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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

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FINANCING OF THE CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (ETS NO. 104) (BERN CONVENTION): OPTIONS, LEGAL AND FEASIBILITY ASPECTS

Document prepared by
the Directorate of Democratic Participation, the Treaty Office Unit of the Directorate of Legal Advice and Public International law and the inter-sessional working group on the financing of the Bern Convention

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The Standing Committee to the Bern Convention is invited to:

- Take note of the general legal notes and opinions of the Working Group on the financing of the Bern Convention presented in this document;
- Consider the options proposed for the development of an obligatory financial contributions system for the Bern Convention and if appropriate, decide on the option which should be pursued and implemented;
- Consider, and if appropriate, adopt the Resolution No. … (2019) [see document T-PVS(2019)5] of the Standing Committee, on the financing of the Bern Convention and on initiating the establishment of a new system for obligatory financial contributions by Parties.

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Background information and scope of the document

1. Since 2001, the budgetary allocation of the Council of Europe to the Bern Convention has been gradually reduced, with 5 major cuts operated in 2001, 2005, 2011, 2016 and 2018 as a consequence of the consecutive reforms operated within the organization.

2. The Standing Committee to the Bern Convention has discussed the financial mechanism of the Convention and its weaknesses and created the voluntary contributions mechanism. Appendix 1 to this document provides information on amounts paid by Contracting Parties to the Convention, as voluntary contributions, since 2001.

3. In the period 2011-2013, the Bureau to the Standing Committee and an Ad Hoc Advisory Group on Budgetary matters, worked with a mandate to identify a viable system for funding the Convention. For the purposes of the work of the Ad Hoc Advisory Group, the following two working documents were prepared: document T-PVS (2011) 10, clarifying the functioning of the double financing system, trends in the financial allocations by the Council of Europe's ordinary budget and trends in received voluntary contributions and document T-PVS(2012)8, presenting possible options for identifying a viable system of funding for the Convention.

4. The result of the negotiation process which took place in the period 2011-2013 was further debated at the 33rd meeting of the Standing Committee. Taking into consideration the views expressed by the Parties, the Committee decided, through a Decision adopted on 6 December 2013 (Appendix 2 to this document), to maintain a double funding system consisting of a regular contribution from the ordinary Council of Europe budget and voluntary contributions, the latter being based on a suggested scale of contributions.

5. In the period 2017-2019, both the Bureau and the Standing Committee to the Bern Convention have been following closely the evolution of the Bern Conventions' budget allocation by the Council of Europe, in respect of actual and foreseen cuts due to the non-payments to the organisation's budget by the Russian Federation and a contingency plan announced for implementation over a three-year period (2020-2023).

6. At its 38th meeting in November 2018, the Standing Committee to the Bern Convention decided to invite an inter-sessional working group to work, through electronic means, for ensuring a stable, sufficient, predictable, long-lasting and fair future financial mechanism for the Convention. The group was charged to:

i. to develop a Resolution on the financing of the Convention with a scale of financial contributions by the Contracting Parties based on a minimum and a maximum level. The criteria used for the development of the scale will be developed by the inter-sessional working group;

ii. to prepare in parallel a document clarifying various options as regards financing of the Convention including the legal aspects of the development of an additional Protocol or agreement to the Convention. The document should discuss the benefits and risks of the various options;

iii. to present the above-mentioned Resolution, together with the parallel above-mentioned document, at least two-month before the 39th meeting of the Standing Committee in order to be considered at that meeting.

7. The current document covers both points i. and ii. above of the mandate given to the inter-sessional working group. It studies the legal aspects of the different options for the introduction of obligatory financial contributions system for the Convention (Chapter 2 of the present document) and risks and benefits linked to each of the options. It also makes a proposal for a Resolution on the financing of the Convention, with a scale of a minimum and a maximum level of financial contributions by the Contracting Parties.

1. Legal notes

8. It must be noted that Council of Europe conventions do not require Member States to make a financial contribution. The financing of these conventions (including its follow-up and monitoring) is made via the ordinary budget of the Council of Europe, complemented by voluntary contributions of the contracting parties to certain conventions.

9. At present, only the Council of Europe's Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS No. 211), the Council of Europe's Convention against the manipulation of sports competitions (CETS No. 215) and the Council of Europe's Convention against trafficking in human organs contain a financial requirement for non-member States to the Council of Europe, which are parties or want to become parties to these conventions.

10. There is only one convention whose parties not members of the Council of Europe pay an obligatory contribution to the budget, but without any explicit provision to that effect: the European Cultural Convention (ETS No. 18). This obligation was included in the Resolution setting up the Cultural Funds.

11. Outside the Council of Europe, most multilateral environmental treaties, for example the Conservation of Migratory Species of Wild Animals, contain specific provisions for obligatory annual financial contribution by the Parties[1].

12. The introduction of financial clauses of the Bern Convention would imply an amendment of this Convention. To build on the existing provisions without altering them, via an additional protocol, is in principle recommended as a supplement of additional provisions to the body of the Convention. It is often used to extend the scope of the Convention to areas which were not included in the original remit of the instrument. Unlike an amending protocol, an additional protocol will usually leave unaffected the obligations of Parties resulting from the original terms of the Convention.

13. The conditions for entry into force are different between the two types of protocols. According to the usual practice within the Council of Europe, an amending protocol enters into force only after acceptance or ratification by all the Parties to the convention. As for an additional protocol, traditionally, its final clauses will allow for the protocol's entry into force after a limited number of States parties to the convention have expressed their consent to be bound by it.

14. The nature of the obligatory financial contribution clauses would require the agreement of all the Parties to the Bern Convention or a great majority of them and will therefore take a notable amount of time to be implemented.

2. Options for the introduction of obligatory financial contributions of the Parties to the Bern Convention

Option 1: The inclusion of financial clauses: amendment to the articles of the Bern Convention

15. The Bern Convention contains in Chapter VII specific provisions for its amendment. Amendments to the substantive provisions of the Convention are regulated in Article 16 and amendments to the appendices in Article 17.

16. Article 16 of the Convention reads as follows:

"*Article 16:*

[1] See Article VII 4 of this Convention "*The Conference of the Parties shall establish and keep under review the financial regulations of this Convention. The Conference of the Parties shall, at each of its ordinary meetings, adopt the budget for the next financial period. Each Party shall contribute to this budget according to a scale to be agreed upon by the Conference. Financial regulations, including the provisions on the budget and the scale of contributions as well as their modifications, shall be adopted by unanimous vote of the Parties present and voting.*"

1. *Any amendment to the articles of this Convention proposed by a Contracting Party or the Committee of Ministers shall be communicated to the Secretary General of the Council of Europe and forwarded by him at least two months before the meeting of the Standing Committee to the member States of the Council of Europe, to any signatory, to any Contracting Party, to any State invited to sign this Convention in accordance with the provisions of Article 19 and to any State invited to accede to it in accordance with the provisions of Article 20.*

2. *Any amendment proposed in accordance with the provisions of the preceding paragraph shall be examined by the Standing Committee which:*

   a. *for amendments to Articles 1 to 12, shall submit the text adopted by a three-quarters majority of the votes cast to the Contracting Parties for acceptance;*

   b. *for amendments to Articles 13 to 24, shall submit the text adopted by a three-quarters majority of the votes cast to the Committee of Ministers for approval. After its approval, this text shall be forwarded to the Contracting Parties for acceptance.*

3. *Any amendment shall enter into force on the thirtieth day after all the Contracting Parties have informed the Secretary General that they have accepted it.*

4. *The provisions of paragraphs 1, 2.a and 3 of this article shall apply to the adoption of new appendices to this Convention.*"

17. According to this provision, amendments to the Articles of the Bern Convention may be proposed by Contracting Parties or the Committee of Ministers. They are communicated to all member States of the Council of Europe, to any signatory to this Convention, to any Contracting Party, to any State invited to sign the Convention in accordance with the provisions of Article 19 and to any State invited to accede in accordance with the provisions of Article 20[2].

18. Paragraph 2 of Article 16 of the Bern Convention makes a distinction between amendments to the substantive provisions, which are of a technical nature and which must be adopted by the Standing Committee only (letter a), and amendments to the operational provisions which, because of their political and financial implications, require approval of the Standing Committee and after of the Committee of Ministers (letter b).

19. To conclude, the introduction of an obligatory financial contribution through the amendment of the articles of the Convention would imply the approval by the Council of Europe Committee of Ministers. The amendment will then only enter into force after the acceptance of all Parties.

Option 1 benefits	**Option 1 risks**
• Long term financial stability of the Convention. • Fair share of the financial burden for the Convention, as all Parties should accept the amendment and contribute financially.	• Lengthy process of negotiation and approval by both the Standing Committee of the Convention and the CoE's Committee of Ministers. • All Parties to the Convention must accept the amendment before it can enter into force and therefore this option is likely to take the most time to come into effect. • The allocation of CoE ordinary budget to the Bern Convention might be questioned and abandoned over time.

[2] The Bern Convention currently counts 51 Parties, including 5 non-member States of the Council of Europe and the European Union.

Option 2: Elaboration of an additional Protocol to the Bern Convention: without amending the articles of the Convention

20. At the outset, it must be noted that an additional protocol is in principle devised to supplement the body of the convention with additional provisions, which build on the existing provisions without altering them. It is often used to extend the scope of the Convention to areas which were left out from the original remit of the instrument.

21. Such a function is clearly reflected, for instance, in the Additional Protocol to the Convention on Cybercrime (ETS No. 189), which operates an extension of the scope of the Cybercrime Convention (ETS No. 185) – including its substantive, procedural and international cooperation provisions – to cover also offences of racist or xenophobic propaganda. Unlike an amending protocol, an additional protocol will usually leave unaffected the obligations of the Parties resulting from the original terms of the Convention.

22. An additional protocol is a "new treaty" that normally complements an existing one. Although an additional Protocol enters into force after a limited number of States party to the convention have expressed their consent to be bound by it, the Protocol is legally binding only for those States that have ratified it.

23. There are no examples, within the treaty practice of the Council of Europe, of protocols setting up a financial mechanism for a Convention nor protocols establishing a trust fund. If a protocol was to establish a financial mechanism, this would normally be considered as an amending protocol due to the financial implications.

24. However, even accepting that a financial mechanism could be set up through an additional Protocol, only States having ratified it will be obliged to contribute financially. States that have not ratified this protocol will not be bound by the new funding mechanism. As a result, it seems unlikely that States will accept the financial burden of the Bern Convention for the benefit of all the others without knowing whether the others will also accept it. Moreover, when a treaty is ratified (in this case an additional protocol), this treaty commits States until they denounce it. In this respect, it should be noted that both the ratification and denunciation often lead to lengthy and cumbersome processes at national level.

25. To conclude, the nature of the obligatory financial contribution clauses would require the agreement of all the Parties to the Bern Convention or a great majority of them. This would imply the elaboration of an amending protocol requiring the ratification by all parties to the Bern Convention (or a minimum number of parties if special clauses are elaborated).

Option 2 benefits	Option 2 risks
• Long term financial stability of the Convention. • Less time-consuming option, in comparison to Option 1, as it can enter into force after only a majority (number to be decided) of Parties having ratified it.	• Untested approach within the Council of Europe system. • The protocol is legally binding only for those States which have ratified it. • The ratification and acceptance procedure may take several years. • Amending protocol could create a two-speed Convention (Parties with bigger influence in decision-making in case they have contributed financially). • The allocation to the Bern Convention from the CoE ordinary budget might be questioned and abandoned over time.

Option 3: Establishment of a Partial Agreement

26. The establishment of a Partial Agreement was among the alternatives considered to ensure the follow-up of certain conventions particularly in the sport and animal welfare fields.

27. In this respect, it must be noted that Partial Agreements are not international treaties, but a form of co-operation within the Organisation. Partial Agreements allow member States of the Council of Europe to abstain from participating in a certain activity advocated by other member States. From a statutory point of view, a partial agreement remains an activity of the Organisation in the same way as other programme activities, except that a partial agreement has its own budget and working methods which are determined solely by the members of the partial agreement.

28. According to a Resolution adopted by the Committee of Ministers at its 9th Session, on 2 August 1951, and Statutory Resolution (93)28 on partial and enlarged agreements, two conditions have to be met in order to set up a partial agreement:

- *an authorisation by the Committee of Ministers for the establishment of a partial agreement; and*
- *a resolution setting up the partial agreement which contains the agreement's statutes and is adopted only by those States that wish to do so.*

29. In the case of the setting up of a new partial and enlarged agreement, and for existing partial and enlarged agreements, the criteria set in Resolution(96)36 should also be observed. One of these criteria is that no new Partial Agreement shall be established without a sufficient number of participating states
(typically, at least one third of the member States of the Council of Europe).

30. It should also be noted that the assignment, as the main task, of the follow-up/monitoring of a Convention to a Partial Agreement is facilitated when the Partial Agreement and the Convention are created at the same time, and/or provide for a direct link mechanism between one and the other. This is the case of GRECO and the European Pharmacopoeia. When the Partial Agreement should follow up an existing convention, in the case of the Bern Convention, there is the problem to ensure that all Parties to the Convention become members of the Partial Agreement.

31. A difficulty of the application of a Partial Agreement in the follow-up of one or more conventions is the need to preserve the decision-making powers on substance matters of all the Parties to the Convention even though they decide not to participate to the financing of the functioning of the Partial Agreement.

32. However, from a strict legal point of view, the creation of a Partial Agreement to ensure the follow-up/monitoring of an existing convention would be possible - although its operating procedures would in certain respects be new. Its effective feasibility, however, depends on budgetary and political factors that should be carefully examined to ensure its potential attractiveness for member States, including the comparison with the maintenance of these activities in the ordinary budget.

33. Developing a Partial Agreement means that over time the financial allocation of the Council of Europe from its ordinary budget could be replaced, once the mechanism of the Agreement enters into force and parties start their payments.

34. To conclude, the establishing of the Partial Agreement would require the agreement of all the Parties to the Bern Convention or a great majority of them (at the levels of both the Standing Committee and the Council of Europe Committee of Ministers).

Option 3 benefits	Option 3 risks
• Established mechanism for cooperation within the Council of Europe. • Long term financial stability at least for certain activities. • Less time-consuming option, in comparison to Option 1 and 2, as it can	• The process of negotiating and adopting Partial Agreement may take more than a year. • The Partial Agreement is legally binding only for the States which have joined it. • Usually with Partial Agreements, States

enter into force after only a certain number (to be agreed on) or a majority of Parties have joined it. • A partial agreement is not an international treaty and therefore the internal procedures to accept it on national level might be simpler.	which have ratified it can exit and discontinue their payments with a very short notification period (notification in year N and payment discontinuation in year N+1) – this could be negotiated in the drafting of the Partial Agreement text; • Difficult to preserve the decision-making powers on substance matters of all the Parties to the Convention. • The allocation to the Bern Convention from the CoE ordinary budget could be abandoned and countries' financial contribution will be increased.

Option 4: Transferring of the follow-up obligations to another international Organisation

35. Another alternative example for ensuring the follow-up of the existing Council of Europe convention on animal welfare was the transfer of the Convention's follow-up obligations to other international organisations.

36. The procedure for transferring the follow-up obligations to another international Organisation would require the amendment of the Bern Convention's articles plus an agreement with the Organisation concerned.

37. The transfer of the follow-up obligations for the Bern Convention to another international Organisation will of course be accompanied by a transfer of all financial obligations too. The choice of how to ensure the financial stability of the Convention will lay with the new organisation, i.e. direct financial contribution by the organisation or the establishment of new compulsory financial contributions system.

38. In the case of the Council Europe conventions on animal welfare, the proposal for transfer the follow-up obligations to the World Organisation for Animal Health (OIE) was not accepted by the OIE.

39. To conclude, if the transfer of the follow-up obligations for the Convention to another organisation, is accepted, does not automatically mean that a stable, sufficient and long-lasting budget for the Convention is ensured, including through obligatory financial contributions.

Option 4 benefits	Option 4 risks
• Opportunity to achieve better synergies with other MEAs in the field of biodiversity protection. • Potential financial stability. • Further regrouping of MEAs in the field of biodiversity.	• Need to change the Convention text would result in similar lengthy procedure as in Option 1. • Proposal might not be accepted by any identified organization (for example within UN Environment or UN-ECE). • A non-acceptance by other organisations can undermine the credibility and attractiveness of the Bern Convention. • Change in the organisation which ensures the follow-up of obligations can change priorities of work of the Bern Convention.

3. Proposal for a Resolution of the Standing Committee to the Bern Convention on the financing of the Convention with a scale of a financial contribution by Contracting Parties, based on a minimum and a maximum level

40. The Standing Committee to the Convention, at its 38th meeting, decided to explore, alongside other legal options as described above, the possibility to develop a Resolution on the financing of the Bern Convention with a scale of a financial contribution by Contracting Parties based on a minimum and a maximum level.

41. Both Resolutions and Recommendations of the Standing Committee are non-binding as they are of recommendatory nature.

42. Nevertheless, as foreseen in Article 14 of the Bern Convention, the Standing Committee's main task is to monitor the provisions of the Convention and make recommendations concerning measures to be taken for the purposes of the Convention. Through Resolutions, the Standing Committee resolves to take certain action to improve the effectiveness of the Convention and indicates a resolutely strong intention to bind the addressees to its implementation. The addressees of Resolutions are all Contracting Parties to the Convention, which are all bound by its terms.

43. A Resolution of the Standing Committee to the Bern Convention on the financing of the Convention could thus aim at ensuring the suitable running of the Convention through adequate voluntary contributions.

44. On the one hand, such a Resolution, given its non-binding nature, cannot guarantee a long-lasting financial stability for the Convention and would only be efficient during a transition phase towards a possible new mechanism for cooperation. On the other hand, it has the benefit of being easier to agree on and being effective immediately after its adoption by the Standing Committee. It also provides an opportunity to Parties to renew their commitment to the Convention.

45. It is therefore advisable that a Resolution on the financing of the Bern Convention with a scale of a financial contribution by Contracting Parties based on a minimum and a maximum level is developed to cope with the short-term needs of the Convention and to respond to possible cuts due to current financial difficulties of the Council of Europe.

46. The Resolution, to be adopted at the 39th meeting of the Standing Committee, might also launch a negotiation process for the development of a legally binding financial mechanism after deciding on the preferred option (Options 1, 2 or 3).

47. Such a draft Resolution on the financing of the Bern Convention is prepared for the consideration of the Standing Committee and is available in document T-PVS(2019)5.

48. The scale for the financial contributions based on minimum and a maximum level is available in Appendix 3 to this document and is also available in the draft Resolution on the financing of the Bern Convention [document T-PVS(2019)5], while details on its development are provided in Chapter 4 below.

4. Proposal for a scale of a financial contribution by Contracting Parties based on a minimum and maximum level

49. At the Council of Europe, the method used for calculating the scale of financial contributions by member States to the organisation's budgets is laid down in the CM Resolution (94) 31, using base data as country's Population and GDP and including minimum and maximum rates of contributions to adjust the scale. The latest figures available for the base data used for the calculations are available in document CM(2015)95.

50. Contributions of member States to the Council of Europe's annual budget therefore vary between 17% and 0.12% from its total amount. A minimum contribution amount is in place.

51. For the purposes of preparing a scale of financial contributions based on a minimum and maximum level, the total budget of the Bern Convention for 2019 was used as an indicative basis for deciding on the total amount of the necessary additional financial contributions by Contracting Parties.

52. The total budget of the Bern Convention for 2019 is 716,671.00 Euros for both staff and operational expenses. The total contribution received from the Council of Europe is 356,674.00 Euros and the amount of expected voluntary contributions by Parties is 359,997.00 Euros.

53. The total amount to be collected through voluntary contributions in 2020 was increased and rounded up to 400.000,00 Euros, in order to respond to the latest cuts in the Convention's budget allocation from the Council of Europe operated in the period 2013 – 2019. The year 2013 was chosen as it is the last year when, following the work of an Ad-hoc Group on finances, a Decision on the issue was adopted by the Standing Committee to the Convention.

54. The scale for the Council of Europe's budget contributions by its Member States (document CM(2015)95) has been used as an inspiration but adapted, due to the differences in members states/Contracting Parties and to a different list of major contributors. A fixed minimal contribution of 1,000.00 Euros (corresponding to 0.25%) and a ceiling amount for maximum contributions of 40.000,00 Euros (corresponding to 10%) are proposed. The main contributors would be France, Germany, Italy, Norway, Switzerland and the UK.

55. The Working Group on financing of the Bern Convention proposes that the financial contribution amounts for each Contracting Party are considered as an indication of a country's minimum financial responsibility towards the Convention and that the possibility to contribute above this recommended minimum is foreseen.

56. It is also remined that in a system of compulsory financial contributions, to be introduced through the establishment of a Partial Agreement (Option 3) or an Additional Protocol (Option 2), the Council of Europe's Ordinary Budget allowance will have to be abandoned over time. This will imply that a separate new financial mechanism will start to finance all costs related to the functioning of the Convention, such as office costs, centralised financial administration, pensions for staff members, costs of other staff involved in management, etc., unless a different agreement with the Council of Europe is established. Therefore, the total amount of the Convention's budget to be financed by the Contracting Parties might reach a total amount varying between 800.000,00 and 1.000.000,00 Euros. For more information, in 2012, a simulation of a system of compulsory financial contributions for the Convention was presented in Appendix 2 to document T-PVS(2012)8.

Appendix 1 - Voluntary contributions paid by Contracting Parties to the Bern Convention since 2001

Countries	Voluntary annual contributions received																	
	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Albania																		
Andorra	2,250	1,250	1,250	1,250	1,250		1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	600
Armenia																		
Austria																		
Azerbaijan																		
Belgium	15,000	15,000	15,000	15,000		5,000	15,000	15,000	25,000		14,800		10,000	12,375			30,000	49,195
Bosnia & Herz.																		
Bulgaria				5,000	5,000	5,000	3,000	5,000	5,000									
Croatia	2,000	1,000	840	1,000	1,000		1,000	1,000				1,000						
Cyprus	1,000	1,000							5,000									3,472
Czech Republic	8,000	8,000	8,000	8,000	8,000		8,000	8,000	8,000		8,000	10,000	5,000		4,017			
Denmark												4,000				4,026		
Estonia																		
Finland	5,000	5,000	5,000	5,000	5,000	5,000	7,000	7,000	7,000	7,000	15,000							
France						50,000	55,000	55,000			50,000	69,000	2,000			14,960		12,000
Georgia																		
Germany									38,000	8,000	20,000	20,000						
Greece																		
Hungary																		
Iceland									3,918	10,000	10,000	16,000						6,000
Ireland															20,000			
Italy						14,460						43,000				10,000		
Latvia																		
Liechtenstein																		
Lithuania						1,000												
Luxembourg	10,000	10,000							308	308	308	308	308	308	308	308	308	3,407
Malta	2,500																	752
Moldova	1,000								2,000								952	1,000
Monaco	20,000	15,000		8,000	8,000	8,000	18,000	18,000	8,000	18,000	24,000	8,000	8,000	8,000	7,600	7,600	7,622	7,622
Montenegro																		
Netherlands									5,000								18,151	45,378
North Macedonia																		
Norway	25,919.50	20,000	37,400	30,351	31,694	25,000	35,000	30,021	39,236	21,500		5,000	10,000		9,327	8,233	10,841	
Poland	5,000	5,000	5,000	5,000														3,000
Portugal																		
Romania																	3,000	
Serbia	2,000	2,000	2,000	2,000	2,000	2,000	2,000	1,500										
Slovakia	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000		1,500	1,500	1,500	1,000	2,000				
Slovenia																		
Spain																		
Sweden																8,109		
Switzerland	70,565.41	63,838	74,246	73,835	65,773	64,593	62,394	57,747	49,000	60,000	60,000	44,381	45,000	44,426	58,502	54,516	69,550	32,550
Turkey																		

Ukraine																		
United Kingdom							7,182		16,908	21,500			14,000	14,635				
Burkina Faso																		
Morocco																		
Senegal																		
Tunisia																		
European Union	19,000	19,000	19,000	19,000	19,000	19,000	19,000	19,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Total	**190,234.91**	**167,838**	**169,736**	**175,436**	**148,717**	**201,053**	**235,776**	**221,683**	**222,355**	**159,008**	**214,808**	**233,389**	**106,508**	**92,944**	**110,954**	**118,952**	**151,624**	**174,986**

Appendix 2 - Decision of the Standing Committee, adopted on 6 December 2013, on financing the Bern Convention



Convention on the Conservation

of European Wildlife and Natural Habitats

Standing Committee

Decision of the Standing Committee, adopted on 6 December 2013, on financing the Bern Convention

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats,

Recognising the importance of the work carried out under the Convention for the conservation of European biodiversity, and taking into due account the importance of ecosystem services to the well-being of society;

Welcoming the work carried out by the Bureau and the Ad Hoc Advisory Group on Budgetary matters in order to identify a viable system for funding the Convention;

Recalling the Reply adopted by the Committee of Ministers on 7 December to Parliamentary Assembly Recommendation 1964 (2011) on "The need to assess progress in the implementation of the Bern Convention", in which the Committee of Ministers recognised the importance of efficient enforcement of environmental legislation, including the implementation of the Standing Committee's recommendations and also efforts aimed at communication, education and public awareness, and asked the Standing Committee to continue its reflection on ways and means to ensure appropriate funding to the Convention, taking into account current budgetary constraints;

Taking note of the finalisation of the reform process at the Council of Europe, and welcoming the reorganisation of the Directorate of Democracy, which has resulted in a prioritisation of activities for a more efficient implementation, as well as the establishment of the Directorate General of Programmes, with the mandate of ensuring strategic programming, donor relations and resource mobilisation for the Council of Europe;

Welcoming the continued support of the Committee of Ministers, and the regular allocation of a financial contribution from the Council of Europe's Ordinary Budget to the implementation of the Bern Convention;

Noting the adoption, by the Committee of Ministers of Resolution CM/Res(2013)7, concerning financial arrangements for the participation of non-member States in Council of Europe conventions, which resolves that any Contracting Party to a Council of Europe convention which is not a member of the Council of Europe shall be invited to make a financial contribution to the said convention, in view of the costs that these accessions entail for the Organisation, when the conventions concerned provide follow-up mechanisms;

Having regard to document T-PVS (2012) 8, presenting possible options for identifying a viable system of funding for the Convention;

Taking into consideration the views expressed by the Parties regarding ways and means to ensure that the Convention continues receiving adequate and predictable funding for the implementation of its Programme of Activities and the fulfilment of its mandate and objectives;

Noting that the majority of Parties whom addressed an opinion to the Standing Committee prefers to maintain a double funding system consisting of a regular contribution from the Ordinary Budget and voluntary contributions, the latter being based – when expressly requested by the Party - on a suggested scale provided to the Party individually;

Equally noting the need to continue prioritising activities within the Programme of Activities, also according to their budgetary implications, by promoting a result-oriented approach and a cost-effective management of resources;

Confident that the financial climate will only improve and noting a slight improvement in the financial trends related to the Convention;

Decides:

1. To maintain the double funding system consisting in completing the provision regularly allocated by the Committee of Ministers of the Council of Europe (including those coming from the enforcement of CM/Res(2013)7, concerning financial arrangements for the participation of non-member States in Council of Europe conventions) to the Convention's Ordinary Budget with funds allocated to the Convention's Special Account by additional resources;

2. That these additional resources will come from contributions done by those Parties wishing to provide additional financial support to the implementation of the Programme of Activities or to sponsor one or more specific actions requiring extra-funds for their implementation;

3. That additional contributions will remain the will of Parties and will not follow a legal obligation;

4. That the Secretariat will advise – bilaterally and on an annual basis - those Parties who request a suggested scale of contribution, by providing them with an indicative amount;

5. That the provisions of the Ordinary Budget will be mainly devoted to Convention's core activities, in particularly its statutory meetings and its monitoring mechanisms, while additional activities will be (fully or partially) implemented as they receive additional contributions;

6. That the expenses for the organisation of the meetings of the Convention's Group of Experts will be optimised by:

- Asking some Parties (particularly the EU Member States, Iceland, Lichtenstein, Monaco, Norway and Switzerland) to check the possibility of regularly funding the participation of their own delegates;
- Dispensing with simultaneous interpretation on an exceptional basis where circumstances permit;
- Making excursions optional and thus excluded from the reimbursement of daily allowances;
- Coordinating with other MEAs in order to organise, where appropriate, back-to-back meetings.

The Standing Committee further invites Parties to:

a. Consider the possibility of increasing the number and type of in-kind contributions, for instance by asking appointed delegates or experts from their States, to volunteer for the drafting and preparation of specific, technical background reports, moderate technical working groups – namely those organised under the Group of Experts, deliver keynote speeches;

b. Encourage delegates to maintain regular contacts with the representatives of their States in the Permanent Representations to the Council of Europe;

c. Encourage Ministries of Environment to uphold the Bern Convention at the national level, advocating before other Ministries for the added value of the Council of Europe work in the field of nature conservation;

d. Consider the possibility of temporarily seconding national, regional or local officials to the Bern Convention's Secretariat, according to the general rules laid down in Resolution CM/Res(2012)2 establishing Regulations for secondments to the Council of Europe.

Appendix 3 – Draft scale of contributions to the Bern Convention for 2020 in a double funding system (CoE ordinary budget and additional financial contributions from CPs)

(See Excel file)



Draft_scale_fin_contributions.xlsx