



Strasbourg, 5 November 2021  
[Inf62\_2021.docx]

**T-PVS/Inf(2021)62**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

41<sup>st</sup> meeting  
29 November - 3 December 2021

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**AMENDMENT OF THE BERN CONVENTION:  
STATE OF PLAY**

*Document prepared by  
the Directorate of Democratic Participation*

The 39th Standing Committee mandated the Secretariat to develop a proposal for amending the Bern Convention and to include compulsory financial provisions.

At the 40<sup>th</sup> Standing Committee, the discussion on the amendment was postponed because the EU and its member States had no mandate to start the negotiation yet.

While a draft article amending the Convention had already been drafted for the 40<sup>th</sup> Standing Committee, the Intersessional Working Group on Finances prioritised the discussion on the setting up of the Enlarged Partial Agreement at its first meeting on 3<sup>rd</sup> February 2021.

At its second meeting on 31 March 2021, the Intersessional Working Group on Finances addressed the EU and its member States' questions dating back to 2020, namely, how the overall mandatory contributions would be shared among Contracting Parties and how the Standing Committee would distinguish between "core" and "programmatically" budgets. The Working Group also examined a financial simulation tool, based on Resolution (94)31 of the Committee of Ministers of the Council of Europe, for the method of calculating the scales of member States' contributions to the Council of Europe budget.

The decision of the Council of the European Union authorising the European Commission to negotiate amendments to the Bern Convention was issued in June 2021, in time for the third meeting the Intersessional Working Group on Finances held on 15 June 2021.

The decision of the Council of the European Union states that:

- the compulsory contributions to the Bern Convention shall not change the existing obligations of the treaty;
- the EU financial contribution shall not exceed 2.5% of the core budget, as is the case for other UN conventions;
- the Standing Committee shall distinguish between the "core" and "programmatically" budget, as is the case in the Convention on Migratory Species (CMS) and the Convention on Biological Diversity (CBD).

The Intersessional Working Group on Finances instructed the Secretariat to align, to the extent possible, the draft amendment on the financial provisions to the CBD or CMS examples.

At its fourth meeting held on 12 October 2021, the Intersessional Working Group on Finances examined the revised draft article in conformity with the UN conventions model. As a result of a written consultation carried out between 28 October and 5 November 2021, the Working Group agreed on the following draft article providing mandatory financial contributions to the Bern Convention:

Article 14bis:

1. The Standing Committee shall determine and keep under review the appropriate financial mechanism to achieve the objectives of the Convention.
2. The Standing Committee shall determine unanimously for each financial period the appropriate financial resources for the implementation of the programme of work in the light of the ordinary budget allocation from the Council of Europe and possible other sources of funding.
3. The Standing Committee shall agree unanimously, at each of its annual meetings, on a scale of financial contributions in order to complement the ordinary budget allocation of the Council of Europe.
4. The scale of financial contributions agreed on by the Standing Committee shall be adopted by the Committee of Ministers of the Council of Europe.
5. The adopted scale of financial contributions shall respect the modalities set out in the Annex.
6. Each Contracting Party shall contribute to the financial resources of the Convention according to the scale of annual contributions adopted.

This draft article will require further elaboration in 2022, in particular the drafting of the Annex referred to in paragraph 5.

The Intersessional Working Group on Finances invites the Standing Committee to take stock of the development of the amendment and exchange views on the next steps of work.