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**T-PVS(2020)5**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

40<sup>th</sup> meeting  
Strasbourg, 30 November - 4 December 2020

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**Meeting of the Bureau**

15-16 September 2020  
(virtual meeting)

**- MEETING REPORT -**

*Secretariat Memorandum prepared by  
the Directorate of Democratic Participation*

## 1. ADOPTION OF THE AGENDA

The Chair of the Standing Committee to the Bern Convention, Ms Jana Durkošová, opened the second ordinary annual meeting of the Bureau to the Bern Convention for 2020. She thanked the Secretariat for the hard work in preparing the meeting and the documents, under the continuing difficult circumstances of the Covid-19 pandemic. She welcomed the new Secretary of the Bern Convention, Ms Ursula Sticker, who introduced herself to the Bureau members and expressed her satisfaction at joining the Convention. All expressed their hope that the staffing situation could now remain stable.

The meeting agenda was adopted with no amendments (appendix 1).

## 2. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION

### 2.1. Inter-sessional working group on financing: state of play of the preparation of the proposals of funding the Convention and next steps

The Secretariat recalled the development of a financial mechanism process resulting from the work of the Intersessional Working Group on Finances up to this point. This included the finalisation of the document T-PVS/Inf(2020)3 concerning the proposals setting up two options of a sustainable funding mechanism for the Bern Convention. These options are namely an amendment of the Bern Convention and setting up of an Enlarged Partial Agreement. The English and French versions of the document had been shared with the Contracting Parties on 23 June 2020, setting 1 September 2020 as a deadline for possible questions and comments.

Further, the Bureau recalled that it had instructed the Secretariat to elaborate financial scenarios for both mechanisms. The Secretariat presented possible financial scenarios based on Resolution (94)31 of the Committee of Ministers (CM) of the Council of Europe (CoE) which calculates the contribution of each member State of the CoE to the ordinary budget based on population and gross domestic product (GDP). A colleague from the CoE Directorate of Programme and Budget explained in more detail the rationale behind the possible scales. The Bureau agreed that fixed percentages and a minimum (and possibly) maximum monetary amount should be identified.

It was also noted that once a fixed scale which satisfied the requirements of the CM Resolution was agreed upon, voluntary contributions or bilateral agreements would still need to be made with those Contracting Parties which were willing to pay more.

Concerning the discussion at the Standing Committee, it was underlined that the priority of the 40<sup>th</sup> Standing Committee was to make a decision on the financial mechanisms. The financial scenarios should be discussed at a later stage. It was advised to inform the Standing Committee that work on possible scenarios was ongoing.

Finally, it was recalled that there would be a meeting of the Rapporteur Group on Education, Culture, Sport, Youth and Environment under the CM taking place on 17 September, where delegations would be invited to exchange views on the proposals of setting up a sustainable funding mechanism for the Bern Convention. Bureau members hoped that the CM would understand the precarious situation of the Bern Convention, and be open to the potential changes in financial strategy.

**Decision:** The Bureau thanked the Secretariat and Directorate of Programme and Budget for presenting possible financial scenarios. It noted that the chosen scale for contributions should meet the requirements of Committee of Ministers Resolution (94)31.

The Bureau agreed that there should be a fixed percentage rate per year, with minimum and maximum monetary amounts. It instructed the Secretariat to continue elaborating a limited number of possible financial scenarios taking this into account and elaborating on their rationale.

The Bureau urged the Standing Committee to decide on one or both of the financial mechanisms at its 40<sup>th</sup> meeting, otherwise another year would be lost, jeopardising further the financial sustainability of the Bern Convention.

## **2.2. State of play of the voluntary contributions received in 2020**

The Secretariat presented the updated table of voluntary contributions received so far in 2020: although €290,000 had been announced, approximately €190,000 had been received - however, it was understood that several of the other countries were in advanced stages of the process with the CoE Office of the Directorate General of Programmes. Nevertheless, it was noted that even the possible €290,000 was far below the €500,000 recommended in Resolution No. 9 (2019) of the Standing Committee.

**Decision:** The Bureau took note and thanked the 12 Contracting Parties which had contributed to this point. It instructed the Secretariat to follow-up bilaterally, in particular with countries which had already pledged support.

Finally, the Bureau urged all other Contracting Parties to contribute in order to guarantee the efficient operation of the Bern Convention.

## **2.3. Report on the use of the resources from the Special Account of the Bern Convention**

The Secretariat informed the Bureau that the current balance on the Special Account amounts to €240 000.

In addition to staff costs, three contracts had been charged to the Special Account: the development of the Emerald Network tools, a consultancy contract for the coordination of the development of the tools, and the communication campaign in relation to the World Forum for Democracy. The contracts amounted in total to €47 300.

**Decision:** The Bureau took note of the information and expressed its concern at the low amount remaining in the Special Account, and again called for more voluntary contributions from Contracting Parties.

## **3. IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES AND BUDGET FOR 2020**

### **3.1. European Diploma for Protected Areas (EDPA): results of the meeting of the Group of Specialists and planning of the appraisal visits in 2020**

The Secretariat informed the Bureau that due to the ongoing Covid-19 pandemic, all on-the-spot appraisals had been postponed, and it seemed unlikely that any or only a very few could take place before the end of the year. This would have a strong implication on 2021, from a budget, Secretariat work, and EDPA renewal process point of view, as at least 21 visits may have to be envisaged next year.

The Bureau inquired as to whether the European Diploma could be exceptionally prolonged to those countries affected, or even exceptionally extended by one year to all sites, thus pushing back the 2021 and all future visits by one year and solving the problem. It was also underlined that the health and well-being of the experts should be of utmost importance. Virtual visits were also mooted as an option, but no examples of this were recalled. IUCN and UNESCO were also facing a similar problem, and their decisions could be observed.

A question was raised about the EDPA vision and roadmap which had been discussed by the Bureau in April. The Secretariat informed that concrete steps on this would be only taken in early 2021 due to many other pressing priorities and the disruptions from the Covid-19 pandemic. The Bureau supported the promotion of the vision through possible visibility actions next year.

Finally, it was suggested that the EDPA Group of Specialists meeting could be pushed back to the 2nd half of 2021, as there would be little to discuss in the beginning of the year.

**Decision:** The Bureau took note of the postponed on-the-spot appraisals to EDPA sites in 2020, and instructed the Secretariat to explore exceptional measures of prolonging the Diploma of the sites concerned until visits could be made.

It took note that the EDPA vision and roadmap for its implementation would be tackled in 2021, with the support of visibility actions.

It took note that the EDPA Group of Specialists meeting in 2021 could be postponed until the second half of the year, to hopefully allow visits to take place beforehand.

### **3.2. Illegal killing of birds (IKB): state of play (IKB Scoreboard and Rome Strategic Plan)**

The Secretariat reminded that the joint meeting of the Bern Convention / CMS MIKT on IKB had been postponed to the first quarter of 2021 as the conditions for holding a physical meeting in Spain were too uncertain.

The Secretariat informed that the Rome Strategic Plan as amended by the 39<sup>th</sup> Standing Committee had been endorsed by the CMS MIKT.

The Secretariat further explained that the cooperation with CMS was on-going. The second Scoreboard reporting had been launched in mid-July and the reports were expected by 15 October 2020.

Umberto Gallo Rossi had been entrusted with the assessment of the second scoreboard reporting. Preliminary findings should be presented at the 40<sup>th</sup> Standing Committee and the draft final report should be ready for the joint Bern Convention / CMS MIKT meeting in the beginning of 2021.

Discussions on the evaluation of the Rome Strategic Plan had also started while awaiting the recruitment of a new MIKT coordinator. The intention was to have a draft assessment methodology ready for the joint Bern Convention / CMS MIKT meeting in the beginning of 2021.

**Decision:** The Bureau appreciated the endorsement of the Rome Strategic Plan by CMS MIKT and took note of the launch of the second Scoreboard reporting with expected presentation of preliminary results during the 40<sup>th</sup> Standing Committee meeting.

### **3.3. Invasive Alien Species (IAS): state of play (Communication and IAS, E-Commerce and IAS, Study on Alien Pathogens)**

The Secretariat recalled that three studies (Guidance on communication and IAS, Guidance on e-commerce and IAS, Study on Alien Pathogens and Pathogens spread by IAS) were expected to be finalised in light of comments received from Parties.

Considering the substance of the comments which would result in expanding the studies beyond the initial agreed scope and the limited availability of the consultants involved in the studies for further elaborating on the comments received, it was suggested to postpone the discussion and possible adoption of the three documents at the 40<sup>th</sup> Standing Committee, due to the incompleteness of some of them, and the lack of a discussion at a Group of Experts on IAS nor further consulting process with Contracting Parties. It was also noted that some parts of the documents might benefit from being briefly updated with pandemic-related content. These suggestions were widely agreed upon and a meeting of the Group of Experts on IAS was proposed to take place in the first half of 2021, pending the sanitary situation.

**Decision:** The Bureau decided to postpone from the 40<sup>th</sup> Standing Committee the discussion and possible adoption of the three documents on IAS, and to use the time to enrich the documents including with possible updates related to the pandemic, and to give a chance to Contracting Parties and the Group of Experts on IAS to consult them. The latter was proposed to meet in the first half of 2021, pending the sanitary situation.

### **3.4. Setting-up of the Emerald Network: state of play and ongoing activities in 2020**

#### **a. Meeting of the Group of experts on Protected Areas and Ecological Networks, October 2020**

The Secretariat informed on the state of preparation of the meeting which had been transformed into a virtual meeting to be held on 7-8 October. The Group of Experts is expected to tackle several requirements of the 39<sup>th</sup> Standing Committee in particular the obligations of Contracting Parties towards their Emerald Network

candidate and/or adopted sites, the monitoring of the implementation of the Emerald Network by Contracting Parties and the elaboration of a post-2020 strategic workplan of the Emerald Network.

The Secretariat further informed the Bureau that the authorities of the UK had confirmed their intention to ask the 40<sup>th</sup> Standing Committee to recognise their sites as adopted Emerald Network sites.

The question was raised as to whether the UK sites which would be transferred from Natura 2000 to the Emerald Network should undergo a new sufficiency evaluation or should be automatically accepted based on the prior Natura 2000 sufficiency findings. The Bureau saw no reason not to accept the sufficiency status of the Natura 2000, and the sites could be formally accepted during the Standing Committee.

More generally, it was noted that protected areas had become more popular with local tourists since the restrictions due to the pandemic. Although their sense of value may be rising, they were also now often overburdened with tourists, and had reduced budgets. This point should be raised during the Group of Experts meeting.

**Decision:** The Bureau endorsed the draft agenda of the meeting of the Group of Experts and suggested adding a point related to the changing role of protected areas as a result of the pandemic and reflecting on the [Editorial Essay: Covid -19 and Protected and Conserved Areas](#) (Hockings et al.)

It invited the Standing Committee to accept the former Natura 2000 sites of the United Kingdom into the Emerald Network as adopted sites.

#### **b. Emerald Network Viewer**

The Secretariat informed that following the Extraordinary Bureau meeting of 22 June 2020 and thanks to a voluntary contribution from Norway, the IT company Bilbomatica which developed the Natura 2000 Viewer had been contracted to develop the Emerald Network Viewer. The work in coordination with the European Environment Agency (EEA) had already started. The aim of the contract is to develop the Webapp which relates to the data flow while the EEA will take care of the harmonisation of the Viewer itself with that of Natura 2000.

The current public data release regarding the Emerald Network dates back to 2016. The development of the Emerald Network Webapp will enable a 2019 data release by the end of year. The Emerald Network Viewer will subsequently be updated with the 2019 data but most probably not before the first quarter of 2021.

The work is on track and an update on the developments will be presented at the Group of Experts on Protected Areas and Ecological Networks and subsequently at the Standing Committee.

**Decision:** The Bureau welcomed the progress made for the development of the Emerald Network Viewer and appreciated the repeated financial support of the European Environment Agency and the Kingdom of Norway.

#### **c. Sufficiency index and online barometer**

The Secretariat recalled that this item follows up on the decision of the Bureau from September 2019 to measure the progress of Contracting Parties in the implementation of the Emerald Network based on scientific indicators.

The Secretariat referred to the draft proposal of monitoring framework of the implementation of the Emerald Network shared with the members of the Bureau. The monitoring framework reflects on the three phases of the constitution process of the Emerald Network (designation, evaluation and management) and builds on three indicators: the national coverage, the sufficiency index and the conservation measures.

The monitoring framework will also result in an online barometer.

The proposal of monitoring framework will be presented and discussed at the Group of Experts on Protected Areas and Ecological Networks and will hopefully receive support.

**Decision:** The Bureau appreciated the draft proposal of monitoring framework and looked forward to its implementation pending the comments of the Group of Experts on Protected Areas and Ecological Networks.

#### **d. Comparative legal studies on Emerald Network candidate and adopted sites**

The Secretariat informed that two legal comparative studies aiming to assess obligations of Contracting Parties towards their Emerald Network adopted and candidate sites had been initiated.

The first study should take stock of the existing legal documentation related to Emerald Network adopted sites with a view to remedy gaps regarding the obligations of non-EU Contracting Parties. The study should compare the obligations of countries regarding their designated sites once adopted as set in the Emerald Network and in the EU Habitats and Birds Directives. The findings of the study should result in proposals to align the obligations of non-EU Contracting Parties to the obligations of EU member States.

The second study should take stock of the existing legal documentation related to Emerald Network candidate sites with a view to clarify the status of candidate sites, i.e. when should a proposed site become a candidate, what are the obligations for countries hosting candidate sites, what differs in the obligations of countries towards candidate vs adopted Emerald Network sites. If need be, proposals to complement the legal provisions regarding Emerald Network candidate sites should be drafted.

Both comparative studies are expected to be discussed at the Group of Experts on Protected Areas and Ecological Networks in October and could result in recommendations of the Standing Committee so as to limit the number of case files related to Emerald Network sites in the future.

**Decision:** The Bureau took note of the information provided.

#### **e. Belarus Action Plan**

The Secretariat recalled that this project originates from a country specific Action Plan for Belarus. It informed that ten local and two international experts had been contracted, and that a launch meeting including the participation of the Secretariat, local and international experts had taken place in August, despite several postponements due to the political situation in Belarus. The meeting aimed to provide general guidance to the local experts, and it was hoped that most of the expert desk research could go ahead in spite of the circumstances, but that field research may be disrupted. The objective of the project remains to address the conclusions of previous biogeographical evaluation seminars, to designate new Emerald Network sites and in the end to deliver an updated national database.

A bilateral evaluation meeting could therefore be foreseen in 2021 to assess the progress in the sufficiency of the list of sites proposed by Belarus.

**Decision:** The Bureau took note of the information provided.

### **3.5. Reporting under Resolution No. 8 (2012) on conservation status of species and habitats: state of play of the assessment of the reports submitted**

The Secretariat recalled that the preliminary assessment of the outcomes of the reporting under Resolution No. 8 (2012) had been presented at the first ordinary Bureau meeting in April 2020. The final report had been expected for the second ordinary Bureau meeting in September 2020, but the experts had not managed to finalise it in time.

Compared to the report presented in April the second report will provide additional analysis and examples and consider all remaining data (threats, pressures, measures and the general report).

The final assessment will be presented and discussed at the Group of Experts on Protected Areas and Ecological Networks and subsequently at the 40<sup>th</sup> Standing Committee.

In the discussion, it was suggested that the reporting should be promoted on the website, social media and other communication channels, as it was indeed a flagship project of the Bern Convention.

**Decision:** The Bureau took note of the information provided and expressed its satisfaction with the flagship project. It instructed the Secretariat to promote the visibility of the outcomes of the Reporting under Resolution No. 8 (2012) once the report is finalised.

### 3.6. Review of the European Plant Conservation Strategy

The Secretariat informed that the review of the European Plant Conservation Strategy drafted by Planta Europa and Plantlife was almost finalised and awaiting some final editing and additions. It was hoped that the Review would result in the development of a new European Strategy for the next decade but for the time being it remained unclear whether CBD would adopt a new Global Strategy for Plant Conservation, and a European declination of it would not happen before 2021.

The Secretariat further informed that the outcomes of the review will be promoted at global level as a contribution to the Global Strategy for Plant Conservation

**Decision:** The Bureau took note of the information that the Review would likely be presented at the Standing Committee and stressed the excellent role of the Bern Convention in this very important project. It noted that the Review should lead to a new Strategy for the next decade.

### 3.7. Pan-European Action Plan for the conservation of the Sturgeon

The Secretariat informed the Bureau that discussions were underway with European Commission DG Environment to possibly initiate a joint project on the conservation of the sturgeon framed in the context of the implementation of the Pan-European Action Plan for the Conservation of the Sturgeon (PANEUAP). The aim of the project would be to set up and run a mechanism for a coordinated and effective implementation of the PANEUAP.

The European Commission is prepared to directly award the CoE (Secretariat of the Bern Convention) with a grant agreement for this purpose, which would entail a 25% co-funding rate for the CoE. The Secretariat informed the Bureau that it was currently looking into whether such co-funding could be secured.

If co-funding could be secured, the project was hoped to start in Spring 2021. Concerning the co-funding, it was inquired if range Contracting Parties could be interested to contribute to the project. It was also mentioned that a similar project was ongoing in the Baltic states and could be referred to for inspiration.

**Decision:** The Bureau supported the project proposal and looked forward to collaborating on it with DG Environment and other partners. It supported the Secretariat in their search for funding.

## 4. 40<sup>TH</sup> STANDING COMMITTEE MEETING

### 4.1. Draft Agenda

The Secretariat highlighted that it was likely that the 40<sup>th</sup> Standing Committee would exceptionally have to be held virtually, due to the ongoing sanitary crisis and risks/difficulties in travelling. Further, currently no large physical gatherings were allowed to be convened in CoE premises. The Secretariat informed that the virtual meeting could be held via KUDO, which is a multi-lingual web conferencing platform with simultaneous interpretation into English and French. It was hoped that the Chair and Vice-Chair could travel to Strasbourg to ensure a better coordination with the Secretariat during the meeting.

After a lengthy discussion, the Bureau decided to refrain from holding a physical meeting of the 40<sup>th</sup> Standing Committee and, for the sake of continuity of the proper functioning of the Standing Committee, go ahead with preparations for a virtual meeting. Taking into account the constraints of the remote process, it was suggested that the Chair and Vice-Chair could share duties during the meeting. It was reminded that discipline and strict time management in terms of the agenda and interventions would have to be ensured. Participants should limit their speaking times and send their presentations to the Secretariat in advance. There should be only one designated speaker per delegation. Furthermore, the online tool KUDO had a limit of three and a half hours per half day, thus there was no possibility of extending sessions.

Concerning the length of the meeting, it was suggested to start the meeting on Monday afternoon. This would allow for a less dense agenda throughout the following online sessions. Due to technical implications of the KUDO platform, special attention would need to be paid to granting access to the online voting feature only to those participants who have the right to vote. Therefore, it was decided to cluster the agenda items

which could possibly entail a vote on Monday and Friday, allowing for a meeting of only the Contracting Parties and not Observers on those two days. Observers would be invited to the meeting sessions only on Tuesday to Thursday, thus avoiding the possible right to vote issue.

Regarding a Vision for the Bern Convention, it was reminded that the 39<sup>th</sup> Standing Committee had decided to postpone the adoption of a Vision until the Global Biodiversity Framework had released its Strategy. As this had again been postponed because of Covid-19 and so as not to lose any more time, it was proposed to revise and discuss the Vision document again at the Standing Committee, and consider mandating a Working Group to elaborate the Vision during 2021.

The question on updating the Rules of Procedure was also raised, but it was decided to come back to this less urgent question in 2021, once there was more information on the future structure of the Convention.

Finally, it was agreed to hold a short online meeting between the Bureau and Secretariat one or two weeks before the Standing Committee to discuss preparations.

**Decision:** In light of the ongoing uncertainties due to the Covid-19 pandemic, the Bureau decided to hold the 40<sup>th</sup> Standing Committee virtually via video conference.

Given the constraints of the remote process and technical implications of the online platform, it was further decided to open the meeting on Monday afternoon, 30 November 2020, and grant access to Observers to the meeting only on Tuesday to Thursday.

It noted that an updated Vision for the Bern Convention would be presented for discussion and invited the Standing Committee to mandate a Working Group to elaborate the Vision during 2021. It instructed the Secretariat to formulate a Terms of Reference for the Group.

It took note of the proposal to update the Rules of Procedure and agreed to come back to this issue in 2021.

It agreed to hold a short preparatory meeting with the Secretariat one or two weeks before the meeting.

It approved the draft agenda with several modifications.

#### **4.2. Draft Programme of Activities 2020-2021**

The Secretariat presented a revised draft programme of activities and budget for 2021. It included a new column presenting alternatives to activities should the pandemic continue to cause disruption, as well as some additions, notably funding reserved for an investment into an online dashboard for the case-file system, the strengthening of the monitoring of the Convention, the development of a communication strategy for the European Diploma for Protected Areas and the pan-European Action Plan on the Conservation of the Sturgeon.

During an exchange of views, a possible rethink of the case-file system was discussed. It was agreed that the current system is outdated and inefficient, both for the Secretariat and Bern Convention stakeholders. Some internal improvements such as a Dashboard similar to the one dedicated to the EDPA and a revision of the working methods could be implemented, but a longer-term reflection, in line with the Vision for the Convention in 2021-2030 was needed. Furthermore, the recommendations resulting from case-files (or other issues) required a better follow-up and modernisation.

It was also proposed that national evaluations of Contracting Parties could be re-envisaged for the future.

The Bureau also expressed its concern with the numerous case-files related to marine turtles in the Mediterranean, and the fact that most of them have been on the agenda for many years or even several decades. It exchanged views on how to improve the situation in the countries concerned. After a lengthy brainstorming, it was agreed that the Bern Convention, which has been synonymous with marine turtles for many years, should take the lead and develop an Action Plan or Guidelines for marine turtles, in partnership with other international or non-governmental organisations and Contracting Parties. It was also stressed that any instrument devised must be results-oriented and have a concrete follow-up. It should proactively and holistically assist the countries concerned with these problems, as well as possibly become a global example for marine turtle conservation and promotion.

Finally, the Bureau raised the issue of financial resources necessary to implement agreed activities and the urgent need for voluntary contributions as adopted by the Resolution No. 9 (2019).



**Decision:** The Bureau approved of the additions to the draft programme of activities for 2021 and took note of future reflections on the case-file system, recommendation follow-ups, and national evaluations.

It agreed that the suggested scale of voluntary contributions as set in Resolution No. 9 (2019) should stay the same as last year.

The Bureau mandated the Secretariat to initiate the process of an Action Plan for Marine Turtles and seek for possible financial resources, and to report progress at the 40<sup>th</sup> Standing Committee. It would be added to the Programme of Activities for 2021.

The Bureau approved the revised draft programme of activities for 2021.

## 5. COMMUNICATION STRATEGY AND VISIBILITY OF THE CONVENTION

### 5.1. World Forum for Democracy, 16-18 November – state of play

The Secretariat informed that the World Forum for Democracy (WFD) had been postponed until November 2021 due to the Covid-19 pandemic. There was still the possibility of holding online labs and fora as from this Autumn which will culminate in the holding of the WFD, but no more information was available at this time. Nevertheless, all four Bern Convention initiatives had been shortlisted for next year's Forum, or possibly even to feature in online events.

**Decision:** The Bureau took note of the information.

### 5.2. Communication Campaign

The Secretariat reminded the Bureau that preparations for a communication campaign had been initiated linked to the WFD and its theme "Can Democracy save the Environment". Due to the postponement of the WFD (see Point 5.1), the aim of the Campaign had been adapted. As well as the WFD theme democracy and the environment, it would now expand to include the theme of human rights and the environment, and possibly a third concept to be decided. A platform would be launched towards the end of the year to host Bern Convention related initiatives on these themes. As well as that, and in order to increase internal visibility, CoE personalities would be approached for short interviews to appear on the platform promoting the Convention.

During a discussion it was reassured that more initiatives would be called for, including at the forthcoming Standing Committee meeting, on the two (or three) themes mentioned above. The "Campaign", or rather long-term promotional and awareness-raising communication plan would continue throughout next year, developing the platform, and culminating in the rescheduled WFD in November 2021 where collaboration with the WFD Secretariat could continue. Finally and as mentioned above under point 5.1, there was still the possibility of Bern Convention initiatives being featured in online labs or fora in the coming months or next year.

In the discussion, the Bureau recommended to consider BirdLife's [campaign](#) to make a healthy natural environment a human right as a source of inspiration.

**Decision:** The Bureau took note of the information and approved of the modified Communication Campaign for 2020-2021.

## 6. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION

### 6.1. Biennial reporting request and submissions

The Secretariat pointed out that in June 2020 a reminder had been sent out to Contracting Parties to complete the biennial reports of 2015/2016 and 2017/2018 with a deadline of 30 October. To date, 31 Parties had submitted for 2015/2016 and only 18 for 2017/2018. However, it should be taken into account that the Secretariat would only receive all of the EU member State reports once the European Commission sends us

their report in the Autumn, so the number could be much higher. Next year, around Spring, the Secretariat would expect to launch the reporting questionnaire for the period 2019/2020.

**Decision:** The Bureau took note of the information provided and called on the Contracting Parties to comply with their reporting obligations.

## 6.2. ORS and EU Member States obligations

The Secretariat recalled that negotiations have been ongoing with the World Conservation Monitoring Centre (WCMC) regarding a possible maintenance contract for the Online Reporting System (ORS). Should there be no progress on the negotiations, there should be a reflection on whether the system merits the amount of money to be invested yearly into its maintenance, and the possibility of transferring to the EU Habides + system was again mentioned.

Discussions have continued with WCMC also regarding making several minor adjustments in the online questionnaire for 2019/2020 in order to improve the user experience and reduce the many problems facing users. However, this work may depend on the signing of a maintenance contract.

**Decision:** The Bureau took note of the situation and instructed the Secretariat to continue discussions with the WCMC on the maintenance contract. It noted that such an investment should guarantee a high-quality service, and if this could not be assured, a transfer to the EU Habides + tool should be considered.

## 7. IMPLEMENTATION OF THE CONVENTION: CASE-FILES

### 7.1. Open files

- 1995/6: Cyprus: Akamas peninsula

**Decision:** The Bureau thanked both parties for the updated reports.

The Bureau took note of the concerns of the complainant that the government has achieved little progress on the 13 points of Recommendation No. 191 (2016), and that, despite the restrictions imposed as a result of the Covid-19 pandemic, illegal activities have continued on and in the vicinity of the nesting beaches.

The Bureau welcomed the awareness-raising activities of the authorities and proposed designation of a new marine protected area but stressed the need to finalise the designation soon so that the site would be well restricted from illegal activities. The recruitment of park rangers as soon as possible was also a positive sign.

The Bureau expressed concern at the slow progress of the authorities in relation to several points of the Recommendation and urged them to step up efforts, in particular as regards addressing the illegal activities mentioned by the complainant such as off-road quad bikes, tourist pressure on beaches and illegal businesses continuing to operate.

It further encouraged continuing good efforts at awareness-raising of the public, and to improve collaboration with the local NGOs.

**The file remains open** and both parties are invited to make a brief presentation at the 40<sup>th</sup> Standing Committee meeting, focusing on any recent updates. The authorities should also give further information on the EU LIFE project.

The Bureau also instructed the Secretariat to request information from the European Commission regarding the status of the LIFE project.

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

**Decision:** The Bureau thanked the Bulgarian authorities for the updated report which provides the 2<sup>nd</sup> part of the Study on “the Methodology for a monitoring of the Impacts of Wind Energy Development on Birds in the Region of Kaliakra, Bulgaria”. It also noted that the final study (Activity 3) was expected to be completed on time for the Standing Committee, despite delays due to Covid-19.

It looked forward to receiving the final Study and also again requested that the authorities prepare a list of main obstacles of and possible solutions to the conditions of Recommendation 200 (2018) as well as provide an update on collaboration with the civil society.

The Bureau invited the authorities to make a short presentation at the Standing Committee, and also urged the complainant to send an updated report for the same meeting, as it had been more than 18 months since the last update was received.

Concerning the European Commission proceedings, the Bureau took note that Bulgaria had provided an update to the Commission on the implementation of appropriate measures previously elaborated to comply with the judgement of the Court of Justice of the EU from 14 January 2016 in Case C 141/14, concerning in particular the enforcement of the 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.

The Bureau also instructed the Secretariat to request the European Commission to report to the Standing Committee regarding the European Court of Justice proceedings on the same case.

**The file remains open.**

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

**Decision:** The Bureau thanked the complainant for the timely and detailed report but noted the lack of a report from the authorities. It noted the concerns of the complainant that the measures under Recommendation No. 174 (2014) are not being fulfilled and especially the urgent need for a Management Plan and enforced Presidential Decree, as well as imposition of fines against illegal activities. It was also concerning that the NGOs were being blocked from assisting on the ground, while concurrently, there was insufficient staff to monitor and protect the area.

The Bureau once again urged the Greek authorities to cooperate with the civil society in activities and elaboration of plans, provide concrete evidence of a thorough implementation of the Presidential Decree, of the development of a Management Plan and of all operational paragraphs of Recommendation No. 174 (2014). It urged that more rangers be deployed, and finally asked for a concrete update on the EU LIFE project.

The Greek authorities are urged to provide a report and present on the current situation at the 40<sup>th</sup> Standing Committee. The complainant is also invited to make a short presentation.

**The file is kept open.**

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

**Decision:** The Bureau thanked both the authorities and complainant for their timely and detailed reports.

The Bureau noted the information of the authorities on improved turtle nest numbers, as well as certain monitoring and conservation practices. However, it took note of the information provided by the complainant pointing to the construction of new hotels and a shipyard, drydock or marina near or on Fethiye nesting beaches, as well as to the construction of additional houses in Patara SPA.

The Bureau acknowledged the proactive attitude of the authorities but was concerned with the lack of inter-ministerial and cross-sector cohesion. It also stressed that any development of houses, hotels, etc. must be subject to a comprehensive and transparent Environmental Impact Assessment (EIA) and requested that the management plan in preparation encompasses these outcomes of the assessment.

The authorities were asked to provide information on the new hotel development and status of the shipyard construction project near or on Fethiye nesting beaches, as well as information on additional houses built outside the summer house construction project and the ongoing redetermination of the SPA's zoning in Patara, especially regarding an EIA in all cases.

Further, they are encouraged to continue awareness-raising activities, and to impose penalties on illegal activities.

**The file is kept open** and both parties are invited to present on the concrete situation at the 40<sup>th</sup> Standing Committee.

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

**Decision:** The Bureau took note that preparations for an on-the-spot appraisal (OSA) had not been initiated due to a lack of feedback from the North Macedonian authorities on the revised draft Terms of Reference following the Bureau decision in April, as well as ongoing travel restrictions due to the Covid-19 pandemic.

The Bureau mandated the Secretariat to once again follow up with the North Macedonian authorities for comments on the revised draft Terms of Reference for the OSA, to hopefully take place in the first half of 2021. The authorities are asked to comment on time for the 40<sup>th</sup> Standing Committee.

Both parties are invited to report on the general situation at the 40<sup>th</sup> Standing Committee.

**The file remains open.**

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

**Decision:** The Bureau thanked both the authorities and complainant for their timely and detailed reports. It noted that there have been no updates regarding Poçem HPP. Concerning Kalivaç HPP, the complainant gained access to the full Environmental Impact Assessment but fears the public hearing process is flawed. According to a study mentioned by the complainant, the two HPPS are neither economically nor environmentally viable.

As regards the river basin management plan, the process has been delayed due to the pandemic, but a feasibility study should be ready by the end of September.

The revision process of the Protected Areas Network of Albania is ongoing, and the complainant continues to be concerned about the possible construction of Narta Airport.

The Bureau again stressed the high nature conservation value of the river area, which is a real biodiversity hotspot, and urged the authorities to take this into consideration when making future decisions. It also asked the authorities to provide an update on the EU feasibility study which was due to be finalised in September 2020.

The Bureau looked forward to hearing short presentations from both parties at the 40<sup>th</sup> Standing Committee and requested in particular the authorities to focus on the results of the feasibility study.

**The file remains open.**

- 2016/4: Montenegro: Development of a commercial project in Skadar Lake National Park and candidate Emerald site

**Decision:** The Bureau thanked both the authorities and complainant for their timely and detailed reports. It welcomed the progress in certain areas of the authorities and their responses to some of the allegations of the complainant. However, it also noted the continued concern of the complainant that no meaningful progress has been achieved.

It encouraged the authorities to keep it updated on the implementation of Recommendation 201 (2018), including on the status of the proposed highway and construction of new ports and marinas.

**The file remains open** and both parties are requested to present an update at the 40<sup>th</sup> Standing Committee meeting.

## 7.2. Possible files

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

**Decision:** The Bureau thanked the Bulgarian authorities for their good cooperation and reporting, and the European Commission for providing an update on their process.

It took note that the Bulgarian authorities have reported taking measures to improve the safety and environmental conditions of the existing road, and that expertise has been requested from the European Commission to support the development of the project.

It also noted that the experts contracted have been specifically mandated to ensure that the project will comply with Bern Convention recommendations, and that in this regard the Bulgarian authorities suggest awaiting the results of this consultation, due in March 2021, before seeing if a special Bern Convention OSA would still be required.

The Bureau remained concerned with the situation and lack of information on concrete mitigation/compensatory measures and preferred to maintain an OSA in 2021 as per the 39<sup>th</sup> Standing Committee decision, pending the outcome of the European Commission findings. Specialised experts should be mandated to consult and verify the situation on the ground.

The Bureau asked both parties to present at the 40<sup>th</sup> Standing Committee meeting the current situation on the ground, including on concrete mitigation measures.

It further instructed the Secretariat to request the European Commission to inform on its monitoring mission.

The Bureau invited the Standing Committee to consider mandating the Bureau to closely monitor the situation in regard to the EC monitoring mission, and to mandate the Bureau to update the Terms of Reference for an OSA in 2021 if it is deemed necessary. The Bureau recalled that the OSA had been originally intended to focus on the alternative routes and not on mitigation measures.

- 2017/01: Norway: Lack of legal protection for Northern goshawk and birds of prey

**Decision:** The Bureau thanked both the authorities and complainant for their timely reports.

The Bureau welcomed the amendment of Article 17 of the Nature Diversity Act and considered the matter resolved. It noted the complainants concern with parts of the wording of the law and that they recommended to wait and see how it may be interpreted in court.

Acknowledging the role of the Bern Convention in this success, **the Bureau recommended to the Standing Committee to close the case.**

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

**Decision:** The Bureau thanked the complainant for the timely and detailed report but noted the lack of a report from the authorities.

It noted the complainant's on-going concerns about inadequate enforcement of the established protective management measures within the protected area, backed their urging to co-design and implement the national action plan for *Caretta caretta*, and noted their request that the case be re-opened and a new OSA organised.

The Bureau also thanked the European Commission for their update, which in particular emphasised that the ECJ had in July 2019 received the case of Greece failing to establish the necessary conservation objectives and measures for 239 SACs including at Laganas Bay, thus compromising the integrity of the Natura 2000 network.

The Bureau was deeply concerned with the deteriorating situation and general lack of progress (see also Point 4.2) and regretted not receiving a governmental report - it was also concerned with the status of the EU LIFE project, and asked for an update on this. It also urged the authorities to ensure that all stakeholders are involved in projects and decisions.

The Greek authorities are urged to provide a report on the current situation for the 40<sup>th</sup> Standing Committee meeting; the complainant is also invited to present a short report.

**The case remains a possible file.**

### 7.3. Complaints on stand-by

- 2011/5: Switzerland/France: Threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland) and follow-up of Recommendation No. 169 (2013)

**Decision:** The Bureau thanked the Swiss and French authorities as well as the complainants of both countries for their timely and detailed reports.

It noted that all parties agree that activities continue to be undertaken toward improving the conservation situation, however according to the complainant the species remains on the brink of extinction. The measures need time to result in benefits.

The Bureau encouraged continued collaboration and activities amongst the authorities, NGOs, local communities and private companies (HPPs) of both countries in order to save this critically endangered species.

The case will appear at the upcoming Standing Committee meeting as per its biennial follow-up, where parties will have a chance to present the situation orally. Parties are asked to collaborate and present one report for both NGOs and one report for both authorities.

**The case remains on stand-by.**

- 2014/3: Serbia: Presumed deliberate killing of birds & 2016/3: Alleged deliberate killing of birds of prey

**Decision:** The Bureau thanked the Serbian authorities for their continuing timely reporting but noted the lack of a report from the complainant.

It welcomed the big progress of the authorities, especially the information that the government plans to adopt the Bern/CMS Rome Strategic plan for period 2021-2030. However, it asked that the authorities clarify the information provided concerning poisoning as the cause of bird deaths as the sources indicated in the report appear to be contradictory.

The Bureau requested both parties to provide updated reports for the next Bureau meeting in Spring 2021 including information on the Autumn migrations. Depending on progress achieved, it could then advise to reduce the case to an annual monitoring by the Bureau.

**The complaint remains on stand-by.**

- 2014/8: Greece: Presumed large-scale exploitation and marketing of protected marine shelled molluscs

**Decision:** The Bureau thanked the complainant for the timely update including the research paper on the situation of molluscs but noted the lack of a report from the authorities.

The Bureau was very concerned with the situation of this fragile species, noting it is an issue beyond Greece.

The Bureau urged the authorities to reply to the concerns of the Bureau, to refer to the research paper, to improve cooperation with local NGOs and experts, and again requested a timebound action plan including what actions had helped and what hadn't.

It requested both parties to provide updated reports for the next Bureau meeting in Spring 2021 after which time the complaint could be reduced to an annual monitoring by the Bureau.

**The complaint remains on stand-by.**

- 2017/3: Serbia: Possible negative impact of a harbour's construction on the confluence of the Sava into the Danube

**Decision:** The Bureau thanked the Serbian authorities for their timely reporting but noted the lack of a report from the complainant.

It noted with concern that little progress appeared to have been made since the last update provided by the authorities in August 2019.

It requested to the European Commission if they could provide information on the feasibility study and on the Environmental Impact Assessment referred to in the report.

It urged the complainant to send an update of the situation for the first Bureau meeting in 2021 as it had been more than 18 months since a report has been received. The government is also invited to send a report, if there have been any updates. After that meeting and pending the reception of a complainant report, the complaint may revert to an annual monitoring by the Bureau.

**The complaint remains on stand-by.**

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

**Decision:** The Bureau acknowledged the short communications of both parties, noting that the complainant had reiterated its previous report, and the respondent had requested more time to receive an adequate reply from the Ministry for the Environment and Natural Resources regarding the setting up of the Emerald Network.

The Bureau took note that no updates had occurred regarding the construction of the road, and it was assumed that development would eventually go ahead.

The Bureau, deeply concerned with the situation and lack of cooperation from the Icelandic Ministry as well as the lack of commitment towards the Emerald Network decided to exceptionally bring the complaint to the agenda of the Standing Committee, in order to give all Contracting Parties an opportunity to hear presentations of the situation from the Icelandic authorities and the complainant. The Standing Committee would be invited to take a position on the complaint and consider an on-the-spot-appraisal.

Therefore, both Parties are urged to attend and make a short presentation at the 40<sup>th</sup> Standing Committee- **the case remains on stand-by.**

Furthermore, due to the ongoing poor communication, the Bureau mandated the Secretariat to contact the Permanent Representation of Iceland to the CoE in order to discuss the communication issues.

- 2018/1: Ukraine: Presumed threat to Emerald site "Polonina Borzhava" (UA0000263) from wind energy development

**Decision:** The Bureau thanked the complainant for their report but noted again the lack of a report from the authorities.

The Bureau welcomed the fact that the Environmental Impact Assessment conclusion statement favouring the development of the wind farm had been cancelled in court, while noting that the decision would go to an appeal.

Very concerned with the ongoing lack of communication and progress of the authorities regarding this and several other Ukrainian Emerald Network related complaints, the Bureau decided to exceptionally bring this complaint to the 40<sup>th</sup> Standing Committee agenda. Both parties are urged to attend, and the authorities are asked to speak both about this case and more generally about the issues facing Emerald Network sites in Ukraine, and planned actions of the government. The Standing Committee would be invited to take a position on the complaint and consider mandating an on-the-spot-appraisal.

Furthermore, due to the ongoing poor communication, the Bureau mandated the Secretariat to contact the Permanent Representation of Ukraine to the CoE in order to discuss the communication issues.

**The case remains on stand-by.**

#### 7.4. Other complaints

- 2018/5: Ukraine: Alleged threats to the Emerald Network sites Skhidnyi Svydovets, Marmaroski ta Chyvchyno-Hryniavski Hory and Carpathian biosphere Reserve
- 2019/01: Ukraine: Possible negative effects of hydrocarbons extraction in four Emerald sites in Donetsk-Kharkiv region
- 2019/02: Ukraine: Presumed threat to Emerald site Zatoky (UA0000214) from windfarm developments

- 2019/03: Ukraine: Presumed threats to Emerald site Cholhynskiyi (UA0000178) from windfarm developments

**Decision:** The Bureau treated these four reports together, which all relate to Emerald Network sites in Ukraine.

Concerning **complaints 2018/5 and 2019/1**, governmental reports received in April mentioned no new developments, and no complainant reports have been received this year. The Bureau urged the complainants to send reports for the next Bureau meeting in Spring 2021 or else the complaints could be dismissed. The authorities were also invited to report on any updates.

Concerning **complaint 2019/2**, the Bureau thanked the authorities for the comprehensive report received in April. It noted that an Environmental Impact Assessment had been carried out and published in January 2019, which permitted the development to begin, with several comprehensive environmental mitigation conditions.

The Bureau also thanked the complainant for its short report informing that no progress had been made and the issue remains.

The Bureau invited both parties to report on developments for its next meeting in Spring 2021.

Concerning **complaint 2019/3**, the Bureau again thanked the authorities for the comprehensive report received in April. The Environmental Impact Assessment had been concluded in February 2019 permitting the development to start, with certain environmental mitigation conditions. Construction had not yet begun at the time of the report.

The Bureau thanked the complainant for their short report and welcomed the fact that the complainant was satisfied with the reaction of the authorities: after a platform for dialogue was established, the project was amended, quantity of turbines reduced, and location changed.

The Bureau thanked the authorities for their positive actions to preserve an Emerald Network site and the species and habitats which rely on it. Calling it a victory for the Emerald Network, **the Bureau dismissed the complaint.**

On the general subject of the Emerald Network in Ukraine, the Bureau recalled the above decision on complaint 2018/1 “Polonina Borzhava” whereby the complaint had been placed on the agenda of the 40<sup>th</sup> Standing Committee. The authorities were urged to present not only on that complaint but on the general negative situation of numerous complaints against Emerald Network sites. The Bureau also took note that a possible OSA mandated for complaint 2018/1 could also result in recommendations for other affected sites and reminded the Ukrainian authorities of the Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites.

- 2018/6: Belarus: Presumed threats to Emerald Network sites Olmanskiye bolota (BY0000012) and Topila Bog (BY0000083)

**Decision:** The Bureau thanked the authorities for their report, noting that the authorities acknowledge that the Environmental Impact Assessment for Forest road No. 1 was not carried out in accordance with the existing legislation in the field of SEE and that there were cases of unauthorised open-pit mining of widespread mineral deposits.

It expressed its concern at these as well as other neglects on an Emerald Network site, including the transfer of habitats of wild animals from the territory. It did, however, note that forest fire reaction time had drastically improved thanks to the new roads.

The Bureau requested that the complainant reacts on the report of the authorities and that the authorities provide an update for the next Bureau meeting in Spring 2021, and reminded the authorities to strictly adhere to Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites.



➤ 2019/04: United Kingdom: Badger Culling Policy in England

**Decision:** The Bureau thanked the UK authorities for their report in response to the complaint received. It noted that the culling strategy has been developed with experts, and there is no current cost-effective or efficient alternative to reducing the spread of Bovine TB. Monitoring of the strategy is also closely ensured.

The Bureau also took note that the Strategy is being revised and suggested that, in the future, intensive culling would be replaced by vaccinations, testing and other less-intensive measures.

The Bureau also considered the additional information shared by the complainant, noting their concerns regarding uncontrolled shooting, continued issuance of licences, and proposal to increase the territory of cull zones, amongst other fears.

The Bureau, reassured by the new strategy document released this year but concerned by the numerous allegations of the complainant, decided to keep this complaint on stand-by, in order to monitor the development of the situation.

Both parties were requested to report again in one year's time, and especially to provide information on the proportion of population culled, percentage of UK territory affected, and on monitoring results of the strategy. It also urged both parties to cooperate to find collective compromises.

➤ 2019/05: Turkey: Habitat destruction in Mersin Anamur Beach

**Decision:** The Bureau thanked both parties for their detailed reports. It noted that the administrative court decision on whether to fine the Municipality is ongoing, and that the authorities had initiated bilateral discussions with the Municipality to find a solution.

The Bureau was very concerned with the allegations of the complainant that no rehabilitation work has begun, and that an even larger development project was planned to begin in September 2020 which could dramatically affect the nesting habitats.

The Bureau acknowledged that the Turkish national authorities were making efforts to comply with the Bern Convention and to alleviate the situation. However, given the fragility of these species and their worrying conservation status and the actions of the Mersin municipality which is planning an imminent large development project on the habitat, the Bureau decided it must take urgent action and **elevated the complaint to a Possible File**, thus bringing it to the attention of the 40<sup>th</sup> Standing Committee. Both parties were urged to present updated reports at that meeting.

Meanwhile, the Bureau once again encouraged the Turkish authorities' efforts to enforce the relevant penalties on the Municipality, to cancel all planned projects which would affect the nesting habitats, and to begin restoration works. It encouraged the authorities to collaborate with the complainant organisation and other relevant local NGOs to find alternative solutions to the development projects, which would take into account the environmental conditions of the area.

➤ 2019/07: Turkey: Alleged negative impact from the construction of Ilisu Dam HPP

**Decision:** The Bureau recalled that the full discussion of this new complaint had been postponed from its previous meeting as the authorities had requested more time to prepare a report. It thanked the Turkish authorities for their detailed report which addressed most of the issues.

The Bureau noted the information from the report that adequate environmental assessments had been made prior to development in 2013 (although the Environmental Impact Assessment was not available in English), including species-specific assessment of potential negative impacts, and subsequent mitigation measures. It further noted that construction of the dam had been completed and its operation begun, thus monitoring had commenced. Finally, it recorded that any negative trends towards concerned species would lead to an immediate response.

The Bureau encouraged the continued monitoring of the potential impacts of the dam on the local biodiversity and on the assurance of the authorities that they would take swift action should negative effects occur.

**The complaint was dismissed**, but the Bureau thanked the complainant and would remain ready to accept possible new information in the future regarding a deterioration in the situation.

- 2020/01: Ukraine: Recognising Horbachykha as a protected area to save it from residential developments

**Decision:** The Bureau acknowledged the new complaint against Ukraine concerning a construction development planned on an ecologically sensitive area on the banks of the Dnipro river in Kyiv.

The Bureau expressed its regret that the Ukrainian authorities had neglected to send a report nor provided any communication to the Secretariat.

The Bureau proposed that the Ukrainian authorities consider designating this ecologically important zone as a Protected Area and Emerald Network site, thus forbidding any development which would compromise the habitat and species which live or migrate there.

The authorities were urged to report for the next Bureau meeting in Spring 2021. The complainant was also invited to report any updates, including on the state of the construction development.

- 2020/02: Ukraine: Logging threats to the Black Tysa River in Emerald Network site "Marmaroski ta Chyvchyno-Hryniavski Hory" (UA0000117)

**Decision:** The Bureau acknowledged the new complaint against Ukraine concerning an alleged inadequate management of the Black Tysa River basin in the Carpathians, part of the "Marmaroski ta Chyvchyno-Hryniavski Hory" (UA0000117) Emerald Network site. The complainant alleges improper logging practices which pollute the river and negatively affect its species.

The Bureau expressed its regret that the Ukrainian authorities had neglected to send a report nor provided any communication to the Secretariat.

The Bureau condemned the alleged actions of the company which are contrary to the ecological guidelines for management of Emerald Network sites, as described in Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites.

It reminded the Ukrainian authorities of their obligations as regards management of Emerald Network sites and urged them to respond to the complaint for the next Bureau meeting in Spring 2021.

- 2020/03: Ukraine: Presumed threat to Emerald Network site "Bugzkyi Gard National Nature Park" (UA0000040)

**Decision:** The Bureau acknowledged the new complaint against Ukraine concerning an alleged mismanagement of Emerald Network Site "Bugzkyi Gard National Nature Park" (UA0000040) due to flooding of the area as a result of the expansion of the South-Ukraine electric power producing complex.

The Bureau expressed its regret that the Ukrainian authorities had neglected to send a report nor provided any communication to the Secretariat.

The Bureau regretted that the development of this hydropower complex had gone ahead despite the serious negative effects on endemic species in an Emerald Network site. It again reminded the Ukrainian authorities to adhere to Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites, and urged them to respond to the complaint for the next Bureau meeting in Spring 2021.

It also instructed the Secretariat to contact the European Investment Bank, who the complainant reported are in negotiations to finance the final part of the Tashlyk HPSPP.

- 2020/04: Armenia: The Amulsar gold mine project and its impacts on Emerald Network sites

**Decision:** The Bureau thanked the complainant for the new complaint, and the Armenian authorities for their timely response. It noted the potential negative impacts on numerous species and habitats that the gold mine project could bring, especially affecting three candidate Emerald Network sites.

It also noted that the authorities in their letter had not replied specifically to these allegations, but rather had informed that a procedural error had led to these three sites being mistakenly included in a list of candidate sites submitted to the Convention.

The Bureau had already expressed concern at this expected large reduction in size of Emerald Network coverage in Armenia and urged the authorities to clarify on when the revised list would likely be ready and submitted to the Secretariat. The Bureau also instructed the Secretariat to evaluate the extent to which the sufficiency of the features occurring in the Emerald Network sites concerned is impacted in the revised list of Emerald Network sites.

In the meantime, it recommended that the authorities halt any developments that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not, and asked for a report specifically responding to the issue of the gold mine.

The case would be discussed again at the next Bureau meeting in Spring 2021 and both parties were invited to submit reports.

Finally, the Bureau suggested that the general situation of the Emerald Network in Armenia should feature during a future Group of Experts for Protected Areas and Ecological Networks meeting.

➤ 2020/05: United Kingdom: Lack of protection of the Scottish Wildcat (*Felis silvestris*)

**Decision:** The Bureau acknowledged the new complaint against the United Kingdom concerning an alleged failure of the authorities to conserve the rare Scottish Wildcat species (*Felis Silvestris*) listed in Appendix II of the Convention.

The Bureau also thanked the authorities for their detailed response to the allegations, noting that they disagree that a breach of the Treaty has occurred, and that expert analysis had reached the conclusion that the species could no longer be conserved in the wild, and thus captive breeding and reintroduction schemes were required.

The Bureau noted that while it is aware of the poor conservation status of this species, the actions of the government appeared to be the only realistic solution to save the species: to repopulate it in captivity and eventually reintroduce it in the wild.

As there is no clear breach of the Convention, **the complaint was dismissed** - the Bureau supported the government's strategy, but urged the authorities to cooperate together with the complainant organisation and the IUCN SSC Cat Specialist Group in order to share expertise and elaborate joint action plans.

## 8. FOLLOW UP ON PREVIOUS RECOMMENDATIONS AND CASE-FILES

- Closed file 2013/5: presumed impact of a construction of overhead power line (ohl) in an environmentally sensitive area in the Lithuanian – Polish borderland

**Decision:** The Bureau thanked the Lithuanian authorities for the report, and, satisfied that the monitoring was being correctly implemented, decided to remove the case from the agenda of the Standing Committee.

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

**Decision:** The Bureau took note that no report had been received, and, recalling the fragility of this species, urged the Turkish authorities to submit a report and make a presentation at the 40<sup>th</sup> Standing Committee, following the decision of the 38<sup>th</sup> Standing Committee for a biennial follow-up.

## 9. ANY OTHER BUSINESS

There was no other business.

**Appendix 1****AGENDA****1. ADOPTION OF THE AGENDA**

*[[T-PVS\(2020\)1](#) - Report of the 1st annual meeting of the Bureau, 7-8 April 2020]  
 [[T-PVS\(2020\)3](#) - Report of the extraordinary meeting of the Bureau, 22 June 2020]*

**2. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION****2.1. Inter-sessional working group on financing: state of play of the preparation of the proposals of funding the Convention and next steps**

*[[T-PVS/Inf\(2020\)03](#) - Proposals on financing the implementation of the work programme of the Bern Convention]  
 [[T-PVS/Inf\(2020\)04](#) - Explanatory notes]  
 [[T-PVS/Inf\(2020\)05](#) - Financial scenarios]*

**2.2. State of play of the voluntary contributions received in 2020**

*[Follow up table of the voluntary contributions received]*

**2.3. Report on the use of the resources from the Special Account of the Bern Convention****3. IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES AND BUDGET FOR 2020**

*[[T-PVS/Inf\(2019\)20](#) - Calendar of 2020 meetings]  
 [[T-PVS\(2019\)18](#) - Programme of Activities and budget for 2020]*

**3.1. European Diploma for Protected Areas: state of play of appraisal visits**

*[[T-PVS/DE\(2020\)12](#) - Draft Resolutions on the Renewal of the European Diploma]  
 [[T-PVS/DE\(2020\)19](#) - List of the 2020 on-the-spot appraisal visits planned]  
 [[T-PVS/DE\(2020\)20](#) - List of the 2021 on-the-spot appraisal visits]*

**3.2. Illegal killing of birds: state of play (IKB Scoreboard and Rome Strategic Plan)****3.3. Invasive Alien Species: state of play (Communication and IAS, E-Commerce and IAS, Study on Alien Pathogens)****3.4. Setting-up of the Emerald Network: state of play and ongoing activities in 2020****a. Meeting of the Group of experts on Protected Areas and Ecological Networks, October 2020**

*[[T-PVS/Agenda\(2020\)08](#) - Draft Agenda of the Group of Experts on Protected Areas and Ecological Networks]*

**b. Emerald Network Viewer****c. Sufficiency index and online barometer**

*[[T-PVS/PA\(2020\)2](#) - Proposal of monitoring framework of the Emerald Network]*

**d. Comparative legal studies on Emerald Network candidate and adopted sites****e. Belarus Action Plan****3.5. Reporting under Resolution No. 8 (2012) on conservation status of species and habitats: state of play of the assessment of the reports submitted****3.6. Review of the European Plant Conservation Strategy**

*[Draft Review of the European Plant Conservation Strategy]*

**3.7. Pan-European Action Plan for the conservation of the Sturgeon**

#### **4. 40<sup>TH</sup> STANDING COMMITTEE MEETING**

##### **4.1. Draft Agenda**

*[[T-PVS/Agenda\(2020\)06](#) – Draft Agenda]*

##### **4.2. Draft Programme of Activities 2020-2021**

*[T-PVS(2019)18rev - Programme of Activities and budget for 2020-2021]*

#### **5. COMMUNICATION STRATEGY AND VISIBILITY OF THE CONVENTION**

##### **5.1. World Forum for Democracy, 16-18 November – state of play**

##### **5.2. Communication Campaign**

#### **6. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION**

##### **6.1. Biennial reporting request and submissions**

##### **6.2. Online reporting system (ORS)**

#### **7. IMPLEMENTATION OF THE CONVENTION: CASE-FILES**

*[T-PVS/Notes(2020)4 – Summary of open and possible case files]*

*[T-PVS/Notes(2020)5 – Summary of complaints on stand-by]*

*[T-PVS/Notes(2020)6 – Summary of other complaints]*

*[[T-PVS/Inf\(2020\)2](#) – Register of Bern Convention's case-files]*

##### **7.1. Open files**

➤ 1995/6: Cyprus: Akamas peninsula

*[[T-PVS/Files\(2020\)60](#) – Government Report]*

*[[T-PVS/Files\(2020\)52](#) – Complainant Report]*

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

*[[T-PVS/Files\(2020\)6](#) - Government Report]*

*[T-PVS/Files(2020)XX - Complainant Report]*

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

*[T-PVS/Files(2020)XX – Government Report]*

*[[T-PVS/Files\(2020\)56](#) – Complainant Report]*

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

*[[T-PVS/Files\(2020\)17](#) - Government Report]*

*[[T-PVS/Files\(2020\)55](#) - Complainant Report]*

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

*[T-PVS/Files(2020)XX - Government Report]*

*[T-PVS/Files(2020)XX - Complainant Report]*

*[T-PVS/Files(2020)18 - Draft Terms of Reference]*

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

*[[T-PVS/Files\(2020\)15](#) - Government Report]*

*[[T-PVS/Files\(2020\)9](#) - Complainant Report]*

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

*[[T-PVS/Files\(2020\)20](#) - Government Report]*

*[[T-PVS/Files\(2020\)7](#) - Complainant Report]*

## 7.2. Possible files

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

[\[T-PVS/Files\(2020\)36](#) - Government Report]  
[\[T-PVS/Files\(2020\)XX](#) - Complainant Report]  
[\[T-PVS/Files\(2020\)1](#) - Draft Terms of Reference]

- 2017/01: Norway: Lack of legal protection for Northern goshawk and birds of prey

[\[T-PVS/Files\(2020\)51](#) - Government Report]  
[\[T-PVS/Files\(2020\)53](#) - Complainant Report]

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

[\[T-PVS/Files\(2020\)31](#) - Government Report]  
[\[T-PVS/Files\(2020\)10](#) - Complainant Report]

## 7.3. Complaints on stand-by

- 2011/5: Switzerland/France: Threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland) and follow-up of Recommendation No. 169 (2013)

[\[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)]

- 2014/3: Serbia: Presumed deliberate killing of birds & 2016/3: Alleged deliberate killing of birds of prey

[\[T-PVS/Files\(2020\)11](#) - Government Report]  
[\[T-PVS/Files\(2020\)19](#) - Complainant Report]

- 2014/8: Greece: Presumed large-scale exploitation and marketing of protected marine shelled molluscs

[\[T-PVS/Files\(2020\)21](#) - Government Report]  
[\[T-PVS/Files\(2020\)05 + Annex](#) - Complainant Report]

- 2017/3: Serbia: Possible negative impact of a harbor's construction on the confluence of the Sava into the Danube

[\[T-PVS/Files\(2020\)47](#) - Government Report]  
[\[T-PVS/Files\(2020\)XX](#) - Complainant Report]

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

[\[T-PVS/Files\(2020\)13](#) - Government Report]  
[\[T-PVS/Files\(2020\)08](#) - Complainant Report]

- 2018/1: Ukraine: Presumed threat to Emerald site "Polonina Borzhava" (UA0000263) from wind energy development

[\[T-PVS/Files\(2020\)XX](#) - Government Report]  
[\[T-PVS/Files\(2020\)14](#) - Complainant Report]

## 7.4. Other complaints

- 2018/5: Ukraine: Alleged threats to the Emerald Network sites Skhidnyi Svydovets, Marmaroski ta Chyvchyno-Hryniavski Hory and Carpathian biosphere Reserve

[\[T-PVS/Files\(2020\)39](#) – Government Report]  
[\[T-PVS/Files\(2020\)XX](#) – Complainant Report]

- 2018/6: Belarus: Presumed threats to Emerald Network sites Olmanskiye bolota (BY0000012) and Topila Bog (BY0000083)  
*[[T-PVS/Files\(2020\)46](#) – Government Report]*  
*[[T-PVS/Files\(2020\)16](#) - Complainant Report]*
  
- 2019/01: Ukraine: Possible negative effects of hydrocarbons extraction in four Emerald sites in Donetsk-Kharkiv region  
*[[T-PVS/Files\(2020\)40](#) – Government Report]*  
*[[T-PVS/Files\(2020\)XX](#) – Complainant Report]*
  
- 2019/02: Ukraine: Presumed threat to Emerald site Zatoky (UA0000214) from windfarm developments  
*[[T-PVS/Files\(2020\)41](#) – Government Report]*  
*[[T-PVS/Files\(2020\)03](#) – Complainant Report]*
  
- 2019/03: Ukraine: Presumed threats to Emerald site Cholhynskiyi (UA0000178) from windfarm developments  
*[[T-PVS/Files\(2020\)42](#) – Government Report + [Annex](#)]*  
*[[T-PVS/Files\(2020\)57](#) – Complainant Report]*
  
- 2019/04: United Kingdom: Badger Culling Policy in England  
*[[T-PVS/Files\(2020\)34](#) – Government Report]*  
*[[T-PVS/Files\(2020\)22](#) – Complaint Form]*  
*[[T-PVS/Files\(2020\)59](#) – Complainant Report]*
  
- 2019/05: Turkey: Habitat destruction in Mersin Anamur Beach  
*[[T-PVS/Files\(2020\)33](#) – Government Report]*  
*[[T-PVS/Files\(2020\)23](#) – Complaint Form]*  
*[[T-PVS/Files\(2020\)54](#) - Complainant Report]*
  
- 2019/07: Turkey: Alleged negative impact from the construction of Ilisu Dam HPP  
*[[T-PVS/Files\(2020\)44](#) - Government Report]*  
*[[T-PVS/Files\(2020\)25](#) - Complainant Report]*
  
- 2020/01: Ukraine: Recognising Horbachykha as a protected area to save it from residential developments  
*[[T-PVS/Files\(2020\)XX](#) – Government Report]*  
*[[T-PVS/Files\(2020\)27](#) – Complaint Form]*
  
- 2020/02: Ukraine: Logging threats to the Black Tysa River in Emerald Network site "Marmaroski ta Chyvchyno-Hryniavski Hory" (UA0000117)  
*[[T-PVS/Files\(2020\)XX](#) – Government Report]*  
*[[T-PVS/Files\(2020\)28](#) – Complaint Form]*
  
- 2020/03: Ukraine: Presumed threat to Emerald Network site “Bugzkyi Gard National Nature Park” (UA0000040)  
*[[T-PVS/Files\(2020\)XX](#) – Government Report]*  
*[[T-PVS/Files\(2020\)29](#) – Complaint Form]*
  
- 2020/04: Armenia: The Amulsar gold mine project and its impacts on Emerald Network sites  
*[[T-PVS/Files\(2020\)43](#) - Government Report]*  
*[[T-PVS/Files\(2020\)32](#) - Complaint Form]*  
*[[T-PVS/Files\(2020\)50](#) - Complainant Report]*

- 2020/05: United Kingdom: Lack of protection of the Scottish Wildcat (*Felis silvestris*)

[\[T-PVS/Files\(2020\)45](#) – Government Report]

[\[T-PVS/Files\(2020\)35](#) – Complaint Form]

## **8. FOLLOW UP ON PREVIOUS RECOMMENDATIONS AND CASE-FILES**

- Closed file 2013/5: presumed impact of a construction of overhead power line (ohl) in an environmentally sensitive area in the Lithuanian – Polish borderland

[\[T-PVS/Files\(2020\)61](#) – Government Report]

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

## **9. ANY OTHER BUSINESS**



**Appendix 2**

**LIST OF PARTICIPANTS**

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**VICE-CHAIR**

Ms Merike LINNAMÄGI, Senior officer, Nature Conservation Department, Ministry of the Environment, Estonia

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