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T-PVS(2020)Misc

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting (*virtual*)
Strasbourg, 30 November- 4 December 2020

Opening of the meeting: 2.00 p.m. on Monday, 30 November 2020

**LIST OF DECISIONS
AND ADOPTED TEXTS**

*Document prepared by
the Directorate of Democratic Participation*

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PART I – OPENING

1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

Relevant documents: T-PVS/Agenda(2020)6 – Draft agenda
T-PVS(2020)06 – Draft annotated agenda

The Standing Committee was opened by the Chair, Ms Jana Durkošová, who welcomed Contracting Parties to this meeting which was being held virtually due to the Covid-19 pandemic. She noted that a record of approximately 180 participants had registered, which highlighted one advantage of holding an online meeting. She reminded participants that, due to technical implications of the virtual platform, this Monday afternoon session was restricted to Contracting Parties. She took note of the presence of 44 Contracting Parties in attendance and informed them that she would present the outcomes of the discussions of the first session at the opening of the session in plenary on Tuesday morning to keep Observers informed. The agenda was adopted with no amendments.

2. CHAIRPERSON'S REPORT AND COMMUNICATIONS FROM THE DELEGATIONS AND FROM THE SECRETARIAT

Relevant documents: T-PVS(2020)01, 03 and 05 – Reports of the Bureau meetings in April, June and September 2020
T-PVS(2019)Misc – List of decisions and adopted texts of the 39th Standing Committee

The Standing Committee noted the list of decisions of its 39th meeting and the reports of the two ordinary meetings and one extraordinary meeting of the Bureau to the Standing Committee held during 2020. It recalled that several activities had had to be postponed due to the pandemic, but that some of them had been converted to virtual formats. Other alternative activities had been launched, as would be later reported.

The Committee took note of staff restructuring and acknowledged the efforts to maintain the programme of activities as much as possible.

3. FINANCING AND DEVELOPMENT OF THE BERN CONVENTION

3.1 Financing of the Bern Convention

Relevant documents: T-PVS/Inf(2020)3 – Proposals on financing the implementation of the work programme of the Bern Convention
T-PVS/Inf(2020)4 – Explanatory notes to the proposals of setting up a sustainable funding mechanism for the Bern Convention
Resolution No. 9 (2019) on the financing of the Bern Convention
T-PVS/Inf(2020)10 – Voluntary Contributions received in 2020

The Standing Committee thanked the Intersessional Working Group on Financing and the Secretariat for the work achieved throughout the year in elaborating the proposals of a sustainable funding mechanism for the Bern Convention, as mandated at the 39th meeting. It recalled that two proposals had been retained at that meeting: to amend the Bern Convention and/or to establish an Enlarged Partial Agreement as outlined in document T-PVS/Inf(2020)3 and complemented by the explanatory notes in document T-PVS/Inf(2020)4. Contracting Parties had been provided with the proposals for consultation in June 2020, with a view to taking a decision during the 40th Committee meeting on one or both options.

The Chair of the Intersessional Working Group, with the assistance of the Secretariat, presented the two proposals, noting that both could be agreed upon simultaneously, but that both proposals would still need to receive a subsequent final approval from the Committee of Ministers if either or both were agreed upon and mandated by the Standing Committee.

The Standing Committee was also informed of an exchange of views on the preliminary proposals of the Standing Committee conducted by a Group of Rapporteurs of the Committee of Ministers.

Concerning the option to amend the Convention, as the European Union and its Member States expressed the need for further internal discussions before it could take a decision, the Committee agreed,

with no objections, to postpone the decision on the possible amendment to the Convention until its 41st meeting.

Following a discussion with the support of several Parties, and with no objections, the Committee agreed to pursue the Enlarged Partial Agreement option, with several amendments to the draft Enlarged Partial Agreement, as reflected in Appendix I. It mandated the Secretariat to submit the proposal to the Committee of Ministers for its approval in the beginning of 2021.

The Committee encouraged Contracting Parties to provisionally express their interest in joining an Enlarged Partial Agreement to the Secretariat to enable the elaboration of financial scenarios. A minimum of sixteen Parties would be needed to initiate the Enlarged Partial Agreement, and Parties were encouraged to join this process and ensure that their representatives in Strasbourg were aware of it. It was reminded that the scale of contributions would have to adhere to Committee of Ministers Resolution (94)31 which calculates the contribution of each Member State of the Council of Europe to the ordinary budget based on population and gross domestic product.

Moreover, the Committee approved and updated the mandate of the present Intersessional Working Group on Financing (see Appendix II) in order to support the Secretariat during the approval process of the Enlarged Partial Agreement and to revise the proposal of the amendment in light of questions raised by Contracting Parties. It mandated the Bureau to follow-up on progress as well as to keep Contracting Parties informed. Contracting Parties were invited to manifest their interest to the Secretariat by the end of the year to join the Intersessional Working Group.

Further, the Committee requested the Secretariat, in consultation with the Directorate of Programme and Budget of the Council of Europe, to produce a set of indicative scenarios for contributions to the Enlarged Partial Agreement, based on different assumptions concerning total budget and which Parties join the Enlarged Partial Agreement.

Finally, the Committee took note that environmental issues had been included in the future strategic priorities of the Council of Europe and expressed its hope that this could lead to future increases of the Bern Convention budget from the ordinary budget of the Organisation. It was also highlighted that the visibility of the Convention and environmental issues in general had increased internally, and this momentum should be exploited.

The Standing Committee took note of the voluntary contributions received in 2020 and thanked the Contracting Parties which had contributed and other Parties that had committed to contribute. It noted that voluntary contributions should be a shared responsibility of all Contracting Parties.

The Committee agreed on the same scale of suggested voluntary contributions for 2021 as set out in Resolution No. 9 (2019) and Contracting Parties were urged to commit to voluntary contributions in 2021, until a possible new financial mechanism could be implemented.

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

Relevant document: T-PVS/Inf (2020)08 - Draft Terms of Reference of a Working Group on a Vision for the Bern Convention 2021-2030

The Standing Committee recalled that at its 39th meeting, it had decided that the development and adoption of a Resolution on a vision for the Bern Convention for the period 2021-2030 would be timelier and more appropriate after the adoption of the post-2020 global biodiversity framework anticipated for the 15th meeting of the Conference of the Parties to the Convention on Biological Diversity. However, in light of the pandemic which had delayed the meeting to 2021 and in order not to lose more time, the Bureau had instructed the Secretariat to formulate Terms of Reference for a Working Group to elaborate a Vision during 2021 and present these Terms of Reference for discussion at this session of the Standing Committee.

Following a discussion, the Standing Committee approved the Terms of Reference with some amendments (see Appendix III) and decided to create a Working Group for the development of a Vision and Bern Convention Strategic Plan for the period to 2030. It mandated the Secretariat to establish this group, encouraged Contracting Parties and Observers to notify interest in participating in the Working

Group by the end of the year if possible, and mandated the Bureau to follow-up progress in 2021. After the post-2020 global biodiversity framework is adopted, the working group should review, and if necessary, revise the proposed Bern vision and strategic plan, in order to ensure its coherence with the post-2020 global biodiversity framework.

PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

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 2013-2016

4.1.1 State of play of submissions of biennial reports

Relevant document: T-PVS/Inf (2020)07 – Summary table of reporting under the Bern Convention

The Standing Committee took note of the biennial reports submitted by Contracting Parties for the periods 2015-2016 and 2017-2018. It also noted that the next reporting cycle for 2019-2020 would be opened next year.

The Committee also took note of the information from the Secretariat that the Online Reporting Tool (ORS) would receive a significant upgrade in 2022, and that an interim contract with WCMC to improve the quality and user experience of the current ORS was envisaged for 2021.

Furthermore, it noted the information from the Secretariat that following discussions with the Bureau, it was considering elaborating a mechanism to assess these biennial reports in the future, in order to strengthen the monitoring capacities of the Bern Convention.

The Committee also took note of the information of the Secretariat that it was considering reviving the general (quadrennial) reporting of Contracting Parties which in the past had provided concise and useful information on the state of and adherence to the Bern Convention at national level.

It mandated the Bureau to follow-up with the Secretariat on the above activities during 2021, and reminded Contracting Parties which were having trouble with the ORS to contact the Secretariat for support.

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 Standing Committee recalled for information the joint note from the Secretariats of the Bern 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.

PART III – MONITORING OF SPECIES AND HABITATS

5. MONITORING OF SPECIES AND HABITATS

5.1 Invasive Alien Species (IAS)

The Standing Committee was informed by the Secretariat that three studies (Guidance on communication and IAS, Guidance on e-commerce and IAS, Study on Alien Pathogens and Pathogens spread by IAS) had been expected to be finalised during 2020. However, due to delays resulting from the Covid-19 outbreak, the Bureau had decided to postpone the discussion and possible adoption of

the three documents to 2021 in order to be able to give consultation time to Contracting Parties and the Group of Experts on IAS, as well as enhance the studies with pandemic-related content, where necessary.

The Committee took note of the information and looked forward to the continuation of work on IAS including a Group of Experts meeting next year.

5.2 Conservation of birds: eradication of illegal killing, trapping and trade of wild birds (IKB)

Relevant document: T-PVS(2020)09 - Preliminary assessment report of the 2nd Scoreboard reporting

The Standing Committee thanked the independent expert for the presentation of the preliminary assessment report of the 2nd national Scoreboard reporting and thanked the Contracting Parties which had participated. It encouraged those Contracting Parties which had not already done so to complete the report which would be accessible until the end of the year.

The Standing Committee noted that despite some improvement in all groups of indicators, the situation with IKB has not significantly changed since 2018 and urged Parties to step up efforts, especially in improving information and awareness raising among judges and prosecutors, as well as increasing enforcement of regulations against IKB.

The Committee also took note of the information that due to the pandemic, the joint meeting of the Bern Convention's Network of Special Focal Points on IKB and CMS Task Force had been postponed to 2021. Further elaboration of the Rome Strategic Plan would also continue next year. It also welcomed the commitment of relevant NGOs to further contribute to the future meetings and work of the Group of Experts on IKB.

5.3 Eradication of the Ruddy Duck

Relevant documents: T-PVS (2020)02 - Report of the Expert Meeting on the Implementation of the Action Plan for the Eradication of the Ruddy Duck in Europe
T-PVS/Inf(2020)11 - Eradication of the Ruddy Duck (*Oxyura jamaicensis*) in the Western Palaearctic: a review of progress 2016 – 2020 and a revised Action plan, 2021-2025
T-PVS(2020)08 - Draft Recommendation No. ... (2020) on the eradication of the Ruddy Duck

The Standing Committee took note of the report of the expert meeting on the implementation of the Action Plan 2016-2020 for the eradication of the Ruddy Duck in Europe, held in London on 25 February 2020, and warmly thanked the organisers, the Wildfowl & Wetlands Trust (WWT).

It thanked WWT for its presentation on the outcomes of the progress review of the implementation of the Action Plan for the eradication of the Ruddy Duck in Europe 2016-2020 and of the revised Action Plan for the period 2021–2025.

During the discussion, it was remarked that although progress appeared slow, it was still believed that by taking into account the lessons learned and positive experiences in certain countries as shown by the progress review, the eradication plan could and should be concluded within a reasonable timescale. Several Parties also reassured that strict measures were in place, and that progress was ongoing. Furthermore, the Committee was informed that there could be a possible future issue with the South American lake duck (*Oxyura vittata*), which carried a similar invasive threat as ruddy ducks. The issue of captivity of the birds was also highlighted as an important issue to address.

The Committee examined and adopted, with a minor amendment, Recommendation No. 209 (2020) (see Appendix IV) on the eradication of the Ruddy Duck in the Western Palaearctic by 2025 reiterating the overriding need for collective, coordinated and synchronous actions in order to effectively address the problem for Europe as a whole.

5.4 Review of the Plant Conservation Strategy

Relevant document: A Review of European progress towards the Global Strategy for Plant Conservation 2011-2020 (draft)

The Standing Committee thanked Planta Europa for the presentation and work during 2020 on the review of the European Plant Conservation Strategy, in cooperation with Plantlife. It praised this comprehensive work which the Bern Convention had taken a strong role in and took note of the findings.

It expressed, however, concern regarding the limited progress towards most of the targets and stressed that the Bern Convention should foster experience sharing on conservation measures in order to improve the conservation status of plants.

The Standing Committee further took note of the suggestion that the follow-up on the conclusions and recommendations of the review could be addressed in 2021 within the Working Group for the development of a Vision and Bern Convention Strategic Plan for the period to 2030 (see Point 3.2).

5.5 Pan-European Action Plan for Sturgeons

Relevant documents: Recommendation No. 199 (2018) on the pan-European Action Plan for the Conservation of the Sturgeon
T-PVS/Inf(2020)06 - list of nominated National Focal Points for the Pan-European Action Plan for Sturgeons

The Standing Committee welcomed and supported the possible joint project with the European Commission DG Environment on the conservation of the sturgeon framed in the context of the implementation of the Pan-European Action Plan for Sturgeons. It took note of the intervention of the World Wildlife Fund (WWF), which welcomed the planned actions of the Bern Convention on this vital topic and highlighted some positive progress in certain range countries such as the adoption of national action plans but also regretted a lack of progress in others. In particular, range countries which had not yet done so were urged to establish permanent or at least long-term fishing bans for sturgeons in their waters, as the species requires decades to recover.

The Committee called on all Contracting Parties and especially the range countries to fully implement the measures included in the Pan-European Action Plan for Sturgeons, and to appoint a national Focal Point for the Action Plan if they had not already done so. Cross-border collaboration was urgently needed, as well as experience and best practice-sharing. It mandated the Bureau to support the Secretariat with the possible joint project during 2021.

5.6 Action Plan for the Conservation of Marine Turtles

The Standing Committee welcomed and supported the possible Action Plan or Guidelines for the Conservation of Marine Turtles, which had been discussed during recent Bureau meetings in light of the numerous and long-standing marine turtle related case-files. It took note that the Plan or Guidelines could be elaborated in partnership with relevant Multilateral Environmental Agreements, relevant international and national nongovernmental organisations and Contracting Parties, and that it should be inspired by and complement existing instruments and plans, without duplicating such actions.

The Committee also stressed the need that the Plan should be practical, results-oriented and action-driven – also to bring to a close the pending and prevent further case-files and complaints. It encouraged interested Contracting Parties to participate in the development of the Plan or Guidelines as well as consider providing financial support.

Monaco and Norway expressed their willingness to provide financial and technical support to the Plan or Guidelines, while several other Contracting Parties, including the three countries affected by related case-files (Cyprus, Greece and Turkey), also expressed their support. MEDASSET and Terra Cypria expressed interest to assist the Secretariat in the elaboration of the Plan or Guidelines and underlined that the Plan or Guidelines would require political will and should ensure a strong and systematic monitoring mechanism.

The Committee appreciated the financial and development support expressed by some countries, as well as the willingness of the most affected Parties and of the relevant NGOs to collaborate. It mandated the Secretariat, with the support of the Bureau to further elaborate the Plan or Guidelines during 2021 and called on other Contracting Parties and Observers to announce their interest to the Secretariat.

5.7 Conservation of habitats

5.7.1 Protected Areas and Ecological Networks

Relevant documents: T-PVS/PA(2020)08 - Report of the 11th meeting of the Group of Experts on Protected Areas and Ecological Networks

T-PVS/PA(2020)07 - Obligations of Bern Convention Parties regarding the conservation of candidate and adopted Emerald Network sites: a legal analysis
T-PVS/PA(2020)02 - Proposal of a monitoring framework to monitor the implementation of the Emerald Network
T-PVS/PA(2020)04rev - Evaluation of the 2011-2020 Emerald Network workplan and proposal of a post-2020 strategic workplan
T-PVS/PA(2020)09 – Draft list of candidate Emerald Sites
T-PVS/PA(2020)10 – Draft list of adopted Emerald Sites

The Standing Committee took note of the report of the virtual meeting of the Group of Experts on Protected Areas and Ecological Networks of 7-8 October 2020.

a. Legal framework of the Emerald Network

The Standing Committee thanked the independent expert for the presentation and welcomed the comparative legal study on the obligations of Contracting Parties towards the Emerald Network. It mandated the Secretariat to elaborate proposals to complement the legal framework of the Emerald Network, after consultation with the Group of Experts on Protected Areas and Ecological Networks on the recommendations of the study, and to present proposals at the meeting of the Group of Experts on Protected Areas and Ecological Networks in 2021, and following that group's further evaluation to submit proposals for consideration by the Standing Committee.

b. Monitoring framework for the Emerald Network

The Standing Committee thanked the independent expert for the presentation and welcomed the development of a Monitoring Framework for the Emerald Network based on objective and measurable indicators.

It mandated the Secretariat to elaborate additional indicators or to adapt the proposed indicators so as to reflect whether conservation objectives are in place, implemented and monitored, and to further elaborate on the format and the hosting of the online barometer.

c. Emerald Network tools

The Standing Committee thanked the independent expert for the update on the state of development of the Emerald Network tools, welcoming the development of the Emerald Network WebApp and Viewer and thanking the European Environment Agency for its technical and financial support and the Kingdom of Norway for its financial contribution to these developments.

The Standing Committee encouraged all Contracting Parties to use these tools to raise awareness and promote the work of the Bern Convention on protected areas.

d. Evaluation of the implementation of the revised calendar for the Emerald Network (2011 – 2020)

The Standing Committee thanked the independent expert for the presentation and took note of the findings of the evaluation of implementation of the Emerald Network calendar (2011 – 2020). It was noted with concern by a coalition of Observers and supported by the EU and its Member States that the target agreed at the 30th Standing Committee meeting in 2010 and set out in the Emerald Calendar 2011-2020 (T-PVS/PA(2010)8rev), to finalise the designation of the Emerald network, had not been met. They voiced disappointment at the slow progress, noting that some countries had a sufficiency index of below 2% and had not made any steps forward for several years, and called on Parties to increase efforts to finalise the Network.

e. Post-2020 Strategic workplan for the Emerald Network

The Standing Committee thanked the independent expert for the presentation, welcoming the principles of the proposed post-2020 strategic workplan for the Emerald Network. It mandated the Secretariat to further develop the workplan in light of Convention on Biological Diversity's global targets and the EU interpretative guidance related to the targets set in the EU Biodiversity Strategy for 2030.

It further noted that the post-2020 strategic workplan for the Emerald Network should be consistent with the upcoming work on the vision for the Bern Convention to 2030 and reflect on Resolution No. 206 (2019) on nature-based solutions and management of protected areas in the face of climate change in particular with respect to adaptive management of Emerald Network sites.

In the discussion it was suggested by a coalition of Observers and supported by the EU and its Member States that Contracting Parties that are in phase II should finalise that phase and reach target 2 and 3 of the strategic workplan by 2025, and finalise phase III (target 4) by 2030. Further, it was suggested that Parties that have not yet started any phase fulfil phase II of the strategic workplan by 2030 at the latest.

f. Development of the Emerald Network in Belarus

The Standing Committee took note of the information of the Secretariat on the state of play of the project developed under the Belarus Action Plan of the Council of Europe, welcoming progress despite the delays due to the pandemic and the political situation in Belarus and looking forward to the updated and complemented national Emerald Network database.

It also took note that a bilateral evaluation meeting could take place in 2021 to assess progress of the sufficiency of the list of sites designated by Belarus.

g. Draft updated list of adopted Emerald sites and draft updated list of candidate Emerald sites

The Standing Committee examined and adopted the draft updated list of officially nominated candidate Emerald Network sites as presented in document T-PVS/PA(2020)09¹.

The Standing Committee also examined and adopted the updated list of Emerald Network of Areas of Special Conservation Interest as presented in document T-PVS/PA(2020)10².

The Standing Committee noted that UK sites included in the Natura 2000 Network are already Emerald Network sites and that will be the case for UK sites which are included in the Natura 2000 Network as at the end of December 2020. The Standing Committee also noted that listing for UK sites takes effect as of 11pm GMT on 31 December 2020. The Standing Committee further welcomed that the UK is continuing its work to share the data for the rest of its sites with the Secretariat of the Bern Convention to enable the information on these sites to be displayed in the Emerald Network Viewer.

The information in the preceding paragraph is also to be indicated as a footnote in the list of adopted Emerald Network sites.

5.7.2 European Diploma for Protected Areas (EDPA)

Relevant documents: T-PVS/DE(2020)18 – Report of the meeting of the Group of Specialists on the EDPA
 T-PVS/DE(2020)21 - EDPA: List of renewal resolutions adopted by the Committee of Ministers in 2020
 T-PVS/DE(2020)19 - List of areas to be visited in 2020
 T-PVS/DE(2020)20- Renewal of the European Diploma in 2022: List of areas which could be visited in 2021

The Standing Committee took note of the report of the meeting of the Group of Specialists, and of the fact that, due to disruptions caused by the Covid-19 pandemic, none of the 13 planned appraisal visits to EDPA sites had taken place. It also noted the 9 sites which were due to be visited in 2021, in parallel to the postponed visits.

The Standing Committee welcomed the recommendations of the Group of Specialists to award the European Diploma to the Regional Park Gallipoli Cognato, as well as to renew the Diploma to fourteen areas and the subsequent formal adoption of the award and renewal Resolutions by the Committee of Ministers. It also took note of the decision of the Committee of Ministers not to renew the European Diploma of the Scandola Nature Reserve (France) and of the Doñana National Park (Spain).

The Standing Committee mandated the Group of Specialists to monitor closely the situation in the Scandola Nature Reserve (France) and in the Doñana National Park (Spain) and to take into consideration the new information provided, in view of possibly renewing the European Diploma to these areas should there be sufficient evidence of improvement.

¹ <https://rm.coe.int/updated-list-of-officially-nominated-candidate-emerald-sites-2020/1680a080d4>

² <https://rm.coe.int/updated-list-of-officially-adopted-emerald-sites-2020/1680a080d5>

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

Relevant document: T-PVS/PA(2020)03 - Reporting under Resolution No. 8 (2012) - period 2013-2018 - Final report

The Standing Committee welcomed the assessment of the reporting under Resolution No. 8 (2012) and encouraged Contracting Parties to reply to a questionnaire which will be circulated in the beginning of 2021 on their own experience of this first reporting cycle. However, the Committee regretted the fact that not more non-EU Contracting Parties had reported and requested that the Secretariat assess the way in which these reports can be analysed in accordance with the requirements of Resolution No. 8 (2012).

PART IV – MONITORING OF SPECIFIC SITES AND POPULATIONS

6. SPECIFIC SITES AND POPULATIONS

Relevant documents: T-PVS/Notes(2020)07 – Summary of open and possible case files
T-PVS/Notes(2020)08 – Summary of complaints on stand-by
T-PVS/Inf(2020)02 – Register of Bern Convention’s case-files

6.1 Files opened

➤ 1995/6: Cyprus: Akamas peninsula

Relevant documents : T-PVS/Files(2020)60 – Government Report
T-PVS/Files(2020)52 – Complainant Report

The Standing Committee thanked the authorities of Cyprus and the complainant organisation for their reports. It noted progress in certain areas by the authorities as evoked at the last Bureau meeting, such as the LIFE-integrated project, awareness raising activities, proposed designation of a marine protected area and future recruitment of park rangers.

However, it remarked that the overall situation according to the complainant’s report appeared concerning with minimal true progress in the implementation of the majority of the thirteen points of Recommendation no. 191 (2016). In particular, the complainant had pointed out the ongoing failure to designate the entire Akamas Peninsula as a protected area, as well as lack of enforcement of existing legislation, especially regarding ongoing illegal activities.

The Committee also took note of the oral presentation of the European Commission which recalled that several related infringement proceedings have been opened, including a case opened in May 2018, concerning the lack of progress in implementing the Natura 2000 network across the whole of Cyprus. The authorities had until the end of the year to show progress or the case could be brought before the European Court of Justice. The Commission further mentioned several related projects supported by the EU which were being implemented.

The Committee urged the Cypriot authorities to step up efforts to implement all points of the Recommendation. In particular, the authorities were encouraged to cooperate with the complainant and other civil society, and to undertake the recommendations mentioned in the complainant report, including providing an area of at least 475m from the shore free of all development at Limni Beach, and establishing and enforcing Management Plans and Conservation Decrees for both Akamas and Limni.

Finally, the Committee recalled the earlier agenda item on an Action Plan for the Conservation of Marine Turtles, and the hope that, during 2021 the Plan would be developed with the goal of identifying holistic solutions for the long-standing (and any future) marine turtle case-files.

The file remains open.

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

Relevant documents: T-PVS/Files(2020)6 - Government Report
T-PVS/Files(2020)67 - Complainant Report

The Standing Committee took note of and welcomed the progress report presented by the Bulgarian authorities which focused on the study: “Final Report on the Impacts of Wind Energy Development on Birds in the Region of Kaliakra, Bulgaria”. However, it regretted not receiving any additional concrete updates on progress achieved in the implementation of Recommendation 200 (2018) nor on collaboration with civil society, as requested at the last Standing Committee and recent Bureau meetings.

The Government nevertheless reminded that they had provided information on the other implemented points of the Recommendation last year. They requested that the Committee note for the record that implementation of point 1 of Recommendation 200 (2018) had been completed. They also questioned the need for the case-file to be monitored three times a year, and requested to the Standing Committee that they no longer be asked to report on already completed points of the Recommendation.

The Committee also took note of the report of the complainant, in which it expressed its concern as to the reliability of the study as the Terms of Reference had not been consulted with the NGO, and had limited the experts scope. It also requested further governmental information on the other points of the recommendation, in particular concerning the prolongation of the Moratorium on new wind farm development as referred to in Recommendation No. 200 (2018).

The Committee also took note of the European Commission oral presentation which informed that updates had been received from the Bulgarian authorities during 2020 responding to the judgement of the European Court of Justice of 2016. The information which concerned enforcement of designation orders for SACs and SPAs in the area and their prohibition regimes, the restauration of priority habitat 62CO* as well as the conservation of the red-breasted goose was currently being assessed by the Commission.

The Committee encouraged the Bulgarian authorities to continue the good collaboration with the Bern Convention and the European Commission proceedings, again urging them to provide a concrete workplan for the implementation of Recommendation 200 (2018) including a list of main obstacles and possible solutions. The authorities were also again requested to provide information on collaboration with civil society on the ground.

Both parties were requested to report for the 2nd Bureau meeting in 2021 before reconsideration at the 41st Standing Committee. The European Commission was also invited to inform the Bureau of any relevant developments in the case during 2021.

The file remains open.

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

Relevant documents: T-PVS/Files(2020)XX - Government Report
T-PVS/Files(2020)56 – Complainant Report
T-PVS/Files(2020)62 – NGO Report (ARCHELON)

The Standing Committee took note of the reports of the complainant organisations and the oral presentation of MEDASSET and the Greek authorities, but it regretted the absence of a report from the Greek authorities, who had not updated on the case for one year.

The Committee welcomed certain information from the national authorities, such as that the management plan for Kyparissia Bay is under preparation and due to be delivered to the government in 2021. The National Action Plan for the protection of marine turtles, supported by the EU LIFE Euroturtles project, was being elaborated in cooperation with NGOs and is expected for the end of 2020.

The Committee, however, expressed its concern at the information of the complainant that little progress has been witnessed over the past year: the Presidential Decree is still not enforced on the ground and a Management Plan is still urgently needed to be elaborated and adopted. The lack of these means that illegal activities continue with minimal repercussions.

The European Commission also provided information that, four years after the European Court of Justice (ECJ) ruling against Greece for failing to ensure adequate protection of *Caretta caretta* and prevent deterioration of protected habitats in the area of Kyparissia, relatively little progress has been

achieved. If the country would not soon take the necessary measures to comply with all the aspects of the Court ruling, the case could be referred back to the ECJ and possible fines imposed. It was hoped that the EU LIFE project would assist the government in achieving its objectives.

As in previous years, the Committee urged the Greek authorities to cooperate with the relevant civil society organisations, and to respond to the complainant's concerns. It reiterated the complainant's calls to enforce the Presidential Decree, adopt a Management Plan and impose penalties on illegal activities. Awareness-raising activities should also be an important tool to educate the local population on the need to preserve the vulnerable marine turtle nesting habitats.

Finally, the Committee recalled the earlier agenda item on an Action Plan for the Conservation of Marine Turtles, and the hope that, during 2021 the Plan would be developed with the goal of identifying holistic solutions for the long-standing (and any future) marine turtle case-files.

Due to the lack of a governmental report in 2020, the authorities were requested to report for the Spring Bureau meeting. Both Parties would also be requested to report for the Autumn Bureau meeting before reconsideration at the 41st Standing Committee.

The file remains open.

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

Relevant documents: T-PVS/Files(2020)17 Government Report
T-PVS/Files(2020)55 Complainant Report

The Standing Committee thanked the Turkish authorities and the complainant organisation for their reports. It took note of certain progressive actions of the authorities, such as turtle monitoring exercises, awareness raising activities and trainings, protective caging and signing of nests, cleaning of beaches and rehabilitation of injured turtles. It also noted that turtle numbers have increased this year, and that the Government requests that the case-file be closed.

The Committee also, however, acknowledged the complainant's ongoing concerns that the conservation status of the nesting beaches has deteriorated, very few new conservation or management activities have taken place, and illegal activities continue, despite the reduced tourist pressures on the beaches during the Summer as a result of the Covid-19 pandemic.

The European Commission recalled that, as a candidate EU country, Turkey was expected to fully transpose and implement the EU acquis, including in this case on environmental processes such as the Habitats and Birds Directives and the EIA and SEA Directives.

The Committee expressed its strong concern about the commercial and residential development projects in both Fethiye and Patara, reminding the authorities that such projects go against several provisions of Recommendations 182 and 183 (2015) regarding development of permanent structures or human settlements which may further jeopardise the nesting habitats.

The Committee thus urged the Turkish authorities to reconsider such developments and reiterated the Bureau's remark that any such developments must be subject to a comprehensive and transparent Environmental Impact Assessment. It requested more information from the authorities on these projects, and any other planned developments which could affect the nesting beaches.

The Committee also urged the authorities to elaborate and implement management plans for the land and marine areas, in order to ensure better protection, and to continue implementing all other provisions of Recommendations 182 and 183 (2015).

It asked for an updated report from the authorities for its next Spring Bureau meeting, including the above-requested information, as well as a plan for the Summer 2021 nesting season mitigation measures.

Finally, the Committee recalled the earlier agenda item on an Action Plan for the Conservation of Marine Turtles, and the hope that, during 2021 the Plan would be developed with the goal of identifying holistic solutions for the long-standing (and any future) marine turtle case-files.

The file remains open.

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

Relevant documents: T-PVS/Files(2020)18 - Draft Terms of Reference
T-PVS/Files(2020)69 Government Report
T-PVS/Files(2020)64 - Complainant Report

The Standing Committee was reminded that an on-the-spot appraisal (OSA) had been mandated by the 38th Standing Committee to visit Mavrovo and potentially other sites concerned by case-files or the Emerald Network in North Macedonia. During 2020, Terms of Reference (ToR) had been further elaborated in coordination with the Bureau and the national authorities, but the visit could not go ahead due to the pandemic.

The Committee took note of the updated information of the national authorities, who were still strongly in favour of the consultative OSA and stressed that progress had been low this year as they were awaiting expert assistance from the Bern Convention. The Committee also acknowledged the information that the focal point for North Macedonia to the Bern Convention was in the process of transitioning to the Ministry of Environment and Physical Planning.

The Committee further took note of the information of the complainant, expressing its concern that although no actual construction has begun, development processes continue yet there has been no progress on a Strategic Environmental Assessment (SEA) for the hydro-power plants (HPPs). It also noted that the new government plans to abolish small HPPs in Protected areas, but it is unclear whether already existing contracts will be revoked.

The European Commission recalled that North Macedonia is a candidate EU country and is thus expected to fully transpose and start implementing the relevant EU acquis. The application and implementation of SEA and Environmental Impact Assessment (EIA) legislation, as well as of the Habitats and Birds directive will be closely examined in the upcoming screening process in the context of accession negotiations. The Commission also expressed its support of the advisory OSA in this context.

Finally, the Committee took note of the proposal of both the authorities and complainant to replace a traditional OSA, which could be further disrupted in 2021, with online consultative sessions and meetings with all relevant stakeholders, leading to a report based on these consultations. An on-the-spot visit should still be envisaged at some point, pending the health crisis situation.

The Committee expressed its appreciation of the initiative shown by both parties as well as the spirit of cooperation shown by the national authorities to actively involve civil society. It mandated the Secretariat and Bureau to consider this idea if a traditional OSA remains unfeasible, and in any case to coordinate promptly with the authorities and complainant to finalise the ToR and initiate the mission.

The Committee again urged the national authorities to suspend all developments, concession and permitting processes for new HPP projects, to ensure comprehensive and transparent SEAs, and to collaborate with the Bern Convention and complainant for the upcoming expert mission. Progress on the case as well as the two other complaints concerning North Macedonia should be evaluated at the first Bureau meeting in 2021.

The file remains open.

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

Relevant documents: T-PVS/Files(2020)15 Government Report
T-PVS/Files(2020)9 Complainant Report

The Standing Committee took note of the presentations of the national authorities and the complainant, and appreciated their diligent reporting during the year. It noted that construction has not begun on either hydro-power plant (HPP), and that several key developments such as the feasibility study for Vjosa River have been delayed, in part due to the Covid-19 pandemic.

The Committee recalled the high nature conservation value of the river area and expressed its concern at the allegations of the complainant regarding the Environmental Impact Assessment (EIA) for Kalivac HPP, the potential construction of Narta Airport, and possible reduction of the new boundaries of the Protected Areas network in Albania.

The European Commission informed that according to latest information there is no Strategic Environmental Assessment (SEA) for the Vjosa River, and the river basin management plan for Vjosa River has not been completed yet. It also recalled that, as an EU candidate country, Albania is expected to fully transpose and implement the EU acquis, including relevant provisions such as the Habitats and Birds Directives, EU EIA and SEA Directives, and Water Framework Directive.

The Commission further informed that an IPA programme substantial capacity building project on Integrated Water Management in Albania aims to elaborate, by 2021, the first chapters of the Vjosa river basin management plan. Finally, the Commission recalled that it has consistently recommended Albania to transition from its high dependence on hydropower towards wind and solar power and noted a positive increase in strategy focus towards the latter in recent years.

The Standing Committee called on the national authorities to ensure a comprehensive and transparent EIA is completed before considering any HPP or other construction development in the river area, and to collaborate with local stakeholders and in compliance with international guidelines when developing the Vjosa river management plan and revised Protected Areas network in Albania.

Both parties were requested to report to the second Bureau meeting of 2021 concerning the above information and any other relevant updates regarding the implementation of Recommendation No. 202 (2018).

The European Commission was also invited to keep the Bureau updated as and when it had further relevant information to transmit concerning the Integrated Water Management project.

The file remains open.

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

Relevant documents: T-PVS/Files(2020)20 Government Report
T-PVS/Files(2020)7 Complainant Report

The Standing Committee thanked the national authorities and the complainant for their detailed reporting throughout the year and noted the responses of the authorities to several points of Recommendation 201 (2018), including monitoring activities of several species, field work related to the Emerald Network, and cooperation with NGOs. It also noted the new General Regulation Plan and Spatial Plan of Montenegro which are in development and within which the Ministry intends to incorporate all recommendations of the Standing Committee on Skadar Lake.

The Committee, on the other hand, also noted the ongoing concerns of the complainant, that no meaningful progress towards the Recommendation has been implemented, that a Spatial Plan for the National Park still hasn't been revised, and that illegal activities such as fishing and poaching have continued.

The European Commission recalled that Montenegro is a candidate EU country and is thus expected to fully transpose and start implementing the relevant EU acquis. Of particular relevance is the application and implementation of SEA and EIA legislation, as well as of the Habitats and Birds directive.

The Standing Committee also took note of and appreciated the intervention of the Ramsar Convention on the case, which noted that, while there have been some efforts of the authorities, in general the situation is deteriorating, and unsustainable developments are still being planned. It therefore recommended that the file remain open. The Committee encouraged continued collaboration of the two Conventions going forward on this case-file.

The Committee once again urged the Montenegrin authorities to cancel any unsustainable construction developments at Porto Skadar Lake and White Village, and to consider alternative routes

for the Bar – Boljare Highway. It also encouraged the revision of the Spatial Plan, and enforcement of existing legislation against illegal activities.

It requested a progress report for the Spring Bureau meeting including the above requested information as well as addressing the other concerns of the complainant.

The file remains open.

6.2 Possible files

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

Relevant documents: T-PVS/Files(2020)36 Government Report
T-PVS/Files(2020)65 Complainant Report
T-PVS/Files(2020)1 - Draft Terms of Reference

The Standing Committee thanked the Bulgarian authorities for their constant reporting during the year, the complainant for their progress report, as well as the European Commission (EC) for their oral presentation. It recalled that an on-the-spot appraisal (OSA) which had been mandated by the 39th Standing Committee had not taken place this year.

It also noted the information that the EU provides financial support for two independent experts who advise the Bulgarian authorities, and that the Bulgarian authorities suggested awaiting the results of their work, planned for March 2021, before deciding if a Bern Convention OSA was still necessary.

The Committee noted information from the Bulgarian authorities about legitimacy of the EIA procedure (as confirmed by the Bulgarian court), about the temporary withdrawal from the EU funding for completing the Lot 3.2 of the Struma Motorway to provide for the development of site-specific conservation objectives for the two Natura 2000 sites along the route and revision of the appropriate assessment accordingly, the 4-year contract on monitoring of selected precious species and about the fact that no construction other than mitigation measures have been undertaken in the Kresna gorge.

The Committee also noted the complainant's concern about the reluctance of the authorities to allow a Bern Convention expert mission, designation of the Special Areas of Conservation (SAC), and the delay of the response to the EC recommendation of October 2019 on addressing pressures of the existing E79 road.

The Standing Committee took note of the EC information confirming that two independent experts had been contracted to advise on the setting-up of site-specific conservation objectives for the two Natura 2000 sites affected by the Lot 3.2 of the Struma Motorway. The design of measures to mitigate impact in the two sites has not yet been discussed in the framework of the on-going EU-funded expert support. Furthermore, the Commission had issued a reasoned opinion in an infringement procedure against Bulgaria for non-respect of its obligations to designate its Sites of Community Importance (SCIs) as SACs and to establish the necessary objectives and conservation measures to maintain or restore the protected species and habitats to a favourable conservation status.

Following a discussion, several Contracting Parties stressed the importance of going ahead with an OSA at the earliest convenience, independent of the EU-funded support work. The authorities of Bulgaria agreed with the OSA, subject to the condition that it should not duplicate but rather take into account the work funded by the EU, and that the Terms of Reference (ToR) must then be carefully updated according to developments since 39th Standing Committee.

The Committee thus upheld the 39th Standing Committee decision to mandate an OSA at the earliest convenience in 2021, ideally before the end of the EU-funded expert support, pending the pandemic situation. The mission should take into account the results of the EU-funded expert support which was due to conclude in March 2021, involve relevant civil society including the complainant organisation, and formulate recommendations on ways to find a solution that will be acceptable for both the safeguard of the protected wild fauna and flora and for putting in place a safe and effective road connection (review alternative routes and mitigation measures). The Secretariat was instructed to develop the ToR in coordination with the authorities and Bureau and to provide the agreed ToR to the complainant.

Following a discussion on the proposal of the complainant to open the file, and with two Parties supporting the proposal and the national authorities rejecting it, the issue went to a vote. Following the vote, 9 Parties voted to open the file, 6 Parties voted against, with 12 abstentions. In accordance with the Rules of Procedure which require a two-thirds majority of the votes cast in order to open a case-file, the proposal to open the file was rejected.

The Standing Committee urged the authorities to halt any construction works which are not in line with Bern Convention and EC standards on nature conservation, and to continue the monitoring activities on species. The Committee also requested that the EC keep the Bureau updated on any relevant information.

The complaint remains a possible file.

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

Relevant documents : T-PVS/Files(2020)51 Government Report
T-PVS/Files(2020)53 Complainant Report

The Standing Committee acknowledged the reports of the Norwegian authorities and of the complainant, that had both confirmed that Article 17 of the Nature Diversity Act had been amended to reflect the concerns of the complaint. The Committee also noted the Bureau's recommendation to close the case.

The Committee commended both parties for having successfully collaborated to rectify this mistake in legislation, and noted for the record that this case represented a good example of what the Bern Convention's case-file system had been designed to achieve: solving biodiversity issues in an atmosphere of dialogue and cooperation.

Considering the subject of the complaint resolved, the Committee decided to close the case.

➤ **1986/8 - Greece: Recommendation No. 9 (1987) on the protection of *Caretta caretta* in Laganas bay, Zakynthos**

Relevant documents: T-PVS/Files(2020)31 Government Report
T-PVS/Files(2020)10 Complainant Report
T-PVS/Files(2020)63 NGO Report (ARCHELON)

The Standing Committee took note of the complainant reports and oral presentation of the national authorities but regretted the lack of a governmental report since March. It acknowledged with concern the information of the complainant organisations alleging a continued lack of enforcement of existing legislation meaning that most illegal activities continue to operate unrestrained. Also of serious concern was the deteriorating numbers year on year of turtle nests. The complainant called for re-opening the case-file and mandating an on-the-spot appraisal.

The Committee also took note of the information of the authorities, including on progress in the National Action Plan for *Caretta caretta* under the framework of the EU LIFE project, which was expected to be implemented in 2021. A new Nature Law which had been adopted in May 2020, included the provision to centralise the management systems of Protected Areas in Greece- it was hoped that this would lead to good progress in 2021. The authorities were against opening the file.

The European Commission also recalled that already in 2002 Greece had been condemned by the Court of Justice of the EU (ECJ) for failing to effectively protect *Caretta caretta* on the island of Zakynthos. Furthermore, in November 2019, the Commission had again referred Greece to the ECJ over its failure to establish, for 239 Special Areas of Conservation (SAC), the necessary conservation objectives and measures. The Commission expressed its concern over the slow progress of Greece in assuring the Natura 2000 network across the country, which included the relevant sites of this case.

During the discussion, five Contracting Parties supported opening the file, while the Greek authorities and one other Party rejected the proposal, thus it went to a vote. Following the vote, 13 Parties voted in favour of opening a case-file, 2 voted against, with 8 abstentions. Therefore, having

achieved the two-thirds majority of votes cast as defined by the Rules of Procedure, the file was re-opened.

The Committee urged the national authorities to enforce existing legislation, to raise awareness and inform local stakeholders especially illegal business owners on the importance of preserving the habitat and to impose penalties when the law is not upheld. It reminded them to ensure a co-design approach with civil society and other relevant stakeholders when elaborating the national action plan.

Finally, the Committee recalled the earlier agenda item on an Action Plan for the Conservation of Marine Turtles, and the hope that, during 2021 the Plan would be developed with the goal of identifying holistic solutions for the long-standing (and any future) marine turtle case-files.

The file is open, and both Parties were requested to report to the Spring Bureau meeting.

➤ **2019/5: Turkey: Habitat destruction in Mersin Anamur Beach**

Relevant documents: T-PVS/Files(2020)33 – Government Report
T-PVS/Files(2020)23 – Complaint Form
T-PVS/Files(2020)54 - Complainant Report

The Standing Committee noted for the record that this complaint had been received at the end of 2019 and first addressed during the Bureau meeting of April 2020. During its September meeting, the Bureau, deciding that the complaint required urgent action, had elevated it to a possible file- thus bringing it to the attention of the Standing Committee. The Committee also recalled that this important decision had been reached because of the local Municipality's negative actions, and that the national authorities had so far expressed their willingness to cooperate with the Bern Convention and had already imposed a fine on the Municipality and urged it to rehabilitate the adversely affected area.

Referring to the reports of both Parties, the Committee shared the Bureau's deep concern of the development projects which had already started illegally or were being planned at Mersin Anamur beach, an area which represented one of the most important nesting sites of marine turtles in the Mediterranean.

The Committee noted for the record that the complainant organisation wanted to open a case-file, however the national authorities were not in favour.

During the discussion, it was proposed by a Contracting Party to maintain the file as possible for now, while awaiting the administrative court decision. The national authorities were in favour of this, provided that the Bern Convention focuses on the areas of the case which are pertinent to its mandate.

With no objections, the Committee agreed to maintain the file as possible, and urged the national authorities to halt any current or future development works of the local Municipality on the fragile nesting habitat and encouraged them to continue discussions with the Municipality on alternative projects, and to involve local environmental NGOs in any decision-making. The Committee encouraged the authorities to enforce the already existing legislation, in order to address existing and prevent any possible future conservation problems.

The Committee requested that both Parties report on progress at the Spring Bureau meeting.

Finally, the Committee recalled the earlier agenda item on an Action Plan for the Conservation of Marine Turtles, and the hope that, during 2021 the Plan would be developed with the goal of identifying holistic solutions for the long-standing (and any future) marine turtle case-files.

It remains a possible file.

6.3 Complaints on stand-by

➤ **2017/6: Iceland: Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure**

Relevant documents: T-PVS/Files(2020)13 Government Report
T-PVS/Files(2020)08 Complainant Report

The Standing Committee took note of the oral presentations of the Icelandic authorities and the complainant, and also recalled for the record that the Bureau had decided to bring this complaint to the attention of the Standing Committee due to the deteriorating situation in the area and apparent lack of willingness of the Icelandic authorities to cooperate and halt development on the road, as recommended on several occasions by the Bureau.

The Committee took note of the information of the national authorities that there was little they could do now as the project had already passed through all legal procedures. The Committee also expressed concern at the presentation of the complainant which portrayed a deteriorating situation of this high nature value area, and of their proposal to open a case file.

Following a discussion, several Contracting Parties supported mandating an on-the-spot appraisal (OSA) as had been concluded by the Bureau, and one Party suggested elevating the complaint to a possible file.

The national authorities were in favour of an OSA but did not see the value of elevating the complaint at this stage.

Without further Parties supporting the proposal to elevate the complaint, the Committee agreed on a compromise to mandate an OSA in 2021 and depending on its results, mandated the Bureau to take a decision on the possible upgrading of the file. The Terms of Reference (ToR) of the OSA should take into account not just the case-file in question but also include a mandate to evaluate progress of the entire Emerald Network in Iceland. The Secretariat was instructed to draw up draft ToR and to finalise these in cooperation with the Bureau, the Icelandic authorities and the complainant.

Meanwhile, the Committee urged the Icelandic authorities to cease any works in the Nature Reserve until the OSA has been conducted, so as not to endanger the nature of this biodiversity-rich area.

As regards the general lack of progress of Iceland in the implementation of the Emerald Network, the Standing Committee took note that the submission of a list of a hundred possible proposed Emerald Network sites was pending the agreement of the Ministry of the Environment and Natural Resources since 2018 and urged the authorities to release the list.

The complaint remains on stand-by and the authorities were requested to update the Bureau on progress regarding the setting of the Emerald Network at its first meeting in 2021.

➤ **2018/1: Ukraine: Presumed threat to Emerald site “Polonina Borzhava” (UA0000263) from wind energy development (taking into account the “Other Complaints” concerning Emerald Network sites in Ukraine)**

Relevant documents: T-PVS/Files(2020)68 Government Report
T-PVS/Files(2020)14 Complainant Report

The Standing Committee took note of the presentations of the national authorities and complainant, and recalled that, as a result of the growing number of complaints against Ukraine, the vast majority of which concern Emerald Network sites, and a lack of communication from the Ukrainian authorities despite several requests, the Bureau in September had decided to exceptionally bring this complaint to the agenda of the 40th Standing Committee.

It took note that development on the planned wind farms has not yet begun, of the Environmental Impact Assessment (EIA) procedure in Ukraine, as well as of information of the authorities on the general situation of the Emerald Network in Ukraine.

It further took note that the complainant is concerned that works can begin at any time on the wind farms. It expressed its concern that the EIA, initially revoked in March, had been re-validated at an appeal court in November, with the support of the government. Further, it remarked that the complainant states that the pressure from the Bern Convention complaint system is very important in the court case trials.

It recorded that the complainant proposed to open a case file and urged mandating an on-the-spot appraisal (OSA) involving other complaints in Ukraine, as had been proposed by the Bureau in 2019.

The European Commission informed that, although Ukraine is not a candidate country, it has signed an Association Agreement with the European Union. Both the EU Birds and Habitats Directives are covered in the Association Agreement. Their transposition into national law and implementation should be fully ensured according to the timelines of the Agreement.

The Committee expressed its concern at the worrying situation in Ukraine, and, following a discussion, it was suggested to mandate an OSA in 2021, and to await its results before taking a decision on the possible upgrading of the complaint. In the meantime the Standing Committee called on the Ukrainian authorities to not commence any works before the conclusions of the OSA have been assessed. With the agreement of the national authorities and no objections from other Contracting Parties, the Committee mandated an OSA to take place during 2021 and to take into account other complaints in Ukraine related to Emerald Network sites. Following the results of this, the Bureau was mandated to take a decision on the possible upgrading of the complaint.

The Secretariat in coordination with the Bureau, national authorities and the complainant was mandated to draw up a Terms of Reference for the mission, and in the meantime, the national authorities were urged to cooperate with the Bern Convention and its recommendations, especially regarding the Emerald Network.

The complaint remains on stand-by, and progress should be reviewed during the Spring Bureau in 2021.

6.4 Follow-up of previous complaints and Recommendations

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

Relevant document: T-PVS/Files(2020)66 - Government Report

The Standing Committee took note of the biennial progress report of the Turkish authorities, noting that according to the information received, the monitoring studies and Monk Seal Conservation Action Plan are progressing well.

The Committee requested that the Turkish authorities update the Committee in 2 years' time or earlier, should the Action Plan be completed before the 42nd Standing Committee meeting.

➤ **Recommendation No. 169 (2013) on the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland) in the framework of a case-file on stand-by 2011/5: France / Switzerland**

Relevant documents: T-PVS/Files(2020)37 - Swiss Government Report (FR)
T-PVS/Files(2020)48 - French Government Report (FR)
T-PVS/Files(2020)49 – Swiss Complainant Report (FR)
T-PVS/Files(2020)58 – French Complainant Report (FR)

The Standing Committee took note of the reports and appreciated the progress that has been made by authorities and private enterprises. It noted the need for a more frequent and better coordination between French and Swiss authorities and between the different binational working groups.

It also welcomed the upcoming entry into force of the Second French National Action Plan on the Rhone Streber, as well as the dedicated Swiss workshop on agriculture in Switzerland and additional funding committed by Switzerland to reduce the amount of micro pollutants reaching the river in Switzerland.

The Standing Committee highlighted the need to address agricultural pollution, especially on the French side. It encouraged the French and Swiss authorities to further pursue their implementation efforts and investigations in the different areas of work, such as water quality, hydraulic regime and connectivity in order to effectively minimise the pressures on the Doubs and to improve the situation of the Rhone Streber.

Following a suggestion to reduce the monitoring of this case, in particular due to the fact that aquatic systems often take many years to recover, the Committee, with support of all Parties, agreed to retain the biennial reporting to the Standing Committee, but remove the requirement of Parties to report to the Bureau in the intervening year. In that regard, the Committee requested progress reports for the 42nd Standing Committee in 2022.

PART V – COOPERATION AND COMMUNICATION ACTIVITIES AND PROGRAMME OF WORK 2021

7. INTERNATIONAL COORDINATION WITH OTHER MAJOR ENVIRONMENTAL AGREEMENTS (MEAs) AND ORGANISATIONS

The Standing Committee took note of the information provided by the Secretariat and expressed its appreciation of the continued cooperation developed throughout the year with other MEAs and organisations in spite of the difficult circumstances of the Covid-19 outbreak. In particular, it acknowledged the European Commission, European Environment Agency, UNEP/WCMC, CMS, Planta Europa, Wildlife and Wetlands Trust, WWF, and Birdlife.

8. AWARENESS AND VISIBILITY

The Standing Committee took note of the information provided by the Secretariat, which had made efforts to exploit online communication media such as the website and social media during this year of disrupted physical exchanges.

It also noted that a communication campaign which had been designed around the World Forum for Democracy (WFD) had been altered, when the latter had been postponed, to a longer-term visibility initiative including a website dedicated to the links of the Bern Convention with human rights, democratic participation, and potentially other core values of the Council of Europe or global themes, which was in preparation. It was planned to continue this initiative during 2021 and was still envisaged to participate actively in the rescheduled WFD next year, whose theme was on democracy and the environment.

The Committee expressed its appreciation and support towards these online visibility initiatives, which were extremely important these days, firstly due to the need to remain visible online during this era of virtual media, and secondly, to garner further internal and external support for the continued existence of the Bern Convention. It encouraged both Contracting Parties and Observer parties and organisations to reflect and submit to the Secretariat initiatives related to the campaign.

Finally, the Committee suggested that in terms of further visibility initiatives, it would be constructive to communicate and link the Bern Convention's positive contributions to the pursuit of the global United Nations Sustainable Development Goals (SDGs).

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

Relevant document: T-PVS(2020)07 – Draft Programme of Activities for 2021
T-PVS/Inf(2020)09 – Draft Calendar of meetings for 2021

The Standing Committee acknowledged the revised programme of activities for 2021 within which a column presenting alternative activities to the traditional working methods had been added in case of further disruptions in 2021 due to Covid-19. The Committee instructed the Secretariat to evaluate on a case-by-case basis the opportunity to hold, where possible and appropriate, the meetings planned for 2021 in an online format, and to consider this working format in a more systematic way in the programme and budget in the future. The savings on travel and subsistence costs of participants in meetings could subsequently be allocated to activities such as on-the-spot appraisal visits, consultancy contracts or visibility actions whose implementation is pending the availability of resources.

The Committee further mandated the Secretariat to provide an assessment of the pros and cons of having a Standing Committee meeting every two years instead of annually and to present the findings to the 41st Standing Committee. This assessment should envisage mitigation measures and/or other options in case of drawbacks. The Secretariat is also requested to report on the lessons learned from the pandemic in particular the new working methods set up to cope with unprecedented situations and provide recommendations. All of this work should take into account the need to ensure the effectiveness of and awareness for the work of the Bern Convention and its Standing Committee.

The Standing Committee adopted the revised Programme of Activities and budget for 2021, to be implemented subject to the availability of financial resources and to the pandemic situation; and encouraged Contracting Parties to express their interest to the Secretariat of hosting Group of Experts meetings, again subject to the feasibility of hosting physical meetings in 2021.

10. STATES TO BE INVITED AS OBSERVERS TO THE 41ST MEETING

The Standing Committee decided unanimously to invite the following States to attend its 41st meeting: the Russian Federation, San Marino, Egypt, the Holy See and Jordan.

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 Standing Committee elected:

- Ms Jana Durkošová (Slovak Republic) as Chair;
- Ms Merike Linnamägi (Estonia) as Vice-Chair;
- Mr Jan Plesnik (Czech Republic) and Mr Carl Amirgulashvili (Georgia) as Bureau members.

According to Rule 19 of the Rules of Procedure, the Committee acknowledged the automatic election of the previous Chair, Mr Øystein Størkersen (Norway), as a Bureau member.

12. DATE AND PLACE OF THE 41ST MEETING

The Standing Committee agreed to hold its next meeting on 30 November - 3 December 2021, in Strasbourg (dates and venue subject to the pandemic situation in 2021).

13. ADOPTION OF THE MAIN DECISIONS OF THE MEETING

The Standing Committee adopted document T-PVS(2020)Misc.

14. OTHER BUSINESS (ITEMS FOR INFORMATION ONLY)

There was no other business.

Appendix I – Extract of Document T-PVS/Inf(2020)03rev

ESTABLISHMENT OF A PARTIAL AGREEMENT ON THE FUND FOR THE IMPLEMENTATION OF THE CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (BERN CONVENTION)

Draft Resolution CM/Res(2020)..

establishing an Enlarged Partial Agreement on the Fund for the implementation of the Convention on the Conservation of European Wildlife and Natural Habitats³ (Bern Convention)

*(Adopted by the Committee of Ministers on ...
at its ...meeting of the Ministers' Deputies)*

The representatives on the Committee of Ministers of ...,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering the wish of the Council of Europe to co-operate with each other and with other States in the field of nature conservation;

Considering that biodiversity, and the benefits it provides, is fundamental to human well-being and a healthy planet. Despite ongoing efforts, biodiversity is deteriorating worldwide, and this decline is projected to continue or worsen under business-as-usual scenarios.

Recalling that Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) is the main legal instrument in the field of biodiversity at pan-European level, having been ratified by fifty States, the European Union and by several North African States and

Stressing that for over forty years, this Council of Europe treaty has had remarkable success in the conservation of wild flora and fauna species and their habitats within its geographic scope, giving special attention to endangered and vulnerable species and habitats conservation through the Emerald Network;

Stressing that the Bern Convention can only be enhanced in the implementation of its policies and activities when it receives adequate and predictable funding and therefore desiring to take concrete measures to this end in order to contribute to the conservation and management of biodiversity in Europe;

Considering Statutory Resolution Res(93)28 on partial and enlarged agreements adopted by the Committee of Ministers on 14 May 1993 at its 92nd Session;

Having regard to Resolution Res(96)36 establishing the criteria for Partial and Enlarged Agreements of the Council of Europe, adopted by the Committee of Ministers on 17 October 1996 at the 575th meeting of the Ministers' Deputies as amended by Resolution CM/Res(2010)2, adopted by the Committee of Ministers on 5 May 2010 at the 1084th meeting of the Ministers' Deputies,
Resolve as follows:

1. An Enlarged Partial Agreement on the Fund for the implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) is hereby created, to be managed in accordance with the provisions contained in the statute appended to this resolution;
2. Staff of the Enlarged Partial Agreement will be part of the Council of Europe Secretariat;

³ ETS No. 104

3. The Enlarged Partial Agreement shall be set up for an initial period of three years, at the end of which the Committee of Ministers shall be presented with a report on its achievements and its specific contribution. On the basis of this report, the Committee of Ministers shall review the mandate of the Enlarged Partial Agreement and decide on its future.

*

Appendix to Resolution CM/Res(2020)...

Statute of the Enlarged Partial Agreement on the Fund for the implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)

Article 1 – Aims and tasks

1.1. Purpose and resources

The Fund for the Bern Convention will serve to contribute to resolve the current biodiversity challenge by fostering implementing actions of the Convention on the Conservation of European Wildlife and Natural Habitats and thus supporting the implementation of the United Nations Sustainable Goals (SDGs) and the Global Biodiversity Framework of the Convention of Biological Diversity.

The Fund for the Bern Convention shall receive, hold, and use the resources allocated to it in accordance with Article 4 below.

1.2 Programme

The Fund for the Bern Convention shall implement a programme as decided by the Governing Board in accordance with the Work Programme adopted by the Standing Committee of the Bern Convention.

Article 2 – Accession and membership

2.1 Any member State of the Council of Europe and any Party to the Bern Convention may join the Fund for the Bern Convention by notification addressed to the Secretary General of the Council of Europe.

2.2 The Committee of Ministers, in its composition restricted to the representatives of the member States of the Enlarged Partial Agreement, may, by the majority stipulated in Article 20.d of the Statute of the Council of Europe, invite any non-member state of the Council of Europe to join the Fund for the Bern Convention, following consultation of members of the Enlarged Partial Agreement which are not members of the Council of Europe. A non-member state which receives such an invitation shall notify the Secretary General of its intention to become a member of the Enlarged Partial Agreement.

2.3 Member States of the Council of Europe and other Contracting parties to Council of Europe conventions not joining the Enlarged Partial Agreement may request the status of Observer for a period of maximum two years. Decisions in such matters, including on possible financial contributions by Observers, will be made by the Governing Board of the Fund for the Bern Convention.

2.4 The Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe and the Conference of INGOs, may participate in the work of the Enlarged Partial Agreement in accordance with Article 3.4 below.

Article 3 – Governing Board

3.1 The Governing Board of the Fund for the Bern Convention shall be composed of one representative appointed by each member of the Enlarged Partial Agreement.

3.2 The Governing Board shall elect from among its members a Bureau comprised of a chair, one vice-chair, three other members, for a term of office of two years, renewable only once.

3.3 The Governing Board shall:

- be responsible for the general implementation of the tasks conferred to the Fund for the Bern Convention;
- adopt the draft annual programme of activities of the Fund for the Bern Convention and submit it, in conformity with the Financial Regulations of the Council of Europe, to the Secretary General of the Council of Europe relating to the elaboration of the draft annual budget, prior to its transmission to the organ set up under Article 4.2 below;
- decide on projects consistent with the Council of Europe's political priorities;
- monitor the implementation of the programme of activities;
- adopt and transmit an annual activity report to the Committee of Ministers and to the Standing Committee to the Bern Convention.

3.4 The Governing Board shall meet once a year. It may invite representatives of the relevant Council of Europe bodies to attend its meetings, without voting rights, according to the items on its agenda.

3.5 The Governing Board may assign operational tasks to its Bureau. The Bureau shall be convened by the chair of the Governing Board at least once a year.

3.6 The Governing Board shall adopt its decisions by a two-thirds majority of the votes cast, with each member having one vote. Procedural matters shall be settled by a majority of the votes cast. In all other matters, the Governing Board shall adopt its own rules of procedure and modus operandi and any other arrangements for the implementation of its activities.

3.7 In order to discharge the Secretary General from responsibility for the management of the Fund for the Bern Convention for the financial year in question, the Governing Board shall transmit to the Committee of Ministers the annual accounts, together with its approval or any comments, and the report drawn up by the External Auditor, as provided for in the Financial Regulations.

Article 4 – Budget

4.1 The resources of the Fund for the Bern Convention shall comprise:

- annual contributions from each member of the Enlarged Partial Agreement and, if appropriate, contributions by Observers in pursuance of Article 2.4;
- any other contribution, donation or bequest to the Fund, subject to the provisions of paragraph 4.4 below.

The Fund for the Bern Convention may receive contributions by the European Union.

4.2 The budget of the Fund for the Bern Convention and the specific scale of contributions shall be adopted annually by the Governing Board composed of the representatives on the Committee of Ministers of the member states participating in the Enlarged Partial Agreement and the representatives of the other members who shall thus be entitled to vote.

4.3 Expenditure related to the implementation of the programme and related to both the secretariat of Enlarged Partial Agreement and of the Bern Convention shall be covered by the Fund for the Bern Convention.

4.4 The Fund for the Bern Convention may also receive voluntary and other contributions to the Fund connected with the work of the agreement, subject to the authorisation of the Governing Board prior to their acceptance. These contributions shall be paid into a special account, opened under the terms of Article 4.2 of the Financial Regulations of the Council of Europe, monitored by the Governing Board and shall be earmarked for the objectives and tasks specified, provided that they are consistent with the aims of the statute.

4.5 The Enlarged Partial Agreement assets shall be acquired and held on behalf of the Council of Europe and shall benefit as such from the privileges and immunities applicable to the Council's assets under existing agreements.

4.6 Travel and subsistence expenses of persons attending meetings of the Governing Board shall be borne by the state or the organisation concerned.

4.7 The Financial Regulations of the Council of Europe shall apply, *mutatis mutandis*, to the adoption and management of the budget of the Fund for the Bern Convention.

Article 5 – Secretariat

5.1 The Secretariat of the Fund for the Bern Convention shall be provided by the Secretariat General of the Council of Europe.

5.2 The Secretariat of the Fund for the Bern Convention may call on institutions and independent experts to support the delivery of the programme of work agreed by the Governing Board to the Fund for the Bern Convention.

5.3 The headquarters of the Fund for the Bern Convention will be located in the Council of Europe, Strasbourg.

Article 6 – Amendments

The Committee of Ministers, in its composition restricted to the representatives of the States members of the Enlarged Partial Agreement and after consultation with members of the Enlarged Partial Agreement that are not members of the Council of Europe, may adopt amendments to this statute by the majority provided for under Article 20.d of the Statute of the Council of Europe.

Article 7 – Withdrawal

7.1 Any member may withdraw from the Enlarged Partial Agreement by means of a declaration sent to the Secretary General of the Council of Europe.

7.2 The Secretary General shall acknowledge receipt of the declaration and so inform the members of the Enlarged Partial Agreement.

7.3 By analogy with Article 7 of the Statute of the Council of Europe, withdrawal shall take effect:

- at the end of the financial year in which it is notified, if such notification is given before 1 June of that financial year;
- at the end of the following financial year, if notification of withdrawal is given on or after 1 June of the financial year.

7.4 In accordance with Article 18 of the Council of Europe's Financial Regulations, the Governing Board shall examine the financial consequences of the withdrawal of a member and shall make the appropriate arrangements.

7.5 The Secretary General shall immediately inform the member concerned of the consequences of its withdrawal.

Appendix II

Strasbourg, 4 December 2020
[Inf12e_2020.docx]

T-PVS/Inf(2020)12

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting
Strasbourg, 30 November - 4 December 2020

REVISED MANDATE OF THE BERN CONVENTION INTER-SESSIONAL WORKING GROUP ON FINANCES

Background

At its 39th meeting held on 3-6 December 2019, the Standing Committee decided to establish an inter-sessional working group on finances to further develop, with the support of the Secretariat and the Bureau, proposals on Option 1 and Option 3 as contained in document T-PVS(2019)1rev for the future financing and development of the Bern Convention, namely:

- The inclusion of financial clauses by amending the articles of the Bern Convention;
- The establishment of a Partial Agreement.

In its Resolution No. 9 (2019), the Standing Committee complemented the decision above by stating that the inter-sessional working group on finances shall with the support of the Secretariat and the Bureau in pursuance of options 1 and 3, draft full proposals for amending the Convention and for a Partial Agreement concerning financing. Both proposals shall be made available to Parties four months before the date of the 40th Standing Committee, for discussion, possible adoption, and possible submission of either or both proposals for approval by the Committee of Ministers of the Council of Europe.

At its 40th meeting held virtually from 30 November to 4 December 2020, the Standing Committee decided to postpone the decision on the possible amendment to the Bern Convention until the 41st Standing Committee and agreed to pursue the proposal of setting up an Enlarged Partial Agreement, as reflected in document T-PVS/Inf(2020)03rev. The Committee further mandated the Secretariat to submit the proposal to establish an Enlarged Partial Agreement to the Committee of Ministers for its approval.

For the records

Two conditions have to be met in order to set up a Partial Agreement:

- The Committee of Ministers needs to authorise the creation of a Partial Agreement by a two-thirds majority.
- As a second step, a minimum threshold of 16 member States wishing to join the Enlarged Partial Agreement needs to adopt a Resolution setting up the Partial Agreement which contains the agreement's statute.

Mandate of the inter-sessional working group on finances

Considering the decisions of the Standing Committee at its 40th meeting, the inter-sessional working group on finances, in collaboration with the Secretariat and the Bureau, shall:

Regarding the amendment of the Bern Convention;

- Revise the proposal of amendment in light of questions raised by Contracting Parties and present the final draft proposal to the 41st Standing Committee;
- Prepare a proposal for a possible scale of mandatory assessed contributions for the amendment of the Bern Convention to be presented at the 41st Standing Committee;

Regarding the setting up of the Enlarged Partial Agreement:

- Follow up on the possible comments, suggestions, concerns expressed by the Committee of Ministers and, if necessary in view of significant changes, make recommendations to the Bureau for revision of the proposal of the Enlarged Partial Agreement for consideration by the 41st meeting of the Standing Committee;
- Prepare a provisional scale of contributions for the Enlarged Partial Agreement.

The Intersessional Working Group on Finances will work via written consultations and online meetings. It shall determine its own meeting frequency.

Appendix III

Strasbourg, 4 December 2020
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T-PVS/Inf(2020)08

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting
Strasbourg, 30 November - 4 December 2020

TERMS OF REFERENCE OF A WORKING GROUP ON A VISION FOR THE BERN CONVENTION FOR THE PERIOD TO 2030

*Secretariat Memorandum
prepared by
the Directorate of Democratic Participation*

I. BACKGROUND

At its 39th meeting, the Standing Committee decided that the development and adoption of a Resolution on a vision for the Bern Convention for the period 2021-2030 would be timelier and more appropriate after the adoption of the post-2020 global biodiversity framework anticipated for the 15th meeting of the Conference of the Parties (COP 15) to the Convention on Biological Diversity (CBD).

In light of the COVID-19 pandemic, the CBD COP 15, which was originally scheduled to take place in October 2020, was postponed to a later date in 2021.

At its second annual meeting in September 2020, in order not to lose more time due to the postponement of the CBD COP 15, the Bureau of the Standing Committee instructed the Secretariat to formulate Terms of Reference (ToR) for a Working Group to elaborate a Vision during 2021 and present the ToR for discussion at the 40th Standing Committee.

II. MANDATE

Recalling that the Bern Convention on the Conservation of European Wildlife and Natural Habitats is the main legal instrument in the field of biodiversity at pan-European level, having been ratified by fifty States and the European Union, encompassing almost the entire European Continent and beyond, thanks to the ratification by four North African states;

Recalling the celebration of the 40th anniversary of the signature of the Bern Convention on 19 September 2019;

Recalling the main mission of the Bern Convention, which is to ensure conservation of wild flora and fauna species and their habitats within its geographic scope, giving special attention to endangered and vulnerable species, including endangered and vulnerable migratory species, as reflected in Article 1 of the Convention;

Recalling that since the adoption of the UN Agenda 21 and later the Millennium Development Goals (MDGs) and the current Sustainable Development Goals (SDGs), the objectives of the Bern Convention were acclaimed as being largely in line with and contributing to the objectives set for the sustainable development of our Planet (Monaco Declaration on the role of the Bern Convention in the implementation of worldwide international instruments for the protection of biodiversity, 25 September 1994);

Recalling Resolution No. 7 (2000) on the medium-term strategic development of the Convention on the Conservation of European wildlife and Natural Habitats, adopted by the Standing Committee on 1st December 2000, which sets a role for the Convention in supporting the implementation of the world targets and strategic priorities for biodiversity set at the level of the Convention on Biological Diversity (CBD);

Recognising the importance of the Bern Convention as a tool for intergovernmental cooperation at the level of the continent, for ensuring coordinated action and synergies by all relevant actors in their efforts to protect nature for the benefit of all and for contributing towards the achievement of the Sustainable Development Goals;

Stressing that for forty years this Council of Europe treaty has developed a high number of standards and guidance documents on threatened species and natural habitats in Europe and has been continuously assisting its Parties in their compliance efforts, while thoroughly monitoring the implementation of obligations and standards;

Recognising the major progress in the setting up of the Emerald Network of Areas of Special Conservation Interest in the period 2010-2020 and the key importance of this Network for ensuring a coherent and complementary approach to site conservation is applied across the European continent;

Recognising the efficiency of the monitoring system of the Bern Convention, based on both reporting obligations and complaints submitted by individuals and civil society organisations, in supporting national authorities in the successful termination of many case-files on possible violations of the Convention, including the use of on-the-spot appraisals and mediation as problem-solving tools;

Stressing the fruitful working relationships that it has established over the years with other relevant treaties, organisations and processes and notably with the Convention on Biological Diversity (CBD), the Convention on Migratory Species (CMS), the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), the Agreement on the Conservation of Populations of European Bats (Eurobats), the Ramsar Convention on Wetlands, the World Heritage Convention, the European Union (EU), the European Environment Agency (EEA) and the International Union for Conservation of Nature (IUCN);

Welcoming also the efforts in promoting synergies between the Bern Convention and other sectors within the Council of Europe through activities and expertise relevant for the environment and biodiversity conservation, notably the European and Mediterranean Major Hazards Agreement (EUR-OPA), the Council of Europe Directorate General on Human Rights and the European Landscape Convention, thus favouring a better use of resources and improving the relevance of the Convention in the work of the Council of Europe and for improving the understanding and use of the interlinkages between environmental protection and human rights;

Stressing that today it is largely recognised that biodiversity is fundamental for maintaining ecosystems which deliver essential services for ensuring the full enjoyment of human rights, including human health and well-being, giving a particular importance to the human dimension of the activities promoted under the Bern Convention;

Recalling that the Convention's work priorities have been framed by a Programme of Work, adopted on a biennial basis by the Standing Committee and following the Council of Europe's programme and budget cycle, whose implementation is piloted and monitored by both the Bureau and the Standing Committee to the Convention;

Acknowledging that the Convention has developed/co-developed, adopted and implemented several thematic and action-oriented policy documents, in particular in the period 2010-2019, notably:

- Revised Calendar for the implementation of the Emerald Network of Areas of Special Conservation Interest (2011-2020)
- Programme of work on Climatic change and biodiversity conservation
- Tunis Action Plan (2013-2020) for the eradication of illegal killing, trapping and trade of wild birds and several bird Species Action Plans
- European Strategy for Plant Conservation (2008-2014)
- European Strategy on Invasive Alien Species and several Codes of Conduct on IAS
- Pan-European Action Plan for Sturgeons (2019-2029);

Recalling that the Global assessment of biodiversity and ecosystem services developed and adopted by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in May 2019 in Paris recognised five main direct drivers of biodiversity loss today: (1) changes in land and sea use; (2) direct exploitation of organisms; (3) climate change; (4) pollution; and (5) invasion of alien species, and also presented an array of root causes or indirect drivers of change which are in turn underpinned by societal values and behaviours;

Recalling that the UN's fifth Global Biodiversity Outlook, launched in September 2020, highlighted that humanity is falling short on its commitments to protect wildlife and outlined urgent steps needed to stave off environmental collapse, which include establishing more protected areas, investing in green infrastructure in cities and implementing nature-based solutions to reduce greenhouse gas emissions;

Recalling that, as a key pillar of the European Green Deal, the European Commission has adopted the EU Biodiversity Strategy for 2030 and an associated Action Plan (annex) in May 2020, which include as main elements the establishment of a larger EU-wide network of protected areas, an EU Nature Restoration Plan and a set of measures to enable the necessary transformative change;

Acknowledging that the Bern Convention's work is strongly contributing to responding regionally to the drivers and causes of the severe biodiversity loss, as identified in the Global assessment of biodiversity and ecosystem services and in particular its work on (1) the setting-up the Emerald Network of Areas of Special Conservation Interest (ASCI) and supporting the management of the

ASCI areas, (2) supporting the control and eradication of IAS, (3) formulating recommendations and supporting action on addressing climate change and its impact on biodiversity and initiating work on addressing climate change in protected areas, (4) promoting and targeting site and species conservation action through its monitoring and case-file systems and (5) raising awareness and better understanding of the interlinkages between environmental protection and human rights;

Reaffirming that the main role of the Standing Committee to the Bern Convention is to monitor its application, assist States in the implementation of its provisions and make proposals for improving its relevance and effectiveness, as reflected in Article 14 of the Convention;

Taking note of Resolution No. 9 (2019) on the financing of the Bern Convention and on initiating the establishment of a new system for obligatory financial contributions by Parties;

Conscious of the need for a more strategic planning of the work of the Convention, in particular in a time of budget constraints and diminishing human and financial resources and in view of ensuring the appropriate synergies and partnerships are established with all relevant treaties, initiatives and organisations, in particular for the period 2021-2030 for which a new global biodiversity framework is going to be finalised at the CBD COP 15;

Taking note of the decision of the Group of Experts on Protected Areas and Ecological Networks taken at its 11th meeting on 7-8 October 2020 to invite the Standing Committee to consider the relationship between the COVID-19 pandemic and biodiversity in the post-2020 vision for the Bern Convention;

a Working Group will be established to assist the Standing Committee in confirming and strengthening the unique value and effectiveness of the Bern Convention for the post-2020 decade and contribution to the post-2020 global biodiversity framework.

III. OBJECTIVES

The Working Group will be established to assist the Standing Committee in:

- developing a vision and Strategic Plan for the Bern Convention for the period to 2030;
- reinforcing the strategic partnerships and appropriate synergies with all relevant treaties, organisations and initiatives at regional pan-European level;
- increasing the political profile of the Bern Convention, both inside and outside the Council of Europe at regional and international level, including by opening its scope to work on the interlinkages between environmental protection and human rights, within the limits of its mandate and objectives as set in Articles 1 to 3 of the Bern Convention.

IV. PRINCIPAL TASKS

Principal tasks will be to:

- articulate a draft vision for the future of the Bern Convention and its role amongst other MEAs, defining the unique value that the Convention adds and can develop in the period to 2030;
- draw up a draft long-term Strategic Plan to 2030, which could streamline the work of the Convention and give highest priority to components of its past Programmes of Work, which contribute to formulating and delivering responses at pan-European level to the main challenges facing biodiversity, as identified in the IPBES Global assessment of biodiversity and ecosystem services;
- define draft key operational targets and actions and identify the potential partners for the implementation;
- consider as a source of inspiration the EU Biodiversity Strategy for 2030;
- define the Strategic Plan of the Bern Convention in a way that its contribution to the Global Biodiversity Framework can be easily and objectively assessed.

The Working Group will endeavour to submit a draft vision and Strategic Plan to 2030 to the Standing Committee for decision at its 41st meeting.

It is expected that the draft vision and strategic document will focus on defining the unique value that the Bern Convention adds and can develop in the period to 2030.

The Working Group will take into account existing relevant instruments and initiatives at the national, European and international level, as well as thematic and action-oriented policy documents developed/co-developed, adopted and implemented by the Bern Convention. This includes the work produced by the Group of Experts on Protected Areas on a future Emerald Network post-2020 strategic plan. The Working Group shall also consider the appropriate way for following up on the conclusions and recommendations of the Review of the Plant Conservation Strategy. The Working Group will consult with the Secretariat to obtain the information necessary on these processes.

After the post-2020 global biodiversity framework is adopted, the working group should review, and if necessary revise, the proposed Bern vision and strategic plan, in order to ensure its coherence with the post-2020 global biodiversity framework.

V. COMPOSITION

The Working Group will comprise experts of Contracting Parties to the Bern Convention, including members of Groups of Experts established under the Bern Convention and other Conventions as appropriate, as well as relevant Observers.

The Working Group may call on additional expertise on an *ad hoc* basis.

The Working Group will select one Chair.

Membership of the Working Group will be reviewed by the Group as required.

Should the need arise, the Working Group may establish task teams to work on particular aspects of the strategy.

The Working Group shall continue to exist until a strategy has been adopted by the Standing Committee and the Standing Committee decides to disband the Working Group.

VI. WORKING METHODS

The Working Group members will provide input through meetings, conference calls, contribution to draft papers, and reports, participation in smaller task forces and other means as appropriate.

The working language will be English.

The Working Group will determine its own meeting frequency; however, it is expected to commence meeting from early 2021 and will reconvene as required to finalise the draft vision and strategic document. The Working Group shall operate virtually unless otherwise agreed by the Working Group members.

The Bureau of the Standing Committee will review and evaluate the work of the Working Group at the Bureau's annual meetings.

The Working Group will report to the Standing Committee at its annual meeting.

In co-operation with the Chair, the Secretariat will coordinate and assist with the organisation and preparation of the agenda for the meetings of the Working Group and any other support activities deemed necessary.

Appendix IV



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 209 (2020) of the Standing Committee, adopted on 4 December 2020, on the eradication of the ruddy duck (*Oxyura jamaicensis*) in the Western Palaeartic by 2025

The Standing Committee to 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 its natural habitats;

Recalling that Article 11, paragraph *b*, of the Convention requires parties to strictly control the introduction of non-native species;

Recalling that Article 1, paragraph 2, of the Convention requires Contracting Parties to give particular emphasis to the conservation of endangered and vulnerable species;

Noting that the species *Oxyura leucocephala*, listed in Appendix II of the Convention, is still endangered;

Recognising the efforts of Contracting Parties in preserving the populations of this species;

Noting, however, that the main threat to the long-term survival of the species is its hybridisation with American ruddy ducks (*Oxyura jamaicensis*) introduced in Europe;

Noting that the ruddy duck (*Oxyura jamaicensis*) has been recognised as an invasive alien species of Union concern under Article 4 of the EU Regulation 1143/2014 on the prevention and management of the introduction and spread of invasive alien species;

Conscious of the need to arrest the expansion of the ruddy duck in Europe and Northern Africa;

Recalling Recommendation No. 48 of the Standing Committee, adopted on 26 January 1996, on the conservation of European globally threatened birds;

Recalling the International Single Species Action Plan for the conservation of the white-headed duck, prepared by BirdLife International, Wetlands International and the Wildfowl & Wetlands Trust and adopted by CMS, AEWa and the European Union;

Recalling Recommendation No. 61 (1997) on the conservation of the white-headed duck (*Oxyura leucocephala*) which asked Contracting Parties to develop and implement without further delay national control programmes which could include the eradication of the ruddy duck from all countries in the Western Palaeartic;

Recalling the Bern Convention Action plan for eradication of the ruddy duck (2011-2015) drafted by the Wildfowl & Wetland Trust [document T-PVS/Inf (2010)21];

Recalling recommendations No. 149 (2010) and No. 185 (2016) of the Standing Committee, on the eradication of the ruddy duck (*Oxyura jamaicensis*) in the Western Palaeartic and noting that their

implementation has contributed to lower the numbers of ruddy ducks in the wild to around 250 individuals in Europe;

Noting that the Bern Convention Action Plan for the eradication of the ruddy duck is an integral part of the International Single Species Action Plan for the Conservation of the white-headed duck;

Regretting, however, that the lack of concerted and timely efforts for the implementation of recommendations No. 149 (2010) and No. 185 (2016) delayed the control programmes which may result in a rise in the number of ruddy ducks, thus increasing their threat to the white-headed duck;

Noting that very little action has been taken to address the issue of ruddy ducks in captive collections;

Welcoming the entry into force and implementation by the EU and its member states of Regulation (EU) No 1143/2014 of the European Parliament and of the European Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species and noting with satisfaction that the ruddy duck has been included in the list of invasive alien species of European Union concern;

Referring to the document “*Eradication of the Ruddy Duck (Oxyura jamaicensis) in the Western Palaearctic: a review of Progress and a revised Action Plan for 2021-2025*” by the Wildfowl & Wetland Trust [document T-PVS/Inf (2020)11];

Conscious that an active and appropriately targeted control programme as implemented in the United Kingdom can reduce a large population of ruddy ducks, spread across many sites, to be functionally extinct;

Conscious that a rapid-response approach as implemented in Spain can very quickly eliminate small numbers of birds arriving from elsewhere for relatively low cost;

Recalling also Resolution 4.5 of AEWA, which, amongst others, strongly urges all countries with ruddy duck populations to establish or step up complementary eradication measures in order to prevent the spread of the species in Europe and towards its complete eradication in the AEWA area;

Reiterating the overriding need for collective, coordinated and synchronous actions in order to effectively address the problem for Europe as a whole,

Recommends that:

1. *All Contracting Parties implement without delay the actions specified in the “Action Plan for the Eradication of the Ruddy Duck in the Western Palaearctic, 2021-2025” enclosed as an appendix to this recommendation;*
2. *All Contracting Parties actively review and adaptively manage the implementation of the eradication plan:*
 - Review progress annually;
 - Assess the likelihood of meeting the plan’s targets;
 - Identify reasons for delays;
 - Determine and report actions to address delays to the Secretariat of the Bern Convention to ensure tangible progress can be achieved by the next Review;
 - Actively seek advice from other Parties that have addressed similar problems;
 - Report to the Standing Committee of the Bern Convention on the results of the annual Review;
3. *Authorities in Contracting Parties move with speed and flexibility to address issues that limit the activities of control teams, particularly access to sites:*
 - Ensure that possible problems of private ownership or potential conflict with conservation objectives of protected sites do not become an impediment to control;
 - Seek the advice of other Parties that have successfully overcome such problems;
 - Identify and rapidly implement tangible solutions to site access problems;
4. *All Contracting Parties move quickly to fulfil their obligations under the EU Invasive Alien Species Regulation for ruddy ducks, or adopt equivalent measures:*

- Provide, as a priority and with urgency, representative information on numbers of birds in captivity to clarify the risk of further accidental introductions;
5. *Belgium continues to ensure a coordinated and synchronous control programme across all regions;*
 6. *France seeks and uses all support, advice and active participation from other Parties to support and empower the national control teams to meet their targets;*
 7. *Germany reports on numbers of ruddy ducks nationally, and on numbers controlled, as a matter of urgency and no later than December 2021, and ensures that appropriate control measures are underway no later than December 2022;*
 8. *The Netherlands ensures a coordinated and synchronous control programme across all regions;*
 9. *Spain maintains its reactive response to control and rapidly eliminate any ruddy ducks which appear;*
 10. *The United Kingdom maintains its active control of ruddy ducks and strives for functional extinction by 2023.*

Annex to the Recommendation**ACTION PLAN FOR THE ERADICATION OF THE RUDDY DUCK IN THE WESTERN PALAEARCTIC, 2021–2025****Tiers**

The eradication plan identifies targets and actions for Contracting Parties according to different Tiers.

Tier 3 – Contracting Parties with breeding and/or significant numbers of ruddy ducks
Belgium, France, Germany (until and unless monitoring data show that Germany should be in Tier 2), the Netherlands, the United Kingdom

Tier 2 – Contracting Parties at significant risk of ruddy ducks arriving from Tier 3 countries
Austria, Czech Republic, Denmark, Hungary, Ireland, Italy, Luxembourg, Norway, Poland, Spain, Slovakia, Sweden, Switzerland

Tier 1 – all other Contracting Parties in the Western Palearctic

Goal, outcomes, targets, and actions

<i>Goal</i>	<i>Ruddy ducks⁴ stop being a threat to the white-headed duck</i>
<i>Aims</i>	<i>Ruddy ducks are eliminated in the wild in the Western Palearctic No ruddy ducks are held in captivity in the Western Palearctic, and no new introductions to the wild occur in the interim</i>

I. Actions concerning eradication of ruddy ducks in the wild

<i>Outcome</i>	<i>The ruddy duck is functionally extinct in the wild in the western Palearctic by 2025</i>
<i>Targets</i>	
Tier 3	Undertake active control to reduce the Contracting Party's ruddy duck population to be functionally extinct by 2025
Tier 2	Undertake rapid reactive control to eliminate any ruddy duck in the Contracting Parties' territory
<i>Actions</i>	
All Contracting Parties	Monitor the status and distribution of ruddy ducks in the wild annually Provide sufficient resources to effectively monitor numbers of ruddy ducks in the wild Provide sufficient resources to meet national control targets Rapidly identify and resolve any problems that delay or undermine national control measures (e.g. site access, public perception)

⁴ In the framework of this action plan the term « ruddy ducks » refers both to ruddy ducks and to the hybrids of ruddy ducks and white-headed ducks.

II. Actions concerning ruddy ducks in captivity

<i>Outcome</i>	<i>The risk of accidental introductions of ruddy ducks in the Western Palaearctic is understood and minimised</i>
<i>Targets</i>	The numbers of ruddy ducks in captivity is understood by 2022 The risks of accidental introduction are assessed by 2024 No new introductions of ruddy ducks occur
<i>Actions</i>	Prevent the importing, selling and breeding of captive ruddy ducks Identify the number of individual birds, and the keepers of all ruddy ducks Assess the risk of release (e.g. from poor biosecurity) Identify and implement mitigation for major risks of release (e.g. establish secure facilities to which keepers could give their birds)

III. Actions concerning adaptive management and international co-ordination

<i>Outcomes</i>	<i>Progress towards achieving the plan's outcomes and targets is regularly assessed and adaptively managed</i> <i>Contracting Parties coordinate their activities to collectively achieve the plan's outcomes and targets in a timely and cost-effective manner</i> <i>The plan is updated in 2025</i>
<i>Actions</i> All Contracting Parties Tier 3	Report annually to the Convention – Regarding wild ruddy ducks – <ul style="list-style-type: none"> • the status of non-breeding and breeding wild ruddy ducks • progress towards and the likelihood of achieving national control targets • problems encountered to achieving control targets and the solutions identified to address these Regarding captive ruddy ducks – <ul style="list-style-type: none"> • the status of ruddy ducks in captivity • an assessment of risk of new introductions Experts (from all Tier 3 Contracting Parties as a minimum) meet to review progress against control targets, identify impediments to control, agree solutions, and report to the Convention annually