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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

31st meeting
Strasbourg, 29 November – 2 December 2011

**FOLLOW-UP
OF CASE FILES**

REPORT BY THE EUROPEAN COMMISSION

*Document prepared by
Directorate B – Nature, Biodiversity and Land Use, ENV.B.2 - Biodiversity*

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FOLLOW-UP OF CASE FILES (OCTOBER 2011)

1. **Danube delta:** The Bureau decided to keep the case-file open. It instructed the Secretariat to: follow-up the issue with both the EU and the ESPOO Convention; contact the Romanian authorities for receiving the outcomes of the meeting of the Joint Commission established under the Agreement between the Ministries responsible for environment of Moldova, Romania and Ukraine for the creation of a cross-border protected area of the Danube Delta and the lower River Prut; contact the Ukrainian authorities for an updated and more precise report on each provision of Recommendation No. 111 (2004).

The EC delegation took part in the meeting on implementation of the Espoo and Aarhus Conventions (Kyiv, 8 June 2011). The meeting was to define the follow-up of the project financed by the EC to help Ukraine implement the Espoo and Aarhus Conventions, especially with regard to the Bystroe Channel project. As a result of the project, a report was produced and presented in July 2010. The EU expressed its willingness to support a follow-up project if Ukraine approves the first phase. As to the follow-up of the project, Ukraine asked for a project that would put equal emphasis on the Espoo and Aarhus Conventions. As regards Espoo, it particularly expressed interest in capacity building and legal drafting to implement the SEA Protocol. With regard to Aarhus, Ukraine emphasised the need for capacity building to implement the Amendment on GMOs and the Protocol on Pollutant Release and Transfer Registers (PRTRs).

The EU side reported that there may be funds for a separate project on SEA Protocol. The EU also suggested organising a TAIEX seminar on the Aarhus Convention for Ukrainian judges.

Ukraine approved the report and agreed to make it public during the Espoo MOP in Geneva in June 2011. However, Ukraine received warnings for non-compliance at both this MOP as well as at the MOP of the Aarhus Convention, which took place in Chisinau.

At the same time Ukraine volunteered to host the future MOPs of the two Conventions in Ukraine. We hope that the time will be used by Ukraine to improve implementation of the Espoo and Aarhus Conventions, as well as any other conventions that follow the Bystroe case.

A follow-up project on implementation of Espoo and Aarhus Conventions in Ukraine will be launched on 25 October 2011.

2. **Akamas:** The Bureau took note of the lack of additional information from Cyprus authorities. It decided to keep the case-file open and asked the Secretariat to urge to National authorities a translation of the Management plan for the Limni area. The Bureau stressed the importance of getting the English version of this plan to be able to assess the situation. The Secretariat will continue liaising with the **European Commission** to get updated information on the follow-up of the **complaint lodged** for insufficient designation and protection of the Akamas Peninsula.

Following a complaint on the issue of insufficient designation and protection of the Akamas area under the Natura 2000 network the Commission requested relevant information from the Cypriot authorities. Following the reply of Cypriot authorities the Commission issued a Letter of Formal Notice under Article 258 of the Treaty for insufficient designation of the area. The Commission is currently analysing the reply submitted in order to decide on next steps that it might take.

3. **Balchik** and Kaliakra: The Bureau decided to keep the case-file open in order to be vigilant on the development of other windfarms in the region. It instructed the Secretariat to continue to follow the file in cooperation with the **EU** and AEWa, as well as to keep the Bureau informed about the outputs of the **meeting between the EU and Bulgarian authorities**.

Since the last meeting of the Bern Convention Standing Committee there are no new developments in regards to the Kaliakra case. In January 2011 the Commission services received new information both from the Bulgarian Government and from the NGO on this issue, which we are currently assessing. On 30th September 2011 the European Commission sent a complementary Letter of Formal Notice in order to expand the scope of the recent case. Now Bulgarian competent authorities has 2 months deadline to reply.

4. **Common Hamster:** The Bureau took note of the information provided and decided to keep the case-file open. It asked the Secretariat to liaise with the **European Union** and to inform the Bureau members once the decision on the case pending before the **ECJ** is made public.

In its ruling dated 09/06/2011 (Case-383/09) the ECJ condemned France for failing to effectively avoid deterioration or destruction of Hamster's breeding sites or resting places. Further to this judgment the Commission asked France which measures they intend to implement to restore the favourable conservation status of the species. France sent new information on the population status of the species and the implementation of the measures aimed at improving its status, as well as envisaged changes and improvements to the current measures. France has asked to meet the Commission to present the updated programme. Moreover the Commission wrote to France on 12/07/2011 to ask how the presence of the Common Hamster and the Green Toad (*Bufo viridis*) has been taken into account in the context of the building of the by-pass road around Strasbourg (A355).

5. **Green Toad:** The Bureau took note of the report provided by the French authorities and decided to keep the case-file open. It instructed the Secretariat to continue to follow-up this case and to request to National authorities to send the Action Plan (including information and data on its future implementation) on time to be assessed by the Bureau members at its next meeting. In addition, the Bureau asked the Secretariat to continue liaising with the **European Union** on the issue.

Please see above.