

Strasbourg, 25 November 2018
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T-PVS(2018)12

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

Opening of the meeting: 9:30am, Tuesday 27 November 2018, Room AGORA G3

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(2018)1 - Draft agenda
T-PVS(2018)12 – Draft annotated agenda

The 38th 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 27th November 2018. He 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.

Mr Gianluca Silvestrini, Head of Major Hazards and Environment Division, will welcome the participants and address the recent developments in relation to the Council of Europe's budgetary issues and their expected impact on the Convention.

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(2018)4 and 8 - Reports of the Bureau meetings in March and September 2018
T-PVS(2017)29 – Report of the 37th 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.

Contracting Parties have the opportunity to 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. 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 2018, 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.

3. FINANCING OF THE BERN CONVENTION AND ITS FUTURE STRATEGIC DEVELOPMENT

3.1 Future financing and development of the Bern Convention

Relevant document: T-PVS(2018)6 – Concept Paper on the financial mechanism of the Bern Convention
T-PVS(2018)15 - Additional discussion paper on Agenda item 3.1

The Secretariat will present a concept note prepared in consultation with the Bureau on the possible scenarios regarding the future funding of the Bern Convention and its working methods.

DECISION: The Standing Committee is invited to discuss the issue and agree on the follow-up to give to the concept paper and the different options it proposes for the future work mechanisms and financing of the Convention.

3.2 40th anniversary of the signature of the Bern Convention - 2019

Relevant document: T-PVS/Inf(2018)7 – Proposed activities to mark the 40th anniversary of the signature of the Bern Convention (2019)

The Secretariat will present the planned and proposed activities for the celebration of the 40th anniversary of the Bern Convention.

DECISION: The Standing Committee is expected to discuss the proposed scenarios of the celebratory events, in the light of the discussion on the financing of the Convention and to decide on the activities to be organised.

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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 2013-2014, 2015-2016 concerning exceptions made to Articles 4, 5, 6, 7 or 8 and quadrennial reports 2009 – 2012 and 2013 - 2016¹

Relevant documents: T-PVS/Inf(2018)9 – Summary tables of reporting under the Bern Convention
T-PVS/Inf(2018)14 – Registered users to the ORS System
Joint Note from the Secretariat of the Bern Convention and DG Environment on reporting under Article 9 of the Bern Convention

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.

The Secretariat will present the state of affairs regarding the submission of biannual reports for the period 2015-2016. It will further present a joint Note from the Secretariat of the Convention and DG Environment on the use of the EU Habides + tool for reporting under Article 9 of the Bern Convention.

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

DECISION: The Standing Committee is invited to take note of the reports and of the Joint Note on reporting under Article 9.

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.

4.2 Proposal for amendment of the Convention's Appendices: Proposal for moving the wolf (*Canis lupus*) from Appendix II to Appendix III of the Bern Convention

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

On 16 August 2018, Switzerland deposited a proposal for amending the appendices of the Bern Convention by moving the wolf (*Canis lupus*) 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 national delegation of Switzerland will be invited to present their proposal.

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

¹ For information only, unless otherwise requested

4.3 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 18 September 2018, 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 national delegation of Norway will be invited to present their proposal.

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.

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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(2018)14 - Report of the Expert meeting on the eradication of the ruddy duck
T-PVS(2018)5 - Report of the meeting of the Select Group of Experts on IAS

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 Paris (France), on 25 June 2018.

DECISION: The Standing Committee is invited to:

- Take note of the report of the Expert 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);
- Recognise the efforts by all relevant Parties.

b. Report of the meeting on the Select Group of Experts on IAS

The Secretariat is going to present the outcomes of the meeting of the Select Group of Experts on Invasive Alien Species, held in Rome (Italy) and the proposals for the future work priorities of the Convention in the field.

DECISION: The Standing Committee is invited to:

- Take note of the report of the meeting of the Select Group of Experts on IAS, 20 April 2018 in Rome (Italy);
- 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 proposals by the Group for future work priorities and working methods, including the date of its next meeting.

5.2 Biodiversity and Climate change

a. Analysis of the needs and opportunities for future work of the Bern Convention on management of protected areas from climate change perspective

Relevant documents: T-PVS/Inf(2018)4 - Management of protected areas from climate change perspective: Questionnaire for Bern Convention Contracting Parties and Partners
T-PVS/Inf(2018)12 - Report on the survey on climate change and protected areas
T-PVS/Inf(2018)8 - Management of protected areas from climate change perspective: Replies to the Questionnaire

The Secretariat will present the activities in the field of climate change and biodiversity conservation initiated in 2018 and the reasons for the decision to postpone the organisation of a joint meeting of the Groups of Experts on Protected Areas and Ecological networks and Climate Change and Biodiversity to 2019.

The consultant will present the results of the survey on the countries' particular needs for tackling Climate Change in the context of management of protected areas, particularly Emerald Network sites. He will further present the possible future work priorities for the Convention aimed at supporting national efforts to integrate Climate Change in protected areas management frameworks in a more systematic way.

The Secretariat will present the possible issues to be dealt with during the joint meeting of the Group of Experts on Protected Areas and Ecological Networks and Climate Change and Biodiversity planned for 2019.

DECISION: The Standing Committee is invited to:

- Take note of the analysis of replies by Parties to the questionnaire and the proposals for future work priorities of the Convention on protected areas' management from climate change perspective;
- Agree on the key issues to be dealt with at the joint meeting of the Groups of Experts on Protected Areas and Ecological Networks and Climate Change and Biodiversity planned for 2019.

b. Opportunities for cooperation between the Bern Convention and EUR-OPA on climate related issues

The Secretariat will present the findings of a study on the cooperation opportunities between the Bern Convention and the EUR-OPA Major Hazards Agreement, in particular Environment based adaptation and nature based solutions for disaster risk reduction. It will further formulate proposals for future activities in this field.

DECISION: The Standing Committee is invited to:

- Take note of the findings of the study on cooperation opportunities between the Bern Convention and EUR-OPA Major Hazards Agreement;
- Agree on the future work priorities of the Convention in the field.

5.3 Conservation of large carnivores

Relevant document: T-PVS(2018)7 - Draft Recommendation on the use of artificial feeding as a management tool of large carnivore populations and their prey, with a particular emphasis on the brown bear

a. Report of the 2018 meeting of the Large Carnivore Initiative for Europe

A representative of the Large Carnivores Initiative for Europe (LCIE) will present the outcomes of the 2018 meeting of the Initiative, which took place in Trento (Italy) on 20-22 March 2018. He will present the policy support statement of the Initiative regarding artificial feeding of large carnivores and their prey.

DECISION: The Standing Committee is invited to:

- Take note of the results of the 2018 meeting of the LCIE Initiative.

b. Draft Recommendation on artificial feeding of large carnivores

The Secretariat will introduce the text of the draft Recommendation on the use of artificial feeding as a management tool of large carnivore populations and their prey.

DECISION: The Standing Committee is invited to

- Examine and, if appropriate, adopt the following draft Recommendation:
 - Draft Recommendation No. ... (2018) on the use of artificial feeding as a management tool of large carnivore populations and their prey, with a particular emphasis on the brown bear

5.4 Eradication of illegal killing, trapping and trade of wild birds

Relevant documents: T-PVS/Inf(2018)13 - List of countries reporting on the Scoreboard 2018
 T-PVS/Inf(2018)3 - Concept Note: Beyond 2020 - Bringing an end to Illegal Killing, Taking Trade in Wild Birds as a conservation concern for the flyways
 T-PVS/Inf(2018)2 - Questionnaire for Bern Convention Contracting Parties and Partners: Post-2020 policy priorities on eradication of illegal killing, taking and trade in wild birds
 T-PVS/Inf(2018)5 - Post-2020 policy priorities on eradication of illegal killing, taking and trade in wild birds – Replies to the questionnaire

a. 1st reporting under the Scoreboard for measuring progress in combating illegal killing, taking and trade of wild birds

The Secretariat will present the preliminary results of the 1st reporting exercise under the Scoreboard for measuring progress in combating illegal killing, taking and trade of wild birds. It will elaborate on some lessons learned during this 1st reporting exercise and the follow-up to be given.

DECISION: The Standing Committee is invited to:

- Acknowledge the countries which have participated to the 1st reporting exercise on the Scoreboard;
- Take note of the preliminary results of the 1st IKB Scoreboard reporting and planned follow-up to the exercise.

b. Shaping up the post-2020 strategic priorities of the Bern Convention on combating illegal killing, taking and trade of wild birds

The Secretariat will present the rationale behind the launching of a consultation on the post-2020 strategic priorities of the Convention on IKB.

The consultant will explain the consultation and its methodology. He will elaborate on the proposed vision and objectives for the post-2020 IKB Strategy of the Convention and the outcomes of the countries' contributions.

The Secretariat will detail the preparations on the follow-up to be given to the Bern Convention Tunis Action Plan 2013-2020 and other opportunities for Parties to comment and contribute to shaping the final Post-2020 strategic IKB document.

DECISION: The Standing Committee is invited to:

- Welcome the outcomes of the consultation on the post-2020 priorities of the Convention in the field of IKB;
- Agree on the next steps in the finalisation of the Bern Convention future strategic document on IKB.

5.5 Conservation of the sturgeon

Relevant documents: T-PVS/Inf(2018)6 - Draft Pan-European Action Plan for Sturgeons
 T-PVS(2018)9 - Draft Recommendation on the Pan-European Action Plan for sturgeons

a. Draft Pan-European Action Plan for sturgeons

The Secretariat will inform on the initiative to prepare a pan-European Sturgeons Action Plan and the milestones in its development, including consultation of Parties.

The representatives of WWF Austria will present the text of the draft Action Plan and the recommended actions and measures.

b. Draft Recommendation on the Pan-European Action Plan for sturgeons

The Secretariat will present the text of the draft recommendation on the Pan-European Action Plan for sturgeons.

DECISION: The Standing Committee is invited to

- Examine and, if appropriate, adopt the following draft Recommendation:
 - Draft Recommendation No. ... (2018) on the Pan-European Action Plan for sturgeons

5.6 Habitats

Relevant documents: T-PVS/PA(2018)19 - Report of the 9th meeting of the GoEPAEN
T-PVS/PA(2018)11 - Progress of the sufficiency of the Emerald Network
T-PVS/PA(2018)7 - Ukrainian proposal for 4 additional Habitats to Resolution No. 4 (1996)
T-PVS/PA(2014)7 - Analysis of the proposals for additional Habitats to Annex I to Resolution No. 4 (1996)
T-PVS/PA(2014)4 - Information forms for 4 new Habitats proposed to be added to Resolution No. 4 (1996) by Switzerland
T-PVS/PA(2018)20 - Revised Annex 1 to Resolution No. 4 (1996)
T-PVS/PA(2018)18 - Proposal of delineation of Marine regions in the framework of the Bern Convention
T-PVS/PA(2018)13 - Proposal for guidance on detecting, assessing, reporting and responding to changes and likely changes in the ecological character of Emerald Network sites
T-PVS/PA(2018)21 - Updated list of officially nominated candidate Emerald sites
T-PVS/PA(2018)22 - Updated list of officially adopted Emerald sites
T-PVS/DE (2018) 11 - Report of the 2018 meeting of the Group of Specialists on the European Diploma for Protected Areas

5.6.1 Protected Areas and Ecological Networks

a. Report of the 9th meeting of the Group of Experts on Protected Areas and Ecological Networks

Ms Anastasiia Drapaliuk will present the outcomes of the 9th meeting of the Group of Experts on Protected Areas and Ecological Networks which took place on 4-5 October 2018 in Strasbourg.

DECISION: The Standing Committee is invited to:

- Take note of the results of the meeting;
- Take note of the launch of the reviewed Emerald Network Reference Portal;
- Mandate the Secretariat to draft a proposal for controlling the future additions of species and habitats to Resolutions No. 6 (1998) and No. 4 (1996);

b. Progress in the constitution of the Emerald Network

The Secretariat will present the activities supporting the setting up and the development of the Emerald Network and Mr Otars Opermanis, consultant to the Convention, will present the evolution of the sufficiency of the Network.

DECISION: The Standing Committee is invited to:

- Take note of the development of the Emerald Network and of the evolution of the sufficiency of the Network.

c. Draft revised Annex 1 to Resolution No. 4 (1996)

Mr Marc Roekaerts, consultant to the Convention, will present the revised Annex 1 to Resolution No. 4 (1996).

DECISION: The Standing Committee is invited to:

- Examine and if appropriate, adopt the following document:
 - Revised Annex 1 to Resolution No. 4 (1996)

d. Delineation of marine regions in the framework of the Bern Convention

The Secretariat will introduce background of the issue and explain the reasons a delineation of marine regions is necessary for the Bern Convention.

Mr Marc Roekaerts, consultant to the Convention, will present the proposed delineation of Marine regions for the purposes of the Emerald Network and the reporting under Resolution No. 8 (2012).

DECISION: The Standing Committee is invited to:

- Examine and if appropriate, adopt the proposed map of Marine regions as described in the document:
 - Proposal of delineation of Marine regions in the framework of the Bern Convention

e. Draft updated lists of Emerald sites and draft updated lists of candidate Emerald sites

The Secretariat will present the draft updated lists of officially nominated candidate and adopted Emerald Network sites.

DECISION: The Standing Committee is invited to:

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

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

Mr Dave Pritchard, consultant to the Convention, is going to present guidance describing the ecological character of Emerald Network sites and proposing responses for detecting, reporting, assessing and responding to changes or likely changes of the ecological character of Emerald Network sites.

DECISION: The Standing Committee is invited to:

- Take note of the guidance document;
- Mandate the Secretariat to follow up on the recommendations of the Group of Experts on Protected Areas and Ecological Networks and especially to assess the relevance of the guidance for backing up the decisions of the Bureau regarding complaints/case files related to Emerald Network sites.

5.6.2 European Diploma for Protected Areas

a. Report of the meeting of the Group of Specialists on the European Diploma for Protected Areas

Mr Jan Plesnik, Chair of the Group of Specialists will present the results of the annual meeting of the group which took place on 21 – 22 February 2018 in Strasbourg. The Secretariat will further inform on the on-the-spot appraisals which took place in the spring/summer/autumn period of 2018.

DECISION: The Standing Committee is invited to:

- Take note of the meeting report of the Group of Specialists;
- Take note of the renewal of the European Diploma to 20 areas;
- Take note of the development of a dashboard bringing together the annual reports, the on-the-spot appraisal reports and the Resolutions of the Diploma holding areas;
- Take note of the development of a scoring assessing the compliance of the Diploma holding areas with their annual reporting obligations;
- Take note of the update of the Diploma holding areas database with a view to make them visible on the Common Database of Protected Areas (CDDA) and the World Database of Protected Areas (WDPA).

b. Diploma holding areas requiring specific attention

The Secretariat will inform the Committee on issues related to three Diploma holding areas requiring specific attention:

DECISION: The Standing Committee is invited to:

- Take note of the decision of the management authorities of the National Park of Ecrins (France) not to apply for the renewal of the European Diploma and decide on a follow-up to give to the issue;
- Take note of the readiness of the management authorities of the Germano-Luxembourg Nature Park (Germany/Luxembourg) to host an on-the-spot appraisal visit with a view to the renewal of the European Diploma to the area;
- Take note of the difficulties the Luneburger Heath Nature Reserve (Germany) faces with the implementation of the recommendations attached to the renewal of European Diploma.

5.6.3 Protection Strategy for old growth forest in Europe

The Secretariat will inform on the progress achieved since 2017 on the Strategy and the latest decision of the Bureau on the possible cooperation between the Convention and the Wild Europe Initiative.

DECISION: The Standing Committee is invited to:

- Take note of progress in the development of the Protection Strategy for old growth forest in Europe;
- Endorse the proposed follow-up to be given to the cooperation of the Convention and the Wild Europa Initiative, as agreed by the Bureau.

5.7 Reporting under Resolution No. 8 (2012) of the Standing Committee

Relevant document: T-PVS/PA(2018)19 - Report of the 9th meeting of the GoEPAEN

The Secretariat will present the outcomes regarding the reporting under Resolution No. 8 (2012) of the 9th meeting of the Group of Experts on Protected Areas and Ecological Networks.

DECISION: The Standing Committee is invited to:

- Take note of the delays in the delivery of the reporting tool;
- Take note of the launch of the Reporting Reference Portal;
- Take note of the second part of the reporting guidelines “Definitions and methods”, of the checklists for species and habitats and the population units, of the list of pressures and threats, of the list of conservation measures considered for the reporting under Resolution No. 8 (2012);
- Take note of the forthcoming revision of the national designation types.

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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(2018)2 – Summary of case files and complaints
T-PVS/Files(2018)55 – Follow-up of Case Files – Report by the European Commission
T-PVS/Inf(2018)1 – Register of Bern Convention’s case-files

(Note: a detailed summary of each case-file is available in document T-PVS(2018)2 – Summary of Case files)

6.1 Files opened

➤ 1995/6: Cyprus: Akamas peninsula

Relevant documents: T-PVS/Files(2018)51 - Government Report
T-PVS/Files(2018)28 - 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 10-11 September 2018, invited the national authorities and the complainant at the 38th meeting of the Standing Committee to provide a status update on the latest 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(2018)45 - Government Report
T-PVS/Files(2018)52 – NGO Report
T-PVS/Files(2018)25 – On-the-spot appraisal report
T-PVS(2018)11 - Draft Recommendation on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria)

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 36th 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.

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.

The on-the-spot appraisal to the area took place on 15-16 May 2018. The findings of the mission will be presented to the Committee by the independent expert.

The Secretariat will present the text of the draft Recommendation.

DECISION: The Standing Committee is invited to discuss this case-file and to examine and, if appropriate, adopt the following draft Recommendation:

- Draft Recommendation No. ... (2018) on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria)

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

Relevant documents: T-PVS/Files(2018)42 - Government Report
T-PVS/Files(2018)44 – NGO Report (ARCHELON)
T-PVS/Files(2018)48 – NGO Report (MEDASSET)

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 10-11 September 2018, expressed its concern that no report from the authorities had reached the Bureau and urged them to send their report ahead of the 38th Standing Committee meeting of the Convention and to attend the meeting itself to present a comprehensive and complete timetable of the actions planned to implement Recommendation No. 174 (2014).

It instructed the Secretariat to request an update from the European Commission on their respective action on the issues at stake in the case-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(2018)26 - Government Report
T-PVS/Files(2018)33 - 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.

Although the implementation of the Recommendations has been slow, at its meeting on 10-11 September 2018, the Bureau noted some progress demonstrated by the national authorities in their updated report. The Bureau invited the authorities to attend the 38th meeting of the Standing

Committee to provide further details on their plans for the implementation of the Recommendations and most importantly, to give a feedback on the information contained in the NGO's report on the same case.

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(2018)14 - Government Report
T-PVS/Files(2018)50 - Complainant Report

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

After two years of slow progress, the Bureau, at its meeting in September 2018, thanked the national authorities for their commitment and efforts to accelerate the process of drafting the new Law for re-proclamation of the National park as protected area, ahead of the realisation of the SEA, as recommended in the Bern recommendation.

The Bureau invited the national authorities to attend the 38th meeting of the Standing Committee and to provide further details on their plans for the implementation of the Recommendation.

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(2018)15 - Government Report
T-PVS/Files(2018)17 - 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. The Standing Committee also invited the national authorities to send an updated report as soon as the results of the national Court appeal are available.

The Bureau, at its last meeting in September 2018, thanked the Bulgarian authorities and took note of information provided for their meeting, namely the Court decision to reject the appeal at national level regarding the alternative chosen for the LOT 3.2 of the Struma highway. The Bureau further took note of the opposing view expressed by the NGO in their report.

The Bureau considered that the reason behind the divergent views of the complainant and the authorities relates to the quality of the EIA implemented for the choice of the alternative for the construction of LOT 3.2 and on whether this choice respects of commitments made by the authorities in Recommendation No. 98 (2002).

The Bureau discussed whether it will be appropriate for the Convention to commission an external review of the EIA and its Recommendations and invites the Standing Committee to consider this opportunity at its 38th meeting.

The Bureau invited the national authorities to attend the upcoming meeting of the Standing Committee and to present the latest developments in relation to the file.

The Bureau further invited all Parties, including the European Union to present their views on the file.

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(2018)39 - Government Report
T-PVS/Files(2018)54 – 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

The Bureau, at its meeting in September 2018, thanked the national authorities for their timely report and acknowledged the initiation of the amendment procedure for the legislation loophole. It invited the authorities to attend the upcoming Standing Committee meeting and to present a progress report.

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

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

Relevant documents: T-PVS/Files(2018)XX - Government Report
T-PVS/Files(2018)2 + Annex – Complainant report
T-PVS/Files(2018)47 – On-the-spot appraisal report
T-PVS(2018)13 – Draft Recommendation on the development of a commercial project in Skadar Lake (Montenegro)

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.

At its September 2018 meeting, the Bureau noted with satisfaction the organisation of a joint Bern/Ramsar OSA mission to Skadar Lake in June 2018. It thanked the national authorities of Montenegro for hosting the mission. It took note that the preliminary recommendations of the mission indicate a high degree of concern and decided that there is a potential that this file could become an open case-file.

The Bureau found the issue being dealt with under this file as urgent and noted that a draft Recommendation following the OSA is put forward to the Standing Committee for possible adoption. It agreed to move the file to the category possible files.

DECISION: The Standing Committee is invited to

- Discuss this case-file and to examine and, if appropriate, adopt the following draft Recommendation:
 - Draft Recommendation No. ... (2018) on the development of a commercial project in Skadar Lake (Montenegro)

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

Relevant documents: T-PVS/Files(2018)19 - Complainant Report
T-PVS/Files(2018)43 – On-the-spot appraisal report
T-PVS(2018)10 – Draft Recommendation on the planned hydro-power plant developments on the Vjosa river (Albania)

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 January 2018, the Bureau decided to request the organisation of an on-the-spot appraisal (OSA) to the area in spring/early summer 2018, 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 its September 2018 meeting, the Bureau noted with satisfaction the organisation of a Bern Convention OSA mission to Albania. It thanked the national authorities of Albania for hosting the mission. It took note of the preliminary conclusions of the mission that although a rather complete and clear legal framework is in place regarding the procedures for the implementation of EIA/SEA in the country, there are indications that this framework is not complied with for the moment.

The degree of concern on this file was very high, therefore the Bureau agreed that the case has the potential to become an open case-file and moved the file to the category possible files, leaving the decision on the case and the draft Recommendation triggered by the OSA in the hands of the Standing Committee.

DECISION: The Standing Committee is invited to

- Discuss this case-file and to examine and, if appropriate, adopt the following draft Recommendation:
 - Draft Recommendation No. ... (2018) on the planned hydro-power plant developments on the Vjosa river (Albania)

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

- **Closed file No. 2011/4: Threat to the Mediterranean monk seal (*Monachus monachus*) in Turkey**

Relevant document: T-PVS/Files(2018)53 – Government report

The follow-up of this recommendation was decided by the Standing Committee at its 36th meeting, when the file was closed. The national authorities of Turkey will be invited to present their progress reports.

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. 169 (2013) on the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland) in the frame of a case-file on stand-by 2011/5: France / Switzerland**

Relevant documents: T-PVS/Files(2018)41 – Government report Switzerland
T-PVS/Files(2018)30 + ann1 + ann2 – NGOs report

The follow-up of the implementation of this Recommendation, linked to a case-file on stand-by, takes place every two years at a Standing Committee meeting. The national authorities of Switzerland and France and the complainant NGO organisation will be invited to present their progress reports.

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. 175 (2015) on the monitoring of the agreement concluded in the frame of complaint No. 2013/5 (Lithuania)**

Relevant document: T-PVS/Files(2018)46 – Government report

The biannual review of progress in the implementation of this Recommendation was agreed by the Standing Committee at its 2016 meeting. The national authorities of Lithuania will be invited to present their progress report.

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. 190 (2016) on the conservation of natural habitats and wildlife, specially birds, in afforestation of lowland in Iceland**

The follow-up of this Recommendation was decided by the Standing Committee, 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.

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

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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 2018 with other international MEAs and organisations, including the EU, CBD, CMS, AWEA, 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 2019.

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

9. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2019

Relevant document: T-PVS(2018)16 – Draft Programme of Activities for 2019

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

Parties interested to volunteer for the organisation of Groups of Expert's meeting in 2019 and 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 2019.

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

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

10. STATES TO BE INVITED AS OBSERVERS TO THE 39TH 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: Algeria, 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 39th 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 39TH MEETING

The Secretariat will make a proposal for the date and place of the 39th meeting of the Standing Committee (3-6 December 2019, 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 39th 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 27 November	
<p>1. OPENING AND ADOPTION OF AGENDA</p> <p>2. REPORT FROM CHAIRMAN & COMMUNICATIONS</p> <p>3. FINANCING OF THE BERN CONVENTION AND ITS FUTURE STRATEGIC DEVELOPMENT</p> <p>3.1 Future financing and development of the Bern Convention</p> <p>3.2 40th anniversary of the signature of the Bern Convention - 2019</p> <p>4. MONITORING AND IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION</p> <p>4.1 Biennial and quadrennial reports</p> <p>4.2 Proposal for amendment of the status of the wolf</p> <p>4.3 Proposal for amendment of the status of the Barnacle Goose</p> <p>5. MONITORING OF SPECIES AND HABITATS</p> <p>5.1 Invasive Alien Species</p> <p>a. Report of the Expert meeting on the implementation of the Action Plan for the eradication of ruddy duck in Europe meeting</p> <p>b. Report of the meeting of the Select Group of Experts on Invasive Alien Species</p> <p>5.2 Biodiversity and Climate Change</p> <p>a. Analysis of the needs and opportunities for future work of the Bern Convention on management of protected areas from climate change perspective</p> <p>b. Opportunities for cooperation between the Bern Convention and EUR-OPA on climate related issues</p> <p>5.3 Conservation of large carnivores</p> <p>a. Report of the 2018 meeting of the Large Carnivore Initiative for Europe</p> <p>b. Draft Recommendation on artificial feeding of large carnivores</p>	<p>5.4 Eradication of illegal killing, trapping and trade of wild birds</p> <p>a. 1st reporting under the Scoreboard for measuring progress in combating illegal killing, taking and trade of wild birds</p> <p>b. Shaping up the post-2020 strategic priorities of the Bern Convention on combating illegal killing, taking and trade of wild birds</p> <p>5.5 Conservation of the sturgeon</p> <p>a. Draft Pan-European Action Plan for sturgeon</p> <p>b. Draft Recommendation on the Pan-European Action Plan for sturgeon</p> <p>5.6 Habitats</p> <p>5.6.1 Protected Areas and Ecological Networks</p> <p>a. Report of the 9th meeting of the Group of Experts on Protected Areas and Ecological Networks</p> <p>b. Progress in the constitution of the Emerald Network</p> <p>c. Draft revised Annex 1 to Resolution No. 4 (1996)</p> <p>d. Delineation of marine regions in the framework of the Bern Convention</p> <p>e. Draft updated lists of Emerald sites and draft updated lists of candidate Emerald sites</p> <p>f. The concept of ecological character of sites in the context of the Emerald Network under the Bern Convention</p> <p>5.6.2 European Diploma for Protected Areas</p> <p>a. Report of the meeting of the Group of Specialists on the European Diploma for Protected Areas</p> <p>b. Diploma holding areas requiring specific attention</p> <p>5.6.3 Protection Strategy for old growth forest in Europe</p> <p>5.7 Reporting under Resolution No. 8 (2012) of the Standing Committee</p>
WEDNESDAY 28 November	
<p>6. SPECIFIC SITES AND POPULATIONS</p> <p>6.1 Files opened</p> <p>➤ 1995/6: Cyprus: Akamas peninsula</p> <p>➤ 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica</p> <p>➤ 2010/5: Greece: threats to marine turtles in Thines Kiparissias</p> <p>➤ 2012/9: Turkey: Presumed degradation of nesting beaches in Fethiye and Patara SPAs</p> <p>➤ 2013/1: “The former Yugoslav Republic of Macedonia”: Hydro power development within the territory of the Mavrovo national Park</p> <p>6.2 Possible files</p> <p>➤ 2001/4: Bulgaria: Motorway through the Kresna Gorge</p> <p>➤ 2017/01: Norway: Lack of legal protection for Northern goshawk and birds of prey</p> <p>➤ 2016/4: Development of a commercial project in Skadar Lake National Park and candidate Emerald site (Montenegro)</p> <p>➤ 2016/5: Presumed negative impact of hydro-power plant development on the Vjosa river in Albania</p>	<p>6. SPECIFIC SITES AND POPULATIONS</p> <p>6.3 Follow-up of previous complaints and Recommendations</p> <p>➤ Closed file No. 2011/4: Threat to the Mediterranean monk seal (<i>Monachus monachus</i>) in Turkey</p> <p>➤ Recommendation No. 169 (2013) on the Rhone streber (<i>Zingel asper</i>) in the Doubs (France) and in the canton of Jura (Switzerland) in the frame of a case-file on stand-by 2011/5: France / Switzerland</p> <p>➤ Recommendation No. 175 (2015) on the monitoring of the agreement concluded in the frame of complaint No. 2013/5 (Lithuania)</p> <p>➤ Recommendation No.190 (2016) on the conservation of natural habitats and wildlife, specially birds, in afforestation of lowland in Iceland</p>

THURSDAY 29 November

7. INTERNATIONAL COORDINATION WITH OTHER MEAS AND ORGANISATIONS 8. AWARENESS AND VISIBILITY 9. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2019 10. STATES TO BE INVITED AS OBSERVERS TO THE 39TH MEETING	Continuation of unfinished work
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FRIDAY 30 November

11. ELECTION OF CHAIR AND VICE-CHAIR, AND BUREAU MEMBERS 12. DATE AND PLACE OF THE 39TH MEETING 13. ADOPTION OF THE MAIN DECISIONS OF THE MEETING 14. OTHER BUSINESS	
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Note: Room G4 (Agora building) will be free for EU co-ordination meetings (without interpretation).

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