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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
26th meeting

Strasbourg, 27-30 November 2006

Possible file

**Conservation of the Hermann tortoise (*Testudo hermanni*)
in the Plaine des Maures**

Secretariat Report

*Document prepared by
the Directorate of Culture and Cultural and Natural Heritage*

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The purpose of the "files" is to find a satisfactory solution to problems encountered in implementing the Convention and to monitor as effectively as possible the means chosen to resolve them.

1. Background

The Plaine des Maures, in the Var *département*, is home to an exceptional site for the conservation of the Hermann tortoise, a strictly protected species listed in Appendix II to the convention. The transformation - or destruction - of habitats is the most fundamental threat to which the species is exposed.

The *Société Nationale de Protection de la Nature* (SNPN) brought this case to the attention of the Secretariat in 1991, expressing its fears over the Michelin group's plan to set up a tyre testing track in the central part of the Plaine des Maures.

The question was on the Standing Committee's agenda for several years.

As an alternative site had been found and firm undertakings had been given by the French Government to ensure the protection of the species, the Standing Committee took the decision in 1997 to close the file.

In 1999, the SNPN expressed reservations as to the effectiveness of the public interest programme to ensure the conservation of the Hermann tortoise *Testudo hermanni*.

In 2003, it contacted the Secretariat, stating that the measures taken to halt the decline of the species were still inadequate and criticising the lack of targeted measures and practical application on the part of the French State.

In 2004, the French authorities proposed organising an on-the-spot appraisal, which was carried out on 28 and 29 March 2005.

2. Application of the Bern Convention

Article 3 provides that each Contracting Party shall take steps to promote national policies for the conservation of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats, in accordance with the provisions of this Convention.

According to Article 4, paragraph 1, each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of wild fauna species, especially those listed in Appendix II to the Convention, and the conservation of endangered natural habitats.

Article 4, paragraph 2, stipulates that the Parties in their planning and development policies shall have regard to the conservation requirements of the areas protected, so as to avoid or minimise as far as possible any deterioration of such areas.

Article 6 stipulates that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II. The following will in particular be prohibited for these species:

- all forms of deliberate capture;
- deliberate damage to or destruction of breeding or resting sites;
- deliberate disturbance of wild fauna, particularly during the period of breeding, insofar as that disturbance would be significant in relation to the objectives of the convention;
- deliberate destruction of eggs.

3. Previous action and decisions of the Standing Committee

In 1991 the Standing Committee adopted Recommendation no. 26 on the conservation of some threatened reptiles in Europe, recommending *inter alia* "that the Government of France protect as a nature reserve the habitat of *Testudo hermanni hermanni* in the Massif and the Plaine des Maures, thus removing further threats from development".

At the Standing Committee's 17th meeting, the Delegate of France informed the Committee that the French Government was closely collaborating with the French Coastal Protection Agency, local partners and NGOs to devise and implement a public interest programme aimed at developing cooperation between the different players to ensure the long-term preservation of this remarkable area. It was therefore decided to close the file.

In 2004, the Bureau decided to put the case back on the Standing Committee's agenda as a "possible file".

At the 24th meeting, the Delegate of France recalled several major initiatives to demonstrate his government's genuine commitment in this case, including the resiting of the Michelin scheme and the repurchase of the land by the Conservatory of coastal areas, and also the Natura 2000 designation of over 6 000 hectares in respect of the Hermann tortoise. He told the Committee that a global tortoise restoration programme had been launched in 2004. He emphasised that the real issue concerned the extension of the Balançan waste dump.

The SNPN representative listed the numerous threats to the species (high-speed rail route, land-clearing for vineyards, delays in setting up the nature reserve, inadequate surface area of the Natura 2000 site, extension of the waste dump to 30 hectares).

The Standing Committee decided to accept the French authorities' proposal to organise an on-the-spot appraisal, intended *inter alia* to contribute to examination of the application to extend the waste dump.

At its 25th meeting, the Standing Committee was informed of the findings of the on-the-spot appraisal, carried out on 28 and 29 March 2005 by Mr Guy Berthoud (Switzerland), who highlighted the complexity of the situation, the severe pressure exerted on the area, irreversible damage to tortoise habitats that was irreversible in many cases, the inadequate area covered by the protection programme, and the failure to seek any real solutions to the problem of the Balançan waste dump.

The Delegate of France stressed that the global approach to the case, as proposed by the recommendation, made it necessarily complex, and drew the Committee's attention to the following points:

- the expert's on-the-spot appraisal had been well received by the local authorities;
- consideration of the expert's proposals, which featured heavily in the recommendation, was ongoing at local level;
- the application for permission to clear 24 hectares of land made by the company responsible for operating the waste dump had been turned down in September 2005;
- the Natura 2000 procedure was under way and the public inquiry would be held in 2006;
- legal consultation on the nature reserve was under way;
- the biotope protection order (west of the A57 motorway) was in progress.

The legal time limits fixed for these operations would run to the end of 2006.

The SNPN representative, backed by other NGOs, said that the French authorities had not assumed their responsibilities. In particular, present plans were not adequate to ensure protection, the heritage value of the Plaine des Maures had not been sufficiently considered in the study of the high-speed rail routes and there had been no real effort to find an alternative site to Balançan. Concerning this waste dump, the chairman of the public inquiry had issued a favourable opinion on the planned extension in November 2005. Accordingly, he asked that a file be opened.

The European Commission representative thought that the Balançon waste dump had to be closed as soon as possible and the government had to look for an alternative site as a matter of urgency.

The Committee adopted Recommendation no. 118 (2005) (see appendix 2). It decided to keep the question on the list of "possible files" and asked the French Government to produce a report on its implementation.

4. Information forwarded in 2006

At its meeting on 28 April 2006, the Bureau was notified that a different zone had been decided on for the Balançon waste dump extension and the Prefect of the Var *département* was planning to organise a meeting with all the partners to work on a global management plan for the area.

The French authorities have not yet sent in their report.

No information has been sent to the Secretariat by the NGOs.

Appendix 1



Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation n° 26 (1991) on the conservation of some threatened reptiles in Europe

(Adopted by the Standing Committee on 6 December 1991)

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the convention,

Having regard to the aims of the convention to conserve wild flora and fauna and their natural habitats ;

Having regard to Resolution (78) 22 of the Committee of Ministers of the Council of Europe on threatened amphibians and reptiles in Europe ;

Having regard to Recommendations N° 7, 8 and 9 (1987) of the Standing Committee concerning the protection of marine turtles and their habitat ;

Having regard to Recommendation N° 13 (1988) of the Standing Committee concerning measures for the protection of critical biotopes of endangered amphibians and reptiles ;

Having regard to Recommendation N° 23 (1991) of the Standing Committee on the protection of the habitat of *Vipera ursinii rakosiensis* in Hungary ;

Having regard to Recommendation N° 24 (1991) on the protection of some beaches in Turkey of particular importance to marine turtles ;

Recalling that Article 3 of the convention provides that each Contracting Party shall take the necessary steps to promote national policies for the conservation of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats ;

Recalling that Article 4, paragraph 1, of the convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats ;

Referring to the report of the European Herpetological Society on threatened reptiles in Europe requiring special conservation measures,

Recommends that the Government of Austria :

1. endeavour to integrate habitat protection of *Emys orbicularis* and appropriate management within the proposed park of Donau-March-Auen ;
2. ensure, by the most appropriate means, the protection of *Natrix tessellata* habitats of the rivers Lafnitz, Mur and Drau, as well as of habitats in Wörthensee ; integrate the conservation of the species within the park programmes for the north-east ;

Recommends that the Government of Belgium :

3. ensure, by the most appropriate means, protection and management of the habitat of *Lacerta agilis* within the Arlon military area ; restore transfrontier habitats of the species and give adequate protection to the remaining populations in the state, specially those which are found in quarries ;

Recommends that the Government of Cyprus :

4. ensure, by the most appropriate means, protection and management of the habitat of the endemic species *Coluber cypriensis* in the zone between Agros and Kato Platres, and carry out a survey of the species ;
5. ensure, by the most appropriate means, protection of the beaches of the Karpas peninsula, used for nesting by *Chelonia mydas* ; reinforce protection measures in Lara, particularly against the threats of tourism ;

Recommends that the Government of Denmark :

6. establish a conservation programme for *Lacerta agilis* populations in Denmark ; carry out a phased national survey of the species ;

Recommends that the Government of France :

7. protect as a nature reserve the habitat of *Testudo hermanni hermanni* in the Massif and the Plaine des Maures, thus removing further threats from development ; establish a captive breeding and reintroduction programme for the species ; give adequate habitat protection to the best populations of the species in Corsica ;
8. ensure, by the most appropriate means, protection of the sites of *Phyllodactylus europaeus* in the islands of Bagaud and Levant (Hyères) ; survey the species in Corsica ; consider reintroduction on the mainland ;
9. give adequate protection to sites of *Archaeolacerta (Lacerta) monticola* in the Pyrenees ;
10. ensure, by the most appropriate means, protection of the Haut-Asco (Corsica) population of *Archaeolacerta (Lacerta) bedriagae* against the adverse effects of tourism development ; give adequate protection to mountain localities and gorges where the species lives ; establish ecological corridors with lowland populations ;
11. protect as a nature reserve the habitat of *Natrix natrix corsa* in Lago Santo, removing current abuse of tamarisk marsh ; integrate the conservation of this species within the *Conservatoire du littoral* programmes, and consider the protection of the habitat of the species in R. Fango, Etang d'Urbino, Porto-Vecchio and R. Stabiacco ;
12. include the conservation of *Emys orbicularis* in the *Conservatoire du littoral* programmes in Corsica ; give adequate protection to the habitats of the species in the Plaine des Maures and the catchment areas of the Camargue rivers ;
13. carry out a survey of *Lacerta agilis* in the north-east, establishing adequate protection measures ; give adequate protection to the two isolated populations in the south-east (sub-Alps) and in the south-west (close to the Pyrenees) ;
14. protect as a nature reserve the Crau plain, where the best French population of *Lacerta lepida* is found ;
15. ensure, by the most appropriate means, protection of the populations of *Vipera ursinii ursinii* in Caussols ;

Recommends that the Government of Germany :

16. carry out a survey of *Emys orbicularis* in the *Land* of Brandenburg so as to be able to delimitate an area for protection, by the most appropriate means, in the River Oder valley ; consider reintroduction options for the Rhineland-Palatinate ;
17. take the most appropriate steps to ensure protection and adequate management of the key habitats of *Lacerta agilis* in Lüneburg ; draw up a conservation programme for heathland habitats in northern Germany ;
18. consider the possibility of extending the area of protection of the riverine habitats of *Natrix tessallata* in the Nahe and Moselle ; consider habitat restoration in the historical range of the species, with a view to reintroduction projects ; integrate management for the species within the Lahn reserve.

Recommends that the Government of Greece :

19. take the most appropriate steps to ensure, as far as possible, protection of the habitats of *Testudo marginata* around Gythion, controlling further loss of the Mediterranean phrygana habitat ; carry out a national survey of the species ;
20. consider protection, by the most appropriate means, of the habitat of the population of *Testudo hermanni boettgeri* in Alyki, preventing further habitat degradation ;
21. consider giving adequate habitat protection to the population of *Cyrtopodion k. bartoni* in the Nida plateau ;
22. consider protection, by the most appropriate means, of the population of *Lacerta agilis* in the Pindos mountains ;
23. ensure, by the most appropriate means, protection of the habitats of *Podarcis milensis* in the Phalconera, Velopoula and Ananes islands ;
24. give legal protection to *Vipera ursinii ursinii* and *Vipera lebetina schweizeri* ;
25. take the most appropriate steps to ensure the conservation of the habitat of *Vipera lebetina schweizeri* on northern Kimolos, Polyaiagos and western Milos ;

Recommends that the Government of Hungary :

26. acquire sites of key populations of *Vipera ursinii rakosiensis* in the Great Plain ; ensure that the road built in Hansag does not affect the habitat of the species ; carry out a recovery programme for the species in Hansag ;

Recommends that the Government of Italy :

27. ensure, by the most appropriate means, protection of the sites of the important population of *Testudo hermanni hermanni* ;
28. survey the populations of *Phyllodactylus europaeus* on the coast of Tuscany, replant autochthonous trees and keep the natural vegetation in important sites ; ensure, by the most appropriate means, protection of the Bercida coast in Sardinia ; consider protecting Tino and Tinetto (off Liguria) ;
29. ensure, by the most appropriate means, protection of the habitat of *Archaeolacerta bedriagae* in Mount Limbara, the Falcone peninsula and the Maddalena archipelago (in Sardinia) ; survey hills and coasts of North Gallura and of Glesiente ;
30. ensure, by the most appropriate means, protection of the catchment areas of Mount Limbara where important populations of *Natrix natrix cetti* are found ; survey catchment areas of south-west Glesiente, of Sarrabus and Mount Farru, and of the river Mannu ;
31. class as a natural reserve the habitats of *Emys orbicularis* of Bosco Mesola ;
32. class as a natural reserve the habitat of *Lacerta lepida* at Ciaxie and Finale ;

Recommends that the Government of Luxembourg :

33. carry out a national survey on *Lacerta agilis* resulting in a conservation programme with habitat management measures ;

Recommends that the Government of the Netherlands :

34. prevent inappropriate management and ensure, by adequate habitat management and protection, the survival of key populations of *Lacerta agilis* ;

Recommends that the Government of Portugal :

35. ensure, by the most appropriate means, protection of the habitat of *Archaeolacerta (Lacerta) monticola* in Serra da Estrela ;

36. ensure, by the most appropriate means, protection of the habitat of *Lacerta schreiberi* in Serra de Monchique ; avoid afforestation within 50 m to 100 m of hill streams and rivers in areas where the species lives, favouring tree removal in those key areas where it may benefit the species ;

37. ensure, preferably by protection of key sites, the survival of *Chamaeleo chamaeleon* in east Algarve, Monte Gordo and in the surroundings of Faro ;

Recommends that the Government of Spain :

38. ensure, by the most appropriate means, protection of the habitat of *Testudo hermanni* populations in Serra Nova dunes and hinterlands, as well as in Son Cifra (Artá) ;

39. remove adverse pressures and protect against threats the habitats of *Archaeolacerta (Lacerta) monticola* in Pena de Francia, Sierra de Bejar, Circo de Gredos, Sierra de Guadarrama and Monte Perdido ; initiate, where necessary, recovery plans for the species ;

40. avoid afforestation within 50 m to 100 m of hill streams and rivers in areas where *Lacerta schreiberi* lives, favouring tree removal in those key areas where it may benefit the species ;

41. ensure, preferably by protection of key sites, the survival of *Chamaeleo chamaeleon* in Almeria, Monte Victoria, the coast of Cadiz from San Lucar de Barrameda to El Puerto de Santa Maria and Isla Cristine ; establish controls against collection in the Cadiz area ;

42. remove adverse pressures on the populations of *Lacerta agilis* in La Moline, giving priority to habitat protection ; ensure, by the most appropriate means, protection of habitats around Viella ;

43. ensure, by the most appropriate means, protection of *Lacerta lepida* populations in Cabo de Gata, Fiabre, Punta del Sabinar and Salvora Island ; ensure compatibility between tourism and species conservation in the Galician islands ;

Recommends that the Government of Sweden :

44. establish a recovery plan for *Lacerta agilis* ; identify and give adequate protection to key sites for the species ;

Recommends that the Government of Switzerland :

45. consider the convenience of reintroducing *Emys orbicularis* in the Valais ;

46. endeavour to protect the sites where good populations of *Natrix tessellata* are found in the Upper Ticino, including Maggia and Brenno rivers ;

Recommends that the Government of Turkey :

47. ensure, by the most appropriate means, protection of all important populations of *Trionyx triunguis* by protection of the Dalaman delta and the maintenance of the clean and pristine catchment area of its river ; ensure protection of Seyhan and Ceyhan lower rivers with sufficient conservation measures to prevent adverse developments ; ensure protection of the Dalyan delta and prevent sewage discharge and damage by powerboats ; investigate and offset adverse effects on the species of fish traps and persecution ;

48. ensure, preferably by establishing a nature reserve, protection of *Lacerta clarkorum*, *Vipera kaznakovi* and *Natrix megalcephala* populations within the Hopa coastal region ; avoid collection of *Vipera kaznakovi* ;

49. give adequate protection to key sites for *Vipera albizona*, *Vipera pontica* and *Vipera wagneri* ; take immediate measures to prevent the imminent extinction through collection of *Vipera wagneri* ;

50. give legal protection to *Vipera ursinii ursinii* ;

Recommends that the Government of the United Kingdom :

51. ensure that measures are taken to reduce the risk of damage by fire to key sites of *Lacerta agilis* ; promote management of private sites important for the species ; continue reintroduction programmes for the species.

Appendix 2



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 118 (2005) of the Standing Committee, adopted on 1st December 2005, on protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var), France

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Having regard to Resolution (78) 22 of the Committee of Ministers of the Council of Europe on threatened amphibians and reptiles in Europe;

Recalling its Recommendation No. 26 (1991) on the conservation of some threatened reptiles in Europe, recommending that “*the French Government protect as a nature reserve the habitat of Testudo hermanni hermanni in the Massif and the Plaine des Maures, thus removing further threats from development*”;

Recalling its Recommendation No. 59 (1997) on the drafting and implementation of action plans for threatened wild fauna species;

Recalling its Guidelines of 1993 to be taken into account in recovery plans for species of amphibians and reptiles;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take the necessary steps to promote national policies for the conservation of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1, of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats;

Referring to the other provisions of the Convention relating to protection of habitats and conservation of species;

Taking into consideration Mr Guy Berthoud’s report drawn up after his on-the-spot appraisal [T-PVS/Files (2005) 13];

Recalling that the Plaine des Maures locality in the *département* of Var, France, comprises not only an exceptional site for the preservation of the Hermann tortoise, a strictly protected species listed in Appendix II to the Convention, but that the plain and the Massif des Maures also constitute, together with a small population in Spain, the last European retention site for continental populations of the species;

Considering that the transformation and destruction of the specific habitats constitute the most fundamental threat to which the species is exposed;

Considering that the plan to extend the Balançon waste storage centre entails risks of irreversibly destroying wide areas of scrubland and grazing land hospitable to several animal and plant species as well as various biotopes to which the Habitats Directive applies;

Referring to the firm undertakings made by the French Government in 1997 to ensure the protection of the species by initiating, in particular, a Public Interest Programme (PIG) procedure for the establishment of a nature reserve;

Observing that in the meantime several schemes (golf links, urban build-up, clearance of vegetation for grape-growing, extension of refuse tips, etc.) which have been allowed to go ahead without proper control or co-ordination by the administrative authority have irreversibly impaired wide expanses of vital habitats for the tortoises and numerous protected species;

Noting that despite the measures taken, the aforesaid procedure has failed to achieve all the stated objectives through lack of ambition (the designated Natura 2000 zone covers only 60% of the zones with good levels of tortoise population density) and delay in the constitution of the nature reserve;

Considering that the nature reserve project, ready to be lodged, which has already been extensively negotiated with the municipalities concerned, may indeed fulfil legal criteria and the Habitats Directive in particular but lacks coherence from the ecological standpoint;

Noting that the protection concept envisaged only marginally takes account of the evolutive dynamics of the species, its unique and distinctly anthropogenic habitats, the local biocenoses which are very rich in protected species, and above all the scope for preserving adequate interactions between numerous population nuclei already considerably dispersed by human activities and the general transformation of the landscape;

Stressing the need to take the additional measures warranted by the conservation requirements of the species and to adopt a more comprehensive new approach to the problems,

Recommends that the French Government:

1. couple the procedure of classifying the main Natura 2000 sites as a nature reserve with a more global management concept for the landscape areas concerned by the presence of the Hermann tortoise, as part of arrangements for managing the extension zone;
2. bring under a common Natura 2000 type management programme all the natural habitats used by the species, including those which do not fully correspond to the selective criteria of Natura 2000 habitats;
3. provide technical and financial incentives for maintaining the anthropogenic habitats created particularly by traditional farming, grazing and forestry activities where these further the aims of preserving the species;
4. apply most particularly to this case the principle of ecological coherence laid down in Article 3 of the Habitats Directive, insofar as a flagship species, several heritage species and a complex of habitats unique in Europe are simultaneously involved;
5. analyse and then manage, according to a global concept of specific ecological networks designated as "Réseau Tortue des Maures", the entire existing and potential range of the species which forms an extensive patchwork of habitats in the Maures plain and massif and is already seriously fragmented by urbanisation, transport infrastructures and various developments;
6. identify clearly when defining the specific ecological network for the Hermann tortoise the core zones (or retention zones) as primary zones of the network, and the extension zones, development zones and connecting corridors as secondary zones, so as to arrive at a graded classification for the utilisation and management of the area concerned;
7. incorporate the human activities compatible with the presence of the species into the general management of its habitats and of its specific network, determining by consensus the appropriate for each zone type and their distribution in time and space;

8. prohibit in principle any plans, programmes and projects injurious to the species and its habitats except in cases where only the secondary components of the specific network are affected in ways that can be reversed and compensated by appropriate measures generally enhancing the quality of the specific habitat and not interfering with the dynamics of the existing populations;
9. set up a programme to remedy the fragmentation of the tortoise habitat over the full potential range of extension; this should take in the entire network of transport routes, determining the development constraints for new infrastructure schemes and defining a rationalisation programme for the existing road system;
10. set up a scientific programme to monitor the dynamics of the residual populations and the potential habitats of the tortoises so that a periodic appraisal of the situation in the Maures plain and massif can be established;
11. reject the new application for extension of the Balançon waste storage centre as it stands. Because of the time required to find a feasible alternative solution, a project strictly limited to the volumes corresponding to that time span and located on the least ecologically important lands might be an option worth considering, but the French authorities would need in that case to give their solemn assurance that this would be the last authorisation on this site and that they had taken the necessary steps to protect the species and habitats concerned. They would also have to demonstrate that the remedial measures stipulated were capable of offsetting the ecological losses caused by the project. Any consideration of this last extension would then imperatively have to fit into an overall plan for the protection of the whole Plaine des Maures site;
12. implement the recovery plan for the Hermann tortoise awaited since 1994;
13. release adequate financial resources for the provision of suitable management.