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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

## **Working Group on exploring mechanisms to guide amendments to the appendices of the Bern Convention**

### **Proposals for improving the listing process to amend Appendices I, II & III**

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## 1. Issue

The Bern Convention does not currently have an objective evidence-based mechanism to inform decisions made by the Standing Committee to make changes to Appendices I, II & III to the Convention.

This paper sets out a series of high-level options **to improve the process of change to the appendices to the Convention based on evidence.**

This paper is not intended to set out in detail a full proposal for a revised mechanism. The aim is that the process to develop a new mechanism will be discussed and agreed at the 45<sup>th</sup> Standing Committee meeting of the Bern Convention in 2025. A new evidence-based mechanism will then be developed throughout 2026 with the intention of adoption at the 46<sup>th</sup> Standing Committee meeting in 2026.

## 2. Introduction

At its 44<sup>th</sup> meeting in December 2024, the Bern Convention Standing Committee agreed to undertake preliminary work to develop a revised dedicated evidence-based mechanism and criteria for changing the Appendices I, II & III to the Convention.

The current approach to the mechanism for listing species under the Convention has several limitations and weaknesses, many of these were discussed at the 44<sup>th</sup> Standing Committee meeting in the context of the European Union proposals to downlist the wolf from Appendix II to Appendix III<sup>1</sup>.

**The key issue is the lack of independent scientific review.** Proposals to amend species listings are not required to be subjected to objective scientific analysis prior to decisions being taken by the Standing Committee. This approach risks the Standing Committee taking politically motivated decisions based on inadequate, inaccurate, or subjective evidence which in turn may result in long lasting detrimental impacts on species and thus undermine the aims of the Bern Convention. Furthermore, there is no obligation to track the impact of changes in protection status on species population trends or threats, meaning any detrimental impacts may go undetected.

A Working group on exploring mechanisms to guide amendments to the appendices of the Bern Convention was established at the 44<sup>th</sup> Standing Committee meeting and met in March 2025.

At the first meeting, the Working group agreed to develop a series of high-level options **to develop a new evidence-based mechanism** for consideration by the 45<sup>th</sup> Standing Committee these options were further discussed and refined at the second meeting (see [T-PVS\(2025\)03](#) and [T-PVS\(2025\)14](#) for minutes of the first and second Working group meetings).

To inform these considerations, at the second meeting, the Secretariat presented the document *Existing criteria and procedures for amending lists of features in other Conventions and Multilateral Environmental Agreements* (see [T-PVS/Inf\(2025\)04rev](#)), which incorporates additional elements requested by the Group at its first meeting in March 2025. The paper provides a comparative analysis of the mechanisms applied in other conventions, such as the Convention on Migratory Species, and provides a synthesis of key findings. The paper highlights that most multilateral environmental agreements rely on scientific or advisory committees to review proposals for amendments to species lists or annexes. These bodies, while strictly advisory in nature, play a central role in assessing scientific evidence and formulating recommendations for decision-making bodies. Their composition generally balances geographic representation, scientific expertise across disciplines, and broad taxonomic coverage. Meetings are held regularly, and flexible procedures, such as written consultations or ad hoc expert groups, are often used to ensure timely advice.

This summary should be taken into account when considering the options for developing a similar mechanism under the Bern Convention.

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<sup>1</sup> Proposal by the European Union to amend Appendices II and III of the Bern Convention on the Conservation of European Wildlife and Natural Habitats by moving the wolf (*Canis lupus*) from Appendix II to Appendix III (see document [T-PVS\(2024\)15](#))

### **3. Options for developing a mechanism to change the protected status of species listed under the Convention**

After a review of the possible approaches that could be taken, the WG, proposes the following options for consideration by the Standing Committee. These options are not necessarily mutually exclusive, and several options could be pursued.

#### **A. Amend Recommendation No. 56 (1997)**

The Secretariat has prepared a historical review of Recommendation No. 56 (1997) to understand the context within which the recommendation had been prepared and reviewed amendments to the appendices of the Bern Convention since 1997 (see document [T-PVS/inf\(2025\)23](#) and [T-PVS/inf\(2025\)24](#)).

Existing guidance for amending the appendices of the Bern Convention is found in [Recommendation No. 56 \(1997\)](#). The Recommendation steers Contracting Parties to consider criteria when proposing amendments to Appendices I and II of the Bern Convention:

- The degree of threat supported by the species: namely the vulnerability of the species to changes in its habitat, and whether the species is declining in the central area of its distribution, or it is only threatened in the border of its range.
- The ecological role of the species, such as their position or role in the food chain and their structural role in ecosystems.

However, the Recommendation lacks clarity on requirements and focuses solely on adding species to Appendices I and II. No guidance is given to the movement of species between appendices (and thus changing protection status) and Appendix III of the Bern Convention is excluded from the scope of the Recommendation.

Some of these issues can be addressed through amendments to the Recommendation. However, in isolation, Recommendation No. 56 (1997) doesn't sufficiently address the need to ensure the quality and objectivity of the evidence presented to the Standing Committee.

The Working group concluded that updating Recommendation No. 56 (1997) was an essential step to provide clear guidance and criteria for amendments, as well as amending and implementing necessary procedures should Standing Committee decide to adopt a new process. They highlighted that any procedural improvements should ensure that proposals for changes in species' status are evaluated in a consistent and transparent manner, reflecting the Convention's objectives and obligations.

#### **B. Commission *ad hoc* expert advice**

The Bern Secretariat could commission *ad hoc* expert advice when a new amendment to the Appendices is proposed. Benefits of this approach may include a rapid flexible process where an individual/s with highly relevant or specific expertise in a particular species or issue could be contracted rapidly to undertake a thorough objective review. Whilst it would not create a large amount of process for Parties, there will however likely be challenges for the Secretariat in identifying and contracting independent experts, and this will come with a higher financial cost.

The Working group broadly supported exploring the use of *ad hoc* expert advice as a flexible mechanism. They noted that this approach allows input from a range of sources, including existing expert groups and independent specialists, ensuring multiple perspectives and comprehensive information. Participants emphasised that such a mechanism should be clearly defined in terms of criteria, roles, timelines, and budgetary implications, and that it should complement rather than replace existing structures.

However, as the successful contractor will likely only consist of one or two experts, the risk of bias, when compared with a panel or group of experts following a set agreed process with a mix of expertise, would need to be managed.

The feasibility of Option B, including potential cooperation with external bodies such as IUCN, was recognised as requiring further study by the Secretariat. An update on these discussions will be presented at the 45<sup>th</sup> Standing Committee meeting.

### **C. Establish a scientific advisory group**

Establish a Bern scientific advisory group. This is the model used in other Multilateral Environmental Agreements, including the Convention on Migratory Species (Scientific Council), the African-Eurasian Waterbird Agreement (Technical Committee) and the Raptors MoU (Technical Advisory Group) to assess proposals with a scientific element, including amendments to the species on the appendices/annexes of the Multilateral Environmental Agreement. Unlike other Multilateral Environmental Agreements, the role of a Bern Scientific advisory group would not be set out in the text of the Convention. Therefore, its roles and reasonability's would be established through the group's Terms of Reference and the Conventions Rules of Procedure. As such the role of the scientific advisory group would be advisory only. The Standing Committee would remain as the final decision-making body.

A scientific advisory group would be composed of qualified experts from both Parties and relevant institutions. The collective views of the group would be based on expert assessment of available evidence and consensus. The scientific advisory group's collective views would then be presented to the Bern Standing Committee for consideration.

Whilst the development of a scientific mechanism under Bern was initially proposed to ensure amendments to the appendices of the Convention are evidence-based, a scientific advisory group could also provide advice on wider scientific matters, as is the case for scientific advisory groups under other Multilateral Environmental Agreements.

Some participants to the Working group were concerned about possible duplication of existing functions, increased administrative and financial burdens, and the risk this has the potential to add unnecessary layers of decision-making. It was noted that the primary role of any such body should be to coordinate and synthesize expert advice for the Standing Committee, without replacing existing thematic groups. The Working group stressed that NGO participation could be considered in a consultative capacity, enabling input without formal decision-making. While this option could provide broader oversight, participants agreed that it is not necessary for handling ad hoc species proposals and should only be considered if tasked with wider responsibilities in the future. This could include ensuring the evidence presented to Standing Committee related to case files is scientifically robust. The Working group were concerned that it would be difficult to build in time for a scientific advisory group to review proposals ahead of Bern Standing Committee but noted that a recommendation could be developed to ensure an independent review is carried out before the proposal is submitted.

Decision for Standing Committee:

- (1) Agree on the option(s) to be further developed, noting that amendment to Recommendation No. 56 (1997) is essential if a new mechanism is to be adopted, and provide any steers on the mechanism development which may help the Working group take forward this work.
- (2) Mandate the Working group to fully develop the process, including any necessary amendments to Recommendation No. 56 (1997), Rules of Procedure and/or other exiting processes and present these to Standing Committee in 2026 for possible adoption.