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T-PVS(2019)16

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3 – 6 December 2019

Opening of the meeting: 9:30am, Tuesday 3 December 2019, Room 5, Palais de l'Europe

DRAFT
ANNOTATED AGENDA

*Document prepared by
the Directorate of Democratic Participation*

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/Agenda(2019)1 – Draft agenda
T-PVS(2019)16 – Draft annotated agenda

The 39th meeting of the Standing Committee to the Bern Convention will be opened by the Chair, Ms Jana Durkošová, at the Council of Europe (Strasbourg), at 9:30 am on Tuesday 3rd December 2019. She will welcome the participants with an opening speech on the occasion of the 40th anniversary of the signature of the Bern Convention. She will present the agenda of the meeting and request its adoption.

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. CHAIR'S REPORT AND COMMUNICATIONS FROM THE DELEGATIONS

Relevant documents: T-PVS(2019)4 and 15 – Reports of the Bureau meetings in March and September 2019
T-PVS(2018)17 – Report of the 38th Standing Committee meeting

The Chair will report on the various achievements and issues at stake for the Convention since the last meeting of the Committee, the implementation of the Programme of Work 2018-2019 and the work of the Bureau of the Standing Committee in 2019.

Contracting Parties can report in writing on the implementation of the Convention in their States.

Observer States may briefly inform the Standing Committee on progress made towards the ratification of the Convention, together with any other information they may consider useful.

Representatives of the invited Organisations may report on their activities directly concerned with the Convention.

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

3. FINANCING AND DEVELOPMENT OF THE BERN CONVENTION

3.1 Future financing of the Bern Convention

Relevant documents: T-PVS/Inf(2019)4rev - Mandate of the inter-sessional WG on financing
T-PVS(2019)1rev - Financing the Bern Convention: options and legal and feasibility aspects
T-PVS(2019)5 - Draft Resolution on the financing of the Bern Convention
T-PVS(2019)11 - Budget and staff of the Bern Convention from 2020 onwards: Note from the Chair of the WG on Financing and the Secretariat
T-PVS(2019)18 – Draft Programme of Activities for 2020-2021

Mr Matjaž GRUDEN, Director of Democratic Participation, Directorate General of Democracy at the Council of Europe, will present the expected changes in the structure of the Department Nature, Culture and Heritage as from 1st January 2020 and their impact on the Bern Convention's staff and budget.

The Chair of the Working Group on Finances, Mr Øystein Størkersen, will present, with the support of the Secretariat, the result of the work of the Working Group on Financing throughout 2019. He will present a document informing on the legal options for the creation of a compulsory financial contribution's mechanism for the Convention and related risks and benefits. An additional note clarifies the latest developments regarding the staff and budget of the Convention and is submitted to the attention of the Committee. The Chair of the Working Group will also present a draft Resolution on the financing of the Bern Convention. The Directorate of Legal Advice and Public International Law of the Council of Europe will be present at the meeting.

DECISION: The Standing Committee is invited to:

- Take note of the document presenting the legal options for the establishment of a new mechanisms for the financing of the Bern Convention;
- Examine and, if appropriate, adopt the Draft Resolution No. ... (2019) on the financing of the Bern Convention.

3.2 Vision for the Bern Convention for the post-2020 decade and contribution to the current global biodiversity framework

Relevant documents: T-PVS/Inf(2019)22 - Bern Convention's contribution to the achievement of the Aichi targets
T-PVS(2019)9 - Draft Resolution on a vision and a role for the Bern Convention in the decade 2020-2030

Mr Jan Plesnik, member of the Bureau, will present the main conclusions and outcomes of the 2019 IPBES Global Assessment on Biodiversity and Ecosystem Services. The Secretariat will present the document showcasing how the Bern Convention has contributed to the achievement of the CBD Aichi biodiversity targets in the past decade and will introduce the draft Resolution proposing a vision for the Bern Convention in the decade 2020-2030.

DECISION: The Standing Committee is invited to:

- Take note of the document presenting the Bern Convention's contribution to the current global biodiversity framework and to the achievement of its targets;
- Examine and, if appropriate, adopt the Draft Resolution No. ... (2019) on a vision for the Bern Convention in the decade 2020-2030.

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.

4. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION

4.1 Biennial reports 2015-2016 and 2017 -2018 concerning exceptions made to Articles 4, 5, 6, 7 or 8 and quadrennial reports 2013 - 2016¹

4.1.1 State of play of submissions of reports

Relevant documents: T-PVS/Inf (2019)XX – Summary tables of reporting under the Bern Convention
T-PVS/Inf(2019)19 – 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. In addition, 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.

DECISION: The Standing Committee is invited to take note of the reports.

PARTIES NOT HAVING SENT THEIR BIENNIAL REPORTS ARE KINDLY REQUESTED TO SEND THEM AS SOON AS POSSIBLE THROUGH THE ORS SYSTEM OR HABIDES+ TOOL FOR EU MEMBER STATES.

4.1.2 Biennial reports by Contracting Parties which are EU Member States: rules and instructions

Relevant document: Joint Note from the Secretariat of the Bern Convention and DG Environment on further instructions on reporting under Article 9 of the Bern Convention by EU MS

The Secretariat will present a joint Note from the Secretariat of the Convention and DG Environment clarifying the reporting procedure on exceptions granted under Article 9 of the Bern Convention for EU Member States, using the EU Habides + tool for reporting.

DECISION: The Standing Committee is invited to take note of the further instructions on the reporting procedure for biannual reports for EU Member States Parties to the Convention.

4.2 Proposal for amendment of the Convention's Appendices: Proposal for moving the Barnacle Goose (*Branta leucopsis*) from Appendix II to Appendix III of the Bern Convention

Relevant document: Notification of the amendment proposal by Norway from the Treaty Office of the Council of Europe, including the justification of the proposal

On 13 September 2019, Norway deposited a proposal for amending the appendices of the Bern Convention by moving the Barnacle Goose (*Branta leucopsis*) from Appendix II (Strictly protected fauna species) to Appendix III (Protected fauna species).

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

The delegation of Norway will be invited to present their proposal.

¹ For information only, unless otherwise requested

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

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.

5. MONITORING OF SPECIES AND HABITATS

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

5.1 Invasive Alien Species

Relevant documents: T-PVS(2019)10 – Report of the meeting of the Group of Experts
 T-PVS/Inf(2019)2 – Draft Guidance on e-commerce and IAS
 T-PVS/Inf(2019)17 – Draft Guidance on communication and IAS
 T-PVS(2019)6 – Draft Recommendation on pollinators and IAS
 T-PVS/Inf(2019)18 – Report on alien pathogens and pathogens spread by IAS in Europe

The Secretariat will present the outcomes of the 13th meeting of the Select Group of Experts on Invasive Alien Species, held in Batumi (Georgia), the progress in the preparation of new voluntary guidance tools and possible future work priorities of the Convention and its Group of Experts in the field. The consultant, Mr. Ricardo Scalera, will present the final report of the study on alien pathogens and pathogens spread by invasive alien species in Europe.

The Secretariat will present the text of the proposed draft Recommendation on pollinators and IAS.

DECISION: The Standing Committee is invited to:

- Take note of the report of the meeting of the Group of Experts on IAS and warmly thank the Georgian authorities for kindly hosting the meeting;
- Take note of the progress in the development of new voluntary tools and guidance in relation to the management and control of invasive alien species;
- Take note of the outcomes of the study on alien pathogens and pathogens spread by IAS and the possible future work on the issue;
- Examine and, if appropriate, adopt the Draft Recommendation No. ... (2019) on pollinators and IAS.

5.2 Conservation of large carnivores

Relevant documents: T-PVS(2019)7 – Conclusions of the Conference on the conservation of the Lynx
 T-PVS(2019)12 – Draft Recommendation on the conservation of the Eurasian Lynx in Europe

A representative of the Large Carnivores Initiative for Europe (LCIE) will present the conclusions of the Expert Conference on the conservation of the lynx which took place in Bonn, Germany, on 17–19 June 2019. The Conference was jointly organised by the Stiftung Natur und Umwelt Rheinland-Pfalz and the IUCN SSC Cat Specialist Group, under the auspice of the Bern Convention and IUCN (Cat Specialists Group and LCIE).

The Secretariat will present the text of the draft recommendation on the conservation of the lynx in Central and West Europe.

DECISION: The Standing Committee is invited to

- Take note of the conclusions of the expert meeting on the conservation of the lynx in Central and

West Europe;

- Examine and, if appropriate, adopt the Draft Recommendation No. ... (2019) conservation of the lynx in Central and West Europe.

5.3 Conservation of birds: eradication of illegal killing, trapping and trade of wild birds

Relevant documents: T-PVS(2019)8 – Report of the Joint Bern/CMS IKB meeting
 T-PVS/Inf(2019)10 – Assessment of the 1st national Scoreboard reporting by Parties to the Bern Convention and members of the CMS/MIKT on IKB
 T-PVS(2019)17 – Draft Recommendation on the Rome Strategic Plan on IKB
 T-PVS(2019)03rev – Draft Rome Strategic Plan on IKB

The Secretariat will present the outcomes of the joint meeting of the Bern Convention's Network of Special Focal Points on IKB and the CMS Task Force on the same issue (CMS/MIKT).

The consultant, Mr Umberto Gallo-Orsi, will present the results of the 1st national Scoreboard reporting for measuring progress in combating illegal killing, taking and trade of wild birds.

The Secretariat will detail the process which led to the Draft Rome Strategic Plan on IKB, which should succeed to the Bern Convention's Tunis Action Plan 2013-2020. The Secretariat will further present the Plan itself and the text of the draft Recommendation on the Plan.

DECISION: The Standing Committee is invited to:

- Take note of the outcomes of the joint meeting in Rome and warmly thank the national authorities of Italy for kindly hosting the meeting;
- Take note of the final results of the 1st IKB Scoreboard reporting;
- Examine and if appropriate, adopt the Draft Recommendation No. ... (2019) on the Rome Strategic Plan on IKB.

5.4 Biodiversity and Climate change

Relevant documents: T-PVS (2019)14 – Report of the joint meeting of the Groups of Experts on Biodiversity and Climate Change and on protected areas
 T-PVS (2019)13 – Draft Recommendation on nature-based solutions and management of protected areas in the face of Climate Change

The Chair of the Group of Experts on Biodiversity and Climate Change, Mrs. Linda Dalen (Norway), will present the outcomes of the joint meeting of the Groups of Experts on Protected Areas and Ecological networks and on Biodiversity and Climate Change, which took place in Trondheim (Norway) on 3-4 October. She will further present the possible issues to be dealt with by the Group of Experts on Biodiversity and Climate Change in the next biennium.

The Secretariat will present the text of the draft Recommendation on nature-based solutions and management of protected areas in the face of Climate Change.

DECISION: The Standing Committee is invited to:

- Take note of the outcomes of the joint meeting and warmly thank the Norwegian Environment Agency for kindly hosting the meeting;
- Take note of the proposals for further work by the Group of Experts on Biodiversity and Climate Change;
- Examine and if appropriate, adopt the Draft Recommendation No. ... (2019) on nature-based solutions and management of protected areas in the face of Climate Change.

5.5 Conservation of habitats

5.5.1 Protected Areas and Ecological Networks

Relevant documents: T-PVS/PA(2019)15 - Report of the 10th meeting of the GoEPAEN
 T-PVS/PA(2019)13 - Draft Recommendation on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites
 T-PVS/PA(2018)13 - Guidance on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites
 T-PVS/Inf(2019)3 - Flowchart of steps to be taken to assess, report and respond to changes in ecological character of Emerald network sites
 T-PVS/PA(2019)5 - Mechanism for adding features to Resolutions No. 4 (1996) and No. 6 (1998)
 T-PVS/PA(2019)6 - Proposal of addition of marine habitats to Resolution No. 4 (1996)
 T-PVS/PA(2019)7 - Proposal of addition of Alpine and sub-alpine heaths to Resolution No. 4 (1996)
 T-PVS/PA(2019)19 - Revised annex I to Resolution No. 4 (1996)
 T-PVS/PA(2019)8 - Proposed revisions to the Interpretation Manual of Habitats
 T-PVS/PA(2019)18 - Interpretation Manual of the Habitats listed in Resolution No. 4 (1996)
 T-PVS/PA(2019)12 - Progress in the enforcement of the Revised calendar for the implementation of the Emerald Network (2011-2020)
 T-PVS/PA(2019)11 - Draft Recommendation on the progress in the implementation of the Emerald Network
 T-PVS/PA(2019)14 – Draft revised Recommendation No. 157 (2011) on the status of candidate Emerald sites and guidelines on the criteria for their nomination
 T-PVS/PA(2019)16 – Draft list of candidate Emerald Sites
 T-PVS/PA(2019)17 – Draft list of adopted Emerald Sites

The Chair of the Group Experts on Protected Areas and Ecological Networks, Mr Tore Opdal, will present the results of the 10th meeting of the Group, held in Trondheim (Norway) on 2 October 2019. The Secretariat will present the activities supporting the setting up and the development of the Emerald Network and the evolvement of the sufficiency of the Network in 2019. It will also present the draft updated lists of officially nominated candidate and adopted Emerald Network sites.

The Secretariat will present the text of the draft Recommendations on detecting, reporting, assessing and responding to changes or likely changes of the ecological character of Emerald Network sites, of the draft Recommendation on the progress in the implementation of the Emerald Network of Areas of Special Conservation Interest and the amendments proposed to the text of Recommendation No. 157 (2011) on the on the status of candidate Emerald sites and guidelines on the criteria for their nomination.

DECISION: The Standing Committee is invited to:

- Take note of the report of the meeting of the Group of Experts and warmly thank the Norwegian Environment Agency for kindly hosting the meeting;
- Thank the European Commission for the opportunity given to non-EU Contacting Parties to attend Networking Events within the frame of the Natura 2000 biogeographical process;
- Take note of the decision of the Group of Experts to update the national designation types of protected areas by 29 February 2020;
- Take note of the agreement of the Group of Experts on a mechanism for adding features to Resolutions No. 4 (1996) and No. 6 (1998) as described in the document T-PVS/PA (2019)5;
- Consider the proposals for future activities supporting the setting-up of the Emerald Network when adopting its Programme of activities and budget for 2020-2021;
- Examine and, if appropriate, adopt the draft updated list of officially nominated candidate Emerald sites;
- Examine and, if appropriate, adopt the draft updated list of officially adopted Emerald sites;
- Examine and, if appropriate, adopt the draft Recommendation No. ... (2019) on the progress in the implementation of the Emerald Network of Areas of Special Conservation Interest;
- Examine and, if appropriate, adopt the draft revised Recommendation No. 157 (2011) on the status of candidate Emerald sites and guidelines on the criteria for their nomination;

- Examine and, if appropriate, adopt the draft Recommendation No. ... (2019) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites;
- Examine and, if appropriate, adopt the draft revised annex 1 of Resolution No. 4 (1996);
- Examine and, if appropriate, adopt the draft revised Interpretation Manual of Habitats.

5.5.2 *European Diploma for Protected Areas*

Relevant documents: T-PVS/DE(2019)13 – Report of the meeting of the Group of Specialists on the EDPA
 T-PVS/DE(2019)20 - EDPA: List of renewal resolutions adopted by the Committee of Ministers in 2019
 T-PVS/DE(2019)19 - Renewal of the European Diploma in 2021: List of areas which could be visited in 2020

The Chair of the Group of Specialists, Mr Jan Plesnik, will present the results of the annual meeting of the group which took place on 5-6 March 2019 in Strasbourg. The Secretariat will further inform on the on-the-spot appraisals which took place throughout 2019 and on issues related to Diploma holding areas requiring specific attention.

DECISION: The Standing Committee is invited to:

- Take note of the report of the meeting of the Group of Specialists;
- Welcome the application of the Regional Park Gallipoli Cognato (Italy) and the decision of the Group of Specialists to consider the application admissible and to carry out an on-the-spot appraisal visit to the area;
- Express its concern regarding the situation of the Scandola Nature Reserve (France) and the absence of reaction from the regional and national authorities following the ultimatum addressed by the Group of Specialists;
- Welcome the decisions of the Group of Specialists to renew the European Diploma to ten areas and the subsequent formal adoption of the renewal Resolutions by the Committee of Ministers;
- Take note of the seventeen on-the-spot appraisal visits carried out in 2019 and of the lists of areas which are pending on-the-spot appraisal visits in 2020 and 2021;
- Welcome the update of the database of European Diploma holding areas;
- Welcome the mapping of the multiple designations detained by the European Diploma holding areas and the resulting opportunity for seeking for monitoring synergies;
- Welcome the launch of the dashboard of the European Diploma holding areas;

5.6 **Reporting under Resolution No. 8 (2012) on the conservation status of species and habitats**

The Secretariat will present the progress in the reporting under Resolution No. 8 (2012) on the conservation status of species and habitats and expected deadlines for the submission of national reports and report on the analysis of the data gathered.

DECISION: The Standing Committee is invited to welcome the state of preparation of the reporting under Resolution No. 8 (2012) and to urge Contracting Parties to deliver their reports by 31 December 2019.

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.

6. SPECIFIC SITES AND POPULATIONS

Relevant documents: T-PVS/Notes(2019)1 – Summary of case files and complaints
T-PVS/Inf(2019)5 – Register of Bern Convention's case-files

(Note: a detailed summary of each case-file is available in document T-PVS(2019)XX – Summary of Case files)

6.1 Files opened

➤ 1995/6: Cyprus: Akamas peninsula

Relevant documents : T-PVS/Files(2019)42 - Government Report
T-PVS/Files(2019)32 - Complainant 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 36th 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 9-10 September 2019, expressed serious concern that after so many years the Bern Convention recommendations are still not fully followed-up by the authorities and that according to interested actors the main threats remain. It urged the national authorities to attend the 39th meeting Standing Committee meeting and reminded that in long-lasting cases such as this one, the Standing Committee might consider adopting a decision which will effectively close the file while formulating a conclusion whether the country has implemented or not its obligations towards the Convention, or namely, implemented fully the recommended measures in Recommendation No. 191 (2016). It further instructed the Secretariat to request that the European Commission sends an updated report on their own processes in relation to this file.

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(2019)21 - Government Report
T-PVS/Files(2019)33 – NGO 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.

At its 37th meeting, the Standing Committee decided to keep the file open and, on the proposal by the complainant NGO and with the agreement of the authorities, instructed the Secretariat to organise an on-the-spot appraisal (OSA) to the area during the wintering time of the geese, pending the availability of the necessary financial resources. The mandate of the OSA will be to provide support to the authorities in implementing Recommendation No. 130 (2007), to be further fine-tuned and agreed upon with the authorities and the NGO.

At its 38th meeting, the Standing Committee adopted Recommendation No. 200 (2018) on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria), developed following an on-the-spot appraisal to the area in May 2018.

The Bureau, at its second meeting on 9-10 September 2019, noted the continuous mistrust and lack of communication between the civil society community and authorities, which clearly hinders the successful and smooth implementation of Recommendation No. 200 (2018). The Bureau reminded that the Bern Convention case-file system is also about cooperation, allowing NGOs and private persons to be involved in the process and more importantly, to use the expertise and knowledge provided by NGOs.

The Bureau expressed its concern that it did not receive an updated report from the authorities and instructed the Secretariat to request them to submit one for the upcoming Standing Committee meeting and to clearly indicate how they are involving the NGOs in the Recommendation implementation process. The Bureau urged the national authorities and NGO to attend the 39th meeting Standing Committee meeting. It further instructed the Secretariat to request that the European Commission sends an updated report on their own processes in relation to this file.

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

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

Relevant documents: T-PVS/Files(2019)52 - Government Report
T-PVS/Files(2019)36 – NGO Report (MEDASSET)
T-PVS/Files(2019)47 – NGO Report (Archelon)

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 33rd 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 9-10 September 2019, strongly regretted the incomplete implementation of the recommended actions through the Convention’s Recommendation No.174 (2014) and urged the authorities to improve the management and law enforcement in the area. The Bureau urged the national authorities of Greece to be present at the 39th meeting of the Standing Committee. It further instructed the Secretariat to request that the European Commission sends an updated report on their own processes in relation to this file.

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(2019)26 - Government Report
T-PVS/Files(2019)28 - Complainant Report

This case 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.

At its meeting on 9-10 September 2019, the Bureau but noted the lack of report from the authorities on how they have implemented the planned activities for the 2019 summer period. It regretted that besides its several requests for the submission of a detailed and time bound Action Plan on how the recommendations are going to be implemented, the authorities are yet to provide one. It warned that the national authorities of Turkey need to be more proactive and urged them to be present at the 39th meeting of the Standing Committee and to present the long awaited detailed, year by year Action Plan for the implementation of the Recommendations.

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

➤ **2013/1: North Macedonia: Hydro power development within the territory of the Mavrovo National Park**

Relevant documents: T-PVS/Files(2019)50 – Draft terms of reference for a Bern Convention advisory mission
T-PVS/Files(2019)XX - Government Report
T-PVS/Files(2019)51 - Complainant Report

A complaint, submitted in March 2013, denounced the possible breach of the Convention by North 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 since then the case-file was kept open in order to follow-up the implementation of the recommended measures.

The Bureau, at its second annual meeting for 2019, noted the lack of reports of both the authorities and the complainant. It further noted that the national authorities have contacted the Secretariat with a request for clarifications regarding the possible terms of reference of the expert advice mission which the Convention proposed. It instructed the Secretariat to respond to the authorities and to seek the organisation of the mission in 2020. It advised that the issue of the management and conservation of the Balkan Lynx is also included in the Terms of reference of the mission. Eventually, it instructed the Secretariat to prepare the draft Terms of reference and submit these for discussion at the upcoming 39th meeting of the Standing Committee.

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

➤ **2016/5: Albania: Presumed negative impact of hydro-power plant development on the Vjosa river**

Relevant documents: T-PVS/Files(2019)25 - Government Report
T-PVS/Files(2019)20 - Complainant Report

The case concerns the development of two large Hydro Power Plants, namely Pocem and Kalivac HPPs, on the Vjosa River in Albania. According to the complainants, the building permits for the HPPs were issued without proper EIAs. In addition, all HPPs on the river are planned without a proper EIA or SEA, while the river ecosystem has transboundary aspects - Vjosa/Aoos catchments (Albania/Greece).

In June 2018, an on-the-spot appraisal (OSA) to the area was organised, in order to clarify the matters at stake and in particular whether the necessary assessments of impact were developed for the river ecosystem including cumulative impact assessment for all the planned HPPs and in particular Pocem and Kalivac. At the 38th meeting of the Standing Committee to the Convention, Recommendation No. 202 (2018) on the planned hydro-power plant developments on the Vjosa river

(Albania) was adopted. The Committee decided to open a case-file due to the high degree of concern on this file.

At its September 2019 meeting, the Bureau noted the lack of updated reports by both the authorities and the complainant. It expressed particular regret at the lack of a reply by the authorities to the requests of the Bureau for the submission of a programme of work on the implementation of the Recommendation. The Bureau urged the national authorities of Albania to be present at the 39th meeting of the Standing Committee and to provide an update on their concrete actions on each of the operational paragraphs of the Recommendation, as well as a concrete programme of work for their achievement.

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

6.2 Possible files

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

Relevant documents: T-PVS/Files(2019)22 - Government Report
T-PVS/Files(2019)23 - Complainant Report

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 37th Standing Committee meeting, the Standing Committee took note of the report presented by the national authorities on the alternative chosen for the development of Lot 3.2 of the Struma motorway passing through the Kresna Gorge, after careful examination of all alternatives studied in the frame of an EIA/AA. It further noted the concerns expressed by the complainant NGO coalition about the objectivity of the EIA. It decided to keep the file as a possible file in the light of the pending national court appeal of the EIA/AA and the pending submission of an application package to the European Commission for the funding of the Lot 3.2 construction.

At its 38th meeting, the Committee decided to keep the file as possible and to await that the application package to the European Commission is submitted and the evaluation by the European Commission services is made available, as this will certainly be done taking into account the EU acquis on nature conservation. Eventually, it decided to request the authorities to report to the Bureau and Standing Committee on progress in submitting the application package and any other relevant and new information, including on the mitigation and compensation measures planned in relation to the alternative chosen for LOT 3.2.

At its second annual meeting for 2019, the Bureau noted the submission of the application package for EU funding for the construction of LOT 3.2 and considered the response from the authorities to illegal road constructions reported in the concerned Natura 2000 sites. The Bureau judged the answers from the authorities as incomplete, in particular regarding why roads are already being built through the Natura 2000 sites, what mitigation and compensation measures are planned and currently implemented due to these various building works, including the illegal ones. The Bureau warned that any construction works on sites of specific conservation value should be handled very carefully and should not deviate from the original planning for which impact assessments are being made.

Eventually, the Bureau instructed the Secretariat to request to the European Commission an updated report on their own processes in relation to file, the evaluation of the EIA / AA 2017 quality and comprehensiveness and the expected date for the decision on the application package for EU funding. The report should be made available for the 39th meeting of the Standing Committee.

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(2019)34 - Government Report
T-PVS/Files(2018)XX – Complainant report

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-defense 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.

At its 37th meeting of the Standing Committee noted that the authorities recognize the unintentional omission of the term “deemed necessary” from section 17 of the new Nature Diversity Act. It further agreed that this omission has created a lack of compliance with Article 9 of the Bern Convention.

The Standing Committee decided to keep the file as a possible file and encouraged Norway to close the loophole and bring the specific section of the Act into line with Article 9 of the Bern Convention both in 2017 and 2018.

At its second annual meeting for 2019, the Bureau acknowledged the process is moving in the right direction at national level, for the correction of the loophole in the national legislation and agreed that the case will be left on the agenda for the Standing Committee for information, but it will only be discussed in 2020 as most probably, due to the lengthy processes at national level, nothing could be said or done before.

DECISION: The Standing Committee is invited to take note of progress in the file.

➤ **2016/4: Development of a commercial project in Skadar Lake National Park and candidate Emerald site (Montenegro)**

Relevant documents: T-PVS/Files(2019)27 - Government Report
T-PVS/Files(2019)24 – Complainant report

The case concerns the development of Porto Skadar Lake project within the territory of Skadar Lake National Park (NP) in Montenegro, the project including the development of villas, apartment buildings and hotel accommodation, as well as a leisure port. The area is a candidate Emerald network site and a Ramsar site.

Due to the complexity of the issues at stake, namely regarding the changes in the Spatial Plan of the National Park, the accompanying SEA studies for the Spatial Plan and the EIA developed for the project, the Bureau requested that an on-the-spot appraisal takes place in the area, if possible, a joint Bern and Ramsar Conventions’ mission.

In 2018 a joint Bern/Ramsar OSA mission to Skadar Lake took place in Montenegro and gave birth to a Recommendation No. 201 (2018), adopted at the 38th meeting of the standing Committee, on the development of a commercial project in Skadar Lake (Montenegro).

At its September 2019 meeting, the Bureau appreciated the authorities’ monitoring work, presented in their report for the first annual meeting of the Bureau, but noted that there is a lack of information on the core of the Recommendation and on the situation and developments on the spot. The Bureau urged the national authorities of Montenegro to be present at the 39th meeting of the

Standing Committee and requested that both the authorities and the complainant send persuasive arguments on whether or not the Standing Committee should upgrade the case to an open file. The Bureau's suggestion is to open a case-file.

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

6.3 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 below recommendations. The Committee is invited to take note of the information presented.

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

Relevant documents: T-PVS/Files(2019)XX - Government Report
T-PVS/Files(2019)XX - Complainant Report

The follow-up of this Recommendation was decided by the Standing Committee at its 37th meeting, after it agreed on the need to closely monitor progress in its implementation and to request a clear and detailed timeline of actions planned in this respect to the authorities. The progress in the implementation of the Recommendation is also ensured by the AEWA Standing Committee, as the Recommendation is a joint one and results from a joint Bern/AEWA mission to Iceland in 2016. The Icelandic authorities will be invited to present their progress report on the Recommendation orally.

DECISION: The Standing Committee is invited to take note of the progress reports presented and, if appropriate, to decide on a possible follow-up.

➤ **Recommendation No. 199 (2018) on the Pan-European Action Plan for the conservation of the sturgeon**

Relevant document: T-PVS/Inf(2019)21 – List of nominated national focal points for the PANEUP

A dedicated Side Event will take place at the margins of the 39th meeting of the Standing Committee to the Bern Convention. Range States are kindly invited to attend the event and to present progress in the implementation of the Recommendation. A discussion will be engaged on the possible coordination mechanism to be put in place for monitoring progress in the implementation and triggering action at national level.

DECISION: The Standing Committee is invited to urge range countries to appoint a national Focal Point on the Pan-European Action Plan for the Sturgeon.

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

Relevant documents: T-PVS/Files(2019)49 - Government Report
T-PVS/Files(2019)41 – Complainant report

The follow-up of this Recommendation was decided by the Standing Committee, as a biannual monitoring of progress by the authorities in the implementation of Recommended actions, after the closing of the case-file by the Committee.

DECISION: The Standing Committee is invited to take note of the written progress reports.

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

Relevant documents: T-PVS/Files(2019)XX - Government Report
T-PVS/Files(2019)37 – Complainant report (MEDASSET)
T-PVS/Files(2019)48 – Complainant report (Archelon)

The Bureau lacked time to discuss in detail the reports received in relation to the follow-up of this Recommendation. It requested that the issues raised by the complainant on the follow-up of Recommendation No. 9 (1987) on the protection of *Caretta Caretta* in Laganas bay, Zakynthos (Greece) are discussed by the Committee. The national authorities of Greece will be requested to report on the case orally.

➤ **DECISION:** The Standing Committee is invited to take note of the progress reports presented and, if appropriate, to decide on a possible follow-up.

PART V – COOPERATION AND COMMUNICATION ACTIVITIES AND PROGRAMME OF WORK 2019

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

7. INTERNATIONAL COORDINATION WITH OTHER MEAS AND ORGANISATIONS

The Secretariat will inform on the coordination activities implemented throughout 2019 with other international MEAs and organisations, including the EU, CBD, CMS, AEWA, RAMSAR, WHC, IUCN, WCMC, WWF, etc.

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

8. 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 future plans of the Convention in terms of communication and visibility for 2020.

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

9. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2020-2021

Relevant document: T-PVS(2019)18 – Draft Programme of Activities for 2020-2021
T-PVS/Inf(2019)20 – Draft Calendar of meetings for 2020

The Secretariat will present the proposal of activities and budget for 2020-2021, including if available, information on the forecast budgetary allocation of the Council of Europe to the Convention and the current and future staff situation. The discussion on the Programme of Activities should take place in the light of discussions on the financial situation of the Convention.

Parties interested to volunteer for hosting and championing the organisation of Groups of Expert's meeting in 2020 are invited to inform the Committee. Parties in need of financial support for the attendance of meetings organised under the Convention are invited to indicate the events for which they would need such a support in 2020-2021.

DECISION: The Standing Committee is invited to examine and, if appropriate adopt its Programme of Activities and budget for 2020-2021;

10. STATES TO BE INVITED AS OBSERVERS TO THE 40TH MEETING

The Secretariat will remind the Standing Committee that the following States have been invited to attend this 39th meeting as Observers:

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

DECISION: The Standing Committee is requested to decide unanimously which States, not members of the Council of Europe, are to be invited to attend its 40th meeting.

PART VI - OTHER ITEMS

11. 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.

12. DATE AND PLACE OF THE 40TH MEETING

The Secretariat will make a proposal for the date and place of the 40th meeting of the Standing Committee (1 - 4 December 2020, in Strasbourg).

DECISION: In accordance with Article 1 of the Rules of Procedure, the Standing Committee is invited to decide on the date of its 40th meeting.

13. ADOPTION OF THE MAIN DECISIONS OF THE MEETING

DECISION: The Standing Committee is invited to adopt 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.

14. 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.

PLAN FOR DISCUSSION OF THE AGENDA

MORNINGS 9.30 am - 12.45 pm	AFTERNOONS 2.30 - 6.00 pm
TUESDAY 3 December	
1. OPENING AND ADOPTION OF AGENDA 2. REPORT FROM CHAIR & COMMUNICATIONS 3. FINANCING AND DEVELOPMENT OF THE BERN CONVENTION 3.1 Financing and development of the Bern Convention 3.2 The Bern Convention in the post-2020 decade and its contribution to the current global biodiversity framework 4. MONITORING AND IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION 4.1 Biennial and quadrennial reports 4.1.1 <i>State of play of submissions of biennial reports</i> 4.1.2 <i>Biennial reports by Contracting Parties which are EU Member States: rules and instructions</i> 4.2 Proposal for amendment of the status of the Barnacle Goose	5. MONITORING OF SPECIES AND HABITATS 5.1 Invasive Alien Species 5.2 Conservation of large carnivores 5.3 Conservation of birds: eradication of illegal killing, trapping and trade of wild birds 5.4 Biodiversity and Climate Change 5.5 Conservation of habitats 5.5.1 <i>Emerald network of Areas of Special Conservation Interest</i> 5.5.2 <i>European Diploma for Protected Areas</i> 5.6 Reporting under Resolution No. 8 (2012) on the conservation status of species and habitats
	18H45: Side event – Pan European Sturgeon Action Plan : first steps of implementation
WEDNESDAY 4 December	
6. SPECIFIC SITES AND POPULATIONS 6.1 Files opened <ul style="list-style-type: none"> ➤ 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: North Macedonia: Hydro power development within the territory of the Mavrovo national Park ➤ 2016/5: Presumed negative impact of hydro-power plant development on the Vjosa river in Albania 6.2 Possible files <ul style="list-style-type: none"> ➤ 2001/4: Bulgaria: Motorway through the Kresna Gorge 	6.2 Possible files <ul style="list-style-type: none"> ➤ 2017/01: Norway: Lack of legal protection for Northern goshawk and birds of prey ➤ 2016/4: Development of a commercial project in Skadar Lake National Park and candidate Emerald site (Montenegro) 6.3 Follow-up of previous complaints and Recommendations <ul style="list-style-type: none"> ➤ Recommendation No. 9 (1987) on the protection of Caretta Caretta in Laganas bay, Zakynthos (Greece) ➤ Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı Beach (Turkey) ➤ Recommendation No.190 (2016) on the conservation of natural habitats and wildlife, specially birds, in afforestation of lowland in Iceland ➤ Recommendation No. 199 (2018) on the Pan-European Action Plan for the conservation of the sturgeon
12h45: Side Event - Ceremony to mark the signature of the Strasbourg Eurométropole Biodiversity Charter by the Council of Europe	19h00: Reception offered by the Finnish Presidency of the European Union on the 40 th anniversary of the Bern Convention
THURSDAY 5 December	
7. INTERNATIONAL COORDINATION WITH OTHER MEAS AND ORGANISATIONS 8. AWARENESS AND VISIBILITY 9. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET 2020-2021 10. STATES TO BE INVITED AS OBSERVERS TO THE 40TH MEETING	Continuation of unfinished work
FRIDAY 6 December	
11. ELECTION OF CHAIR AND VICE-CHAIR, AND BUREAU MEMBERS 12. DATE AND PLACE OF THE 40TH MEETING 13. ADOPTION OF THE MAIN DECISIONS OF THE MEETING 14. OTHER BUSINESS	

Note: Room 6 (Palais de l'Europe) is booked for EU co-ordination meetings (without interpretation).