided to move the complaint to possible files and to place it on the agenda of the 37<sup>th</sup> Standing Committee meeting where the national authorities are invited to provide an updated information regarding their plans to change the legislation wording.

**DECISION:** The Standing Committee is invited to discuss this case-file and decide on its possible follow-up.

### 5.3 Follow-up of previous complaints and Recommendations

*NB Unless otherwise specified below, this agenda item is for information. Relevant States are invited to report on the follow-up of the above recommendations. The Committee is invited to take note of the information presented.*

➤ **Closed case-file 1998/3: Habitats for the survival of the common hamster (*Cricetus cricetus*) in Alsace, France**

Relevant documents: T-PVS/Files (2017) 25 - Government Report  
T-PVS/Files (2017) 39 – Complainant Report

At its 33<sup>rd</sup> meeting, the Standing Committee decided to close the open case-file 1998/3 on the conservation of the habitat of the common hamster in France.

A follow-up of progress in the implementation of the French National Action Plan for the species and its regional declinations was operated in 2015 by the Standing Committee, which decided to continue monitoring the state of conservation of the species, taking into account that the little progress achieved in comparison to the important measures implemented.



**DECISION:** Depending on the information submitted by the Party and the NGO, the Standing Committee may wish to decide on the follow-up to give to the above issue.

➤ **Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)**

Relevant documents: T-PVS/Files (2017) XX - Government Report  
T-PVS/Files (2017) 34 – Complainant Report

The follow-up of the implementation of this Recommendation was decided by the Standing Committee itself at its 35<sup>th</sup> meeting in 2015, taking into account the slow progress in the implementation of the 14 operational paragraphs of the Recommendation.

**DECISION:** Depending on the information submitted by the Party and the NGO, the Standing Committee may wish to decide on the follow-up to give to the above issue.

➤ **Recommendation No. 176 (2015) on the prevention and control of the *Batrachochytrium salamandrivorans* chytrid fungus**

Relevant document: T-PVS/Inf (2017) 18 - Compilation of National Replies to the questionnaire

The monitoring of Recommendation No. 176 (2015) was decided by the Bureau, on proposal by the Secretariat, in view of the organisation in October 2017 of the 9<sup>th</sup> meeting of the Group of Experts on Amphibians and Reptiles. This follow-up allowed the Group of Experts to review progress at national level in the implementation of the recommended urgent measures and to debate and prepare a new draft recommendation on biosafety measures for the protection of amphibian and reptile species, submitted for discussion by the Standing Committee under agenda item 4.4.

**DECISION:** The Standing Committee may wish to decide on the follow-up to give to the above issue.

➤ **Recommendation No.190 (2016) on the conservation of natural habitats and wildlife, specially birds, in afforestation of lowland in Iceland**

Relevant document: T-PVS/Files (2017) 38 - Government Report

The follow-up of this Recommendation was decided by the Bureau at its meeting in March 2017. The review of progress was agreed due to the fact that the Recommendation itself includes a particular deadline (30<sup>th</sup> April 2017) itself for the submission by the national authorities to the respective Bern Convention and AEWAs Standing Committees of a schedule and clear programme of work for the implementation of the joint recommendations.

**DECISION:** The Standing Committee may wish to decide on the follow-up to give to the above issue.

➤ **Recommendation No. 9 (1987) on the protection of *Caretta Caretta* in Laganas bay, Zakynthos (Greece)**

Relevant documents: T-PVS/Files (2017) 40 - Government Report  
T-PVS/Files (2017) 36 - NGO Report

On the decision of the Bureau, over a proposal by the Secretariat, the follow-up of this recommendation is included on the agenda of the Standing Committee, 30 years after the adoption of the Recommendation.

**DECISION:** Depending on the information submitted by the Party and the NGOs, the Standing Committee may wish to decide on follow-up to give to the above issue.

## PART V – STRATEGIC DEVELOPMENT OF THE CONVENTION

*NB Delegations are kindly reminded that only written statements will be included in the report of the meeting.*

### 6. STRATEGIC DEVELOPMENT OF THE CONVENTION

#### 6.1 International coordination with other MEAs and organisations

The Secretariat will inform the Standing Committee on progress in the international coordination with other MEAs and organisations (including the EU, CBD, CMS, AEW, IUCN, WCMC).

#### 6.2 Implementation of the CBD Strategic Plan for biodiversity: the contribution of the Bern Convention

Relevant document: T-PVS/Inf (2017) 23 – Draft Activity Report 2016-2017

The Secretariat will present a draft Activity Report for the period 2016-2017 by the Bern Convention, following its adopted Programme of Work 2016-2017. The document will also highlight the contribution of the Bern Convention to the CBD Strategic Plan for biodiversity. The

**DECISION:** The Standing Committee is invited to take note of the information presented.

#### 6.3 Awareness and visibility

The Secretariat will inform on the activities carried out to promote knowledge and understanding of the Bern Convention's action for biodiversity conservation, as well as on the future plans of the Convention in terms of communication and visibility for the next biennium.

**DECISION:** The Standing Committee is invited to take note of the information presented.

#### 6.4 Draft Programme of Activities and budget for 2018-2019

Relevant document: T-PVS (2017) 20 – Draft Programme of Activities for 2018-2019

The Secretariat will present the proposal of activities and budget for the next biennium 2018-2019, including information on the forecast budgetary allocation of the Council of Europe to the Convention and the current and future staff situation.

The Parties in need of financial support for the attendance of their experts to the meetings organised under the Convention are invited to indicate the events for which they would need such a support in 2018-2019.

**DECISION:** The Standing Committee is invited to examine and, if appropriate:

- Adopt its Programme of Work for 2018-2019;
- Invite Contracting Parties to provide voluntary contributions on annual or biannual basis, to support the Secretariat, in particular for the development of the Emerald Network of Areas of Special Conservation Interest (one project manager and one assistant).

## **6.5 States to be invited as observers to the 38<sup>th</sup> meeting**

The Secretariat will remind the Standing Committee that the following States have been invited to attend this 37<sup>th</sup> meeting as Observers:

- A. Council of Europe member States (invited automatically): The Russian Federation and San Marino.
- B. Non-member States: Algeria, Holy See, Jordan.

<p><b>DECISION:</b> The Standing Committee is requested to decide unanimously which States, not members of the Council of Europe, are to be invited to attend its 38<sup>th</sup> meeting.</p>
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## PART VI - OTHER ITEMS

### 7. ELECTION OF CHAIR, VICE-CHAIR AND BUREAU MEMBERS

Relevant document: T-PVS/Inf (2013) 6 – Rules of Procedure: Standing Committee, on-the-spot enquiries, mediation

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*”.

**DECISION:** The Standing Committee is invited to elect its Chair, Vice-Chair, and 2 Bureau members. According to Rule 19 of the Rules of Procedure of the Standing Committee, the Standing Committee will acknowledge the automatic election of the previous Chair.

### 8. DATE AND PLACE OF THE 38<sup>TH</sup> MEETING

**DECISION:** In accordance with Article 1 of the Rules of Procedure, the Standing Committee is invited to decide on the date of its 38<sup>th</sup> meeting.

The Secretariat will make a proposal (...-... ... 2018, à Strasbourg).

### 9. ADOPTION OF THE MAIN DECISIONS OF THE MEETING

**DECISION:** The Standing Committee is invited to approve the main decisions of the meeting which, in accordance with article 15 of the Convention, will be forwarded to the Committee of Ministers of the Council of Europe for information.

### 10. OTHER BUSINESS (ITEMS FOR INFORMATION ONLY)

Any question which does not concern a preceding item of the agenda may be raised here. The Standing Committee will be invited to discuss the issues raised.

DRAFT PLAN FOR DISCUSSION OF THE AGENDA

MORNINGS 9.30 am - 12.45 pm	AFTERNOONS 2.30 - 6.00 pm
<b>TUESDAY 5 December</b>	
<p><b>1. OPENING, ADOPTION OF AGENDA</b>  <b>2. REPORT FROM CHAIRMAN &amp; COMMUNICATIONS</b>  <b>3. MONITORING AND IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION</b>  <b>3.1 Biennial and quadrennial reports</b>  <b>3.2 Legal analysis - Draft biodiversity law of Andorra</b>  <b>3.3 Proposal for amendment of Appendix II of the BC</b>  <b>3.4 Gender mainstreaming and the Bern Convention</b>            a. Draft Recommendation on mainstreaming a gender equality perspective into the work of the Convention  <b>4. MONITORING OF SPECIES AND HABITATS</b>  <b>4.1 Biodiversity and Climate change</b>            a. Report of the 1<sup>st</sup> Select Group of Experts meeting  <b>4.2 Invasive Alien Species</b>            a. Report of the Expert meeting on the Action Plan for the eradication of ruddy duck            b. Report of the Group of Experts on Invasive Alien Species and Seminar on the eradication of IAS in small European islands            c. Draft recommendation of the European Code of Conduct on Invasive Alien Trees            d. Draft Recommendation on the European Code of Conduct on International Travel and Invasive Alien Species            e. Draft Recommendation on the control and eradication of IAS in islands  <b>4.5 Conservation of other threatened Species</b>            a. Revision of the Strategy for the Leopard Conservation in the Caucasus            b. Action Plan for the conservation and restoration of the European sturgeon – state of implementation</p>	<p><b>4. MONITORING OF SPECIES AND HABITATS</b>  <b>4.3 Conservation of Birds</b>  <i>4.3.1 Group of Experts on the Conservation of Birds</i>            a. Report of the 6<sup>th</sup> Group of Experts meeting  <i>4.3.2 Eradication of Illegal killing, trapping and trade of wild birds</i>            a. Report of Joint Meeting Bern SFPs Network-CMS MIKT meeting            b. Draft Recommendation on the establishment of a Scoreboard for measuring progress in combating illegal killing, taking and trade of wild birds  <b>4.4. Amphibians and Reptiles</b>            a. Report of the 9<sup>th</sup> meeting of the Group of Experts on the Conservation of Amphibians and Reptiles (including Marine Turtles)            b. Draft Recommendation on biosafety measures for the prevention of the spread of amphibian and reptile species diseases  <b>4.6 Habitats</b>  <i>4.6.1 Protected Areas and Ecological Networks</i>            a. Report of the 2<sup>nd</sup> meeting of the Ad Hoc Restricted Group of Experts on reporting            b. Report of the 8<sup>th</sup> meeting of the Group of Experts on protected Areas and Ecological Networks            c. Draft format for reporting under Resolution No. 8 (2012)            d. Draft updated lists of candidate Emerald sites            e. Draft updated lists of Emerald sites            f. The concept of ecological character of sites in the context of the Emerald Network under the Bern Convention  <i>4.6.2 European Diploma for Protected Areas</i>            a. Report of the meeting of the Group of Specialists on the European Diploma for Protected Areas  <i>4.6.3 Conference for protection of old growth forest in Europe</i>            a. Report of the Wild Europe Initiative Conference for protection of old growth forest in Europe</p>
<b>WEDNESDAY 6 December</b>	
<p><b>5. SPECIFIC SITES AND POPULATIONS</b>  <b>5.1 Files opened</b>            ➤ 1995/6: Cyprus: Akamas peninsula            ➤ 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica            ➤ 2010/5: Greece: threats to marine turtles in Thines Kiparissias            ➤ 2012/9: Turkey: Presumed degradation of nesting beaches in Fethiye and Patara SPAs            ➤ 2013/1: “The former Yugoslav Republic of Macedonia”: Hydro power development within the territory of the Mavrovo national Park  <b>5.2 Possible files</b>            ➤ 2001/4: Bulgaria: Motorway through the Kresna Gorge            ➤ 2017/01: Norway: Lack of legal protection for Northern goshawk and birds of prey</p>	<p><b>5. SPECIFIC SITES AND POPULATIONS</b>  <b>5.3 Follow-up of previous complaints and Recommendations</b>            ➤ Closed case-file 1998/3: Habitats for the survival of the common hamster (<i>Cricetus cricetus</i>) in Alsace, France            ➤ Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)            ➤ Recommendation No. 176 (2015) on the prevention and control of the <i>Batrachochytrium salamandrivorans</i> chytrid fungus            ➤ Recommendation No.190 (2016) on the conservation of natural habitats and wildlife, specially birds, in afforestation of lowland in Iceland            ➤ Recommendation No. 9 (1987) on the protection of <i>Caretta Caretta</i> in Laganas bay, Zakynthos (Greece)</p>

**THURSDAY 7 December****6. Strategic development of the Convention**

- 6.1 International coordination with other MEAs and organisations
- 6.2 Implementation of the CBD Strategic Plan
- 6.3 Awareness and visibility
- 6.4 Draft Programme of Activities and budget for 2018-2019
- 6.5 States to be invited as observers to the 38<sup>th</sup> meeting

12.40-14.00 Side event: Screening of the movie Emptying the Skies  
(Projection room of the Palais de l'Europe)

Continuation of unfinished work

**FRIDAY 8 December****7. Election of Chair and Vice-Chair, and Bureau members****8. Date and place of the 38<sup>th</sup> meeting****9. Adoption of the main decisions of the meeting****10. Other business**

Note: Room 6 will be free for EU co-ordination meetings (without interpretation).

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