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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting
Strasbourg, 30 November - 4 December 2020

EXTRAORDINARY BUREAU MEETING

22 June 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 this extraordinary virtual meeting of the Bureau which had been called to discuss budgetary issues and the adapted (on account of the ongoing Covid-19 pandemic situation) programme of activities. She thanked the Secretariat for the ongoing work, and welcomed Krzysztof Zyman, the new Secretary of the Bern Convention since May.

Krzysztof Zyman introduced himself and expressed his satisfaction at joining the Secretariat of the Convention, albeit in challenging circumstances. He informed on his vision and ideas for the Convention, including improving the visibility and dialogue with the Committee of Ministers (CM) of the Council of Europe, and tackling broader policy issues that interest all parties, a point which could be added to the agenda of the 40th Standing Committee.

In the ensuing discussion, it was suggested to introduce more widely the new Secretary to the broader civil society community, such as on the website of the Convention. It was broadly agreed that better communication with the CM is required, and a proposal was made for the Chair to present the annual report of the Standing Committee during a GR-C meeting of the CM. However it was pointed out that the report and presentation should not be too technical so as to better engage the members.

The future Vision of the Convention was also mentioned, and in particular of aligning it to the recent EU Biodiversity Strategy. However, it was reminded that a Vision had been presented to the 39th Standing Committee, and the decision had been to postpone the adoption of a Vision until the post-2020 Global Biodiversity Framework had been established and the Vision aligned with it. As this in turn was delayed until 2021, the Vision should be elaborated next year, closely involving Contracting Parties through a special Working Group.

A further proposal was to make better use of the already-existing Bern Convention guidelines, to disseminate them more widely, as well as to consider creating new working groups addressing current topics, also in line with the EU Biodiversity Strategy. It was also pointed out that much of the Secretariat's and Bureau's time is spent dealing with long-standing and an ever-increasing number of case-files. This system could be reviewed in the near future, in line with the new Vision and financial mechanism.

The Chair reminded that she would be attending virtually the Working Party on International Environment Issues meeting on 24th June to campaign for the Convention. She suggested creating a presentation not only on the issue of financing but also highlighting briefly the successes and added-value of the Convention in light of the EU strategy.

The meeting agenda was adopted with no amendments.

Decision: The Bureau welcomed the new Secretary of the Bern Convention, Krzysztof Zyman, and wished him a successful tenure.

It mandated the Secretariat to explore ways to engage with the GR-C of the Committee of Ministers, through, for example, an annual exchange of views with the Chair of the Standing Committee.

It supported the idea of adding a point to the 40th Standing Committee on the Vision of the Convention, with the goal of establishing a Working Group on that topic for 2021.

It supported the presentation of the Bern Convention (financing and its alignment to the EU Biodiversity Strategy) during the meeting of the Working Party on International Environment Issues involving the Chair on 24th June.

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 explained further some of the practical implications of the two possible funding mechanisms of the Convention. For the enlarged partial agreement (EPA), which was widely considered the quicker and easier solution, a high majority of 75% of Contracting Parties would need to vote in favour at the Standing Committee meeting. Following that, in the Committee of Ministers (CM), a two thirds majority would

be required for the EPA to be approved, and it would only come into operation once one third of Council of Europe (CoE) member States, i.e. 16 countries, would commit to joining it. The timing concerning budgetary decisions of the EPA could be tricky as the budget of the CoE is approved ahead of the Standing Committee meeting each year - thus the Standing Committee would have to approve a budget one year in advance.

During the discussion it was recalled that the documents, especially the section outlining the possible EPA, had been substantially changed during the intersessional working group on finances meeting in May, thus the Secretariat was thanked for having efficiently updated the texts. The Secretariat raised a note of caution however that, even if the revised versions may be acceptable to Contracting Parties, the internal legal and budgetary services of the CoE had warned of a possible lack of support of the CM, especially as the purpose of the EPA had been revised to solely fund the activities of the Bern Convention. Partial agreements had not been designed only to finance an existing convention. National focal points would thus have an important role to lobby their delegations in the CM of the added-value of this mechanism.

It was reiterated that the explanatory note was very important for Contracting Parties, especially those who had no knowledge of an EPA. Following possible questions during the consultancy period, this Note could be updated, or a new FAQ document created.

The question of timing of a Standing Committee and a Governing Board (the main decision-making body of the EPA) annual meeting was raised. It was proposed that these two meetings should take place back-to-back, to ensure coherency and lower travel costs. The issue of two parallel budgets and programmes of activities would also have to be addressed, and how Parties should split their contributions between the EPA and the usual voluntary contributions.

It was noted that the Secretariat had not given up hope that the CoE would eventually increase the ordinary budget committed to the Convention - however given the Covid-19 pandemic and expected recession across members States, this may not occur in the next years, and thus voluntary contributions were still badly needed.

It was proposed that three financial scenarios should also be prepared by the Secretariat, to later accompany the explanatory texts: on the current system of voluntary contributions; on an obligatory financial scale in line with an amendment to the Convention, and a scale for the EPA. The latter was perhaps the most complicated, as the number of Parties which would adhere to the EPA was unknown- thus several scenarios should be elaborated.

It was also suggested that the CM should already be approached on an informal basis to inform them of the process and obtain early feedback. This would be most useful both to prepare the groundwork for an eventual CM submission of proposal, as well as to inform Contracting Parties at the Standing Committee of the views of the CM.

Decision: The Bureau thanked the Secretariat as well as the legal and budget services of the Council of Europe for updating the documents on financial mechanisms, which it endorsed.

It instructed the Secretariat to share the documents with all Contracting Parties, allowing questions by 1 September 2020, noting that comments amending the documents would not be advised.

It mandated the Secretariat to follow up on informing the Committee of Ministers of the process, possibly during its GR-C meeting in September.

It requested the Secretariat to elaborate financial scenarios for the two possible new financial mechanisms as well as the current voluntary contribution system, using where relevant, the scale adopted at the 39th Standing Committee, which is tailored towards the financial characteristics of the Bern Convention Contracting Parties.

2.2 State of play of the voluntary contributions received in 2020

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

The Secretariat informed that while approximately half of the expected voluntary contributions had been announced by several Contracting Parties, slightly less than €50,000 had been credited, which was worrying. A reminder had been sent out to Parties last week to recall the necessity of these contributions to guarantee the Secretariat and programme of activities, in line with Resolution No. 9 (2019). It was hoped that the Covid-19

pandemic was the reason behind the delay and that once a relative sense of normality returned, payments may go ahead.

During a discussion, it was noted that communication had been difficult with the Council of Europe Resource Mobilisation and Donor Relations Division due to the Covid situation, so hopefully this could improve now that most colleagues were back in the office. It was also warned that due to the pandemic and ensuing recession across European states, the announced contributions may fall and Parties which had not yet committed funds, may hold off. It was reminded that announcing a contribution was not the same as paying, and did not reduce the level of financial uncertainty the Secretariat had to face.

As to whether funding from the Special Account could continue to be used next year if need be, it was informed that it was possible, and that the Account could be used for up to four years. It was further suggested for the Secretariat to increase contact with those individual Parties which had expressed an interest or already announced a contribution. Finally, it was reminded that the Secretariat must be able to justify the use of the Account - and that only paying salaries from it, as had been the case so far, may not resonate with all Parties.

Decision: The Bureau thanked those Contracting Parties who had already paid contributions, urged those which had announced funds to follow through with payments, and encouraged all other Parties to commit to a necessary funding for the Convention in order to ensure its continued functioning.

It also instructed the Secretariat to increase individual contacts with Parties who had already announced contributions.

3. IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES IN THE SECOND SEMESTER 2020: CHALLENGES AND OPPORTUNITIES

3.1 Challenges

➤ Joint meeting CMS/MIKT and Bern Convention on Illegal Killing of Birds

The Secretariat informed that, following a recent virtual meeting with the CMS/MIKT Secretariat, it had been agreed to postpone until next year the joint meeting due to be held in Valencia, Spain in October 2020. This decision had been reached because of the uncertainty to hold a physical meeting in Spain in the autumn, the great technical challenges of organising an online meeting for over one hundred participants, the departure of the CMS/MIKT coordinator with no replacement yet hired, and the short time to further elaborate the IKB Scoreboard and Rome Strategic Plan.

In the meantime the CMS/MIKT Secretariat would liaise with the Spanish authorities to seek the feasibility of holding the meeting in the beginning of 2021, and it was reminded that savings would be made such as on the travel of participants, which could be set to different activities. Further information on the activities of IKB would be informed to the Bureau later under Agenda Point 3.2.

Decision: The Bureau took note of the decision of the Secretariat and the CMS/MIKT Secretariat to postpone the joint-meeting due to be held in Spain in October, to next year.

➤ Group of Experts on Protected Areas and Ecological Networks

The Secretariat informed that it still hoped to hold this meeting, but most likely by virtual means, with a smaller possibility of moving the physical meeting to Strasbourg; contact would be made soon with the Ukrainian authorities. Maintaining the meeting would be important for several issues of the Emerald Network including the final evaluation of the Emerald Network Calendar and design of a post 2020 work plan, the sufficiency index and online barometer to monitor the implementation of the Emerald Network in each Party, the further development of the Emerald Network Viewer, the two legal comparative studies aiming to assess obligations of Contracting Parties vis-à-vis their Emerald Network and the outcomes of the first reporting exercise under Resolution No. 8 (2012). The Bureau members were in favour of holding a virtual meeting.

Decision: The Bureau took note of the information and agreed that the meeting should be maintained if possible. Under the circumstances, Bureau members recommended a virtual meeting.

➤ **40th meeting of the Standing Committee to the Bern Convention**

The Secretariat informed that, while a final decision as regards the manner of holding the Standing Committee would likely be made during the Bureau meeting in September, for now it was important to envisage and prepare for the different options. The possibilities were to hold the meeting as usual in Strasbourg, to organise it virtually, to foresee a hybrid meeting (some physical presence, some online presence) or to postpone the meeting until early next year. The latter was not unprecedented as in the past, two Standing Committee meetings had been held in the same year; and the only rule, stemming from the Convention itself, was that such a meeting had to be held every two years as the least.

It was discussed that there were several urgent issues which should not be postponed; most especially the financing issue, but also elections. It was pointed out that several other Council of Europe bodies would have tested large online meetings by then, so the Convention could learn from those experiences, especially on challenges such as online voting.

The Bureau members favoured the idea of a hybrid meeting: the number of physical participants could be capped, both in terms of total number, but also the number in the meeting room at any time, and number of representatives per Party/NGO. NGO attendees in particular could be encouraged to join the meeting virtually. It was stressed that should such a hybrid meeting go ahead, timing would need to be strictly respected, both in terms of presentations, and in terms of sticking as far as possible to the order of the Agenda.

In terms of the Agenda, it was proposed that, as mentioned in the introduction of this meeting, a session should be dedicated to a frank and open discussion on the Vision and future working methods of the Convention.

The Bureau members also briefly discussed the manner of holding the next Bureau meeting on 15-16 September. A physical meeting was still preferred, especially as restrictions in France as well as the countries of the Bureau members seemed to be lifting. It was also suggested that the meeting could be held outside of Strasbourg if need be, for example in one of the members' cities, or in the CoE offices in Paris, to which travel would be easier. A hybrid meeting could also be arranged, if one or more members could not travel.

Decision: The Bureau instructed the Secretariat to anticipate and plan for the various scenarios for holding the Standing Committee meeting, with a final decision likely to be made during the September Bureau meeting.

It agreed to add to the Standing Committee agenda a point on the Vision and future working subjects of the Convention.

Regarding the September Bureau meeting, the Secretariat would assess the situation and inform members of the options in mid-August.

➤ **On-the-spot appraisal visits within the case-files (North Macedonia, Bulgaria)**

The Secretariat informed on the progress since the last Bureau meeting, as regards these two case files and their planned on-the-spot appraisals (OSA). As regards North Macedonia, no response had yet been received from the authorities following the letter sent on 13th May, although the deadline had passed. The Secretariat had sent a recent reminder. No further elaboration of the visit had occurred before the authority's response.

As regards Kresna Gorge (Bulgaria), the Bulgarian authorities had replied on 11th June to the letter sent on 13th May. The main point of the letter was that they had withdrawn their application for EU funding in order to take extra steps to further perfect the assessment of the environmental aspects of the project, and were now remaining in constant contact with the European Commission (EC). In that regard, an OSA had been agreed in principle with the EC, scheduled to begin in the autumn. The authorities thus suggested that the Bern Convention team join this planned visit. However, the initial response from the EC was that such a joint visit was not feasible, given the different procedures of both institutions.

In conclusion, the options on the table appeared to be to hold an independent OSA, or to abandon the initiative. However, it was reminded that during the last Standing Committee, several Parties had only accepted not elevating the case to an open file on the condition that an OSA would take place this year, thus the OSA

should be maintained. A possible independent expert was also mentioned, and it was advised that a member of the Secretariat should ideally join the visit in order to ensure a thorough and transparent procedure.

Decision: The Bureau welcomed the positive and timely reply of the Bulgarian authorities. As the EC was not in favour of a joint-visit, the Bureau instructed that an independent Bern Convention on-the-spot appraisal should go ahead at the earliest delay, taking into account the sanitary situation. It requested that the authorities give feedback on the Terms of Reference sent on 13th May in time for its next Bureau meeting in September.

It also instructed the Secretariat to approach an independent expert who could carry out the visit, and recommended that a member of the Secretariat should join the visit.

As regards North Macedonia, the Bureau requested that the authorities respond to the revised Terms of Reference as soon as possible, in order to allow the Secretariat to elaborate the practicalities of the visit, which could still take place this year or in the first half of 2021, depending on the sanitary situation.

➤ **On-the-spot appraisal within the frame of the European Diploma for Protected Areas (EDPA)**

The Secretariat informed on the state of play of the EDPA assessment visits. Five visits were tentatively scheduled for August, and a further six between the period of September to November. All visits were subject to the sanitary conditions at the time, particularly concerning the country/region of the visit, the country where the independent expert is based, as well as travel possibilities. It was reassured that, should visits have to be postponed to next year, although the Diploma could not be renewed during 2021, it could be renewed the following year for a reduced period of 9 years- thus the concerned site would retain its Diploma for the gap year.

The Secretariat also informed about the situation in Scandola Nature Reserve (Corsica, France). Following the proposal of the Group of Specialists on the EDPA to not renew the Diploma for this site until certain conditions are met, which had also been endorsed by the Bureau in April, there had been a large media and political interest in the case, including from members of the European Parliament. It was recalled that the final decision would rest with the Committee of Ministers, who would likely address the case in September.

Decision: The Bureau thanked the Secretariat for the ongoing work to try to maintain as many EDPA site visits as possible, subject to the sanitary circumstances, and recalled that visits which could not take place this year and thus not be renewed in 2021, would not lose their Diploma status, but simply have a one-year deferral of the renewal decision.

3.2 Opportunities

➤ **Assessment of the Scoreboard on IKB and preparation of a draft methodology for the monitoring of the Rome Strategic Plan**

Despite the postponing of the joint-meeting as informed under Agenda Point 3.1., two primary works were planned for the second half of the year. The assessment of the IKB Scoreboard was envisaged, and the expert who had initiated the project would be contacted to hopefully continue the work. The assessment was expected to take five months.

A first draft of methodology of the Rome Strategic Plan was also scheduled, and the money initially earmarked for the meeting in October could be reassigned to this project.

It was finally informed that the cooperation with CMS/MIKT continued to be very fruitful, and the revised Rome Strategic Plan adopted by the 39th Standing Committee was hoped to be adopted by them this year, to remain as a joint-plan.

Decision: The Bureau took note and supported the two proposed actions of the assessment of the IKB Scoreboard and the draft methodology of the Rome Strategic Plan, which could both be presented and discussed at the forthcoming Standing Committee and subsequently at a rescheduled joint meeting with CMS/MIKT in the beginning of 2021. It also welcomed the ongoing cooperation with CMS/MIKT, and the news that the Rome Strategic Plan could be adopted by MIKT countries soon.

➤ **Development of the Emerald Network tools**

The Secretariat outlined the progress in the development of the Emerald Network Viewer, an initiative strongly supported by the Bureau in April given the need to reassign funds due to the sanitary situation. The European Environment Agency (EEA) had kindly committed €50,000 to this and other related projects. This meant that the Bern Convention would have to commit a lower-than-expected €28,000 this year, as well as a further contract for an expert. Next year's phase would be covered by the EEA funding. Norway had also committed an extra €10,000 earmarked for this project, on top of their standard voluntary contribution.

The importance of the Emerald Network as a flagship of the Bern Convention was highlighted and thus more projects like this one were to be encouraged. The Secretariat informed the Bureau that discussions with the EEA were also on-going to adapt the Natura 2000 Barometer to the Emerald Network which in turn would back up the development of the sufficiency index required by the 39th Standing Committee.

Decision: The Bureau took note and supported the further development of the Emerald Network Viewer and other online tools. It highly appreciated the cooperation and contributions of the EEA and the Kingdom of Norway towards the projects. It encouraged further similar initiatives which could be taken in place of other activities this year which had to be postponed.

➤ **Participation in the World Forum for Democracy**

The Secretariat recalled that the 2020 World Forum for Democracy (WFD) and its theme “Can Democracy save the Environment” had been touted during the last Bureau meeting as an excellent way for the Bern Convention to increase its visibility both within the organisation and to a wider audience. As both Bureau members and the Director General of Democracy had expressly highlighted this event, the Secretariat had moved forward and made contact with the WFD Secretariat. They had been enthusiastic about the involvement of the Convention and advised to disseminate the call for initiatives throughout the network. This had been done, as had several targeted approaches to Parties and NGOs which had been / are involved in a relevant case, demonstrating a good civil society engagement in a project to help protect the environment. Several positive replies had already been registered.

The call for initiatives would end on 30th June, and in the following months it was expected that the WFD would invite the Secretariat to collaborate in the selection and elaboration of initiatives received. It had also been informed that the Convention could utilise a physical exhibition space should the Forum take place physically, further increasing visibility.

Decision: The Bureau very much welcomed the initiative to participate actively in the World Forum for Democracy 2020, and asked the Secretariat to keep it informed of progress at its next meeting in September.

➤ **Reporting under Resolution No. 8 (2012)**

The Secretariat recalled that the preliminary outcomes of the reporting on the conservation status of species and habitats had been presented at the meeting of the Bureau of April and informed that the EU draft report on the State of Nature referred to the reporting undertaken by the Bern Convention.

As the reporting format follows the same structure as EU reporting under Articles 12 and 17 of the Birds and Habitats Directives, the EEA is examining the possibility to expand its web tool on biogeographical assessments of conservation status of species and habitats so as to include the data reported by non-EU Contracting Parties within the frame of the reporting under Resolution No. 8 (2012).

The cost of the development has not been estimated precisely yet.

Decision: The Bureau welcomed the complementarity of the reporting on the conservation status of species and habitats conducted by EU and non-EU Contracting Parties and appreciated that a reference to the reporting of the Bern Convention had been made in the draft report on the State of Nature.

The Bureau supported the inclusion of data collected via the reporting under Resolution No. 8 (2012) into EEA's web tool. Considering the current financial context, the Bureau mandated the Secretariat to seek for additional financial resources from Contracting Parties in order to finance the development.

➤ **Online reporting tool (ORS)**

The Secretariat informed of progress since the last meeting. There had been ongoing contact with the WCMC and two virtual meetings held. The first, in April, had been a first Steering Group meeting for the ORS, bringing together all user organisations, including the Ramsar Convention, UNEP, etc., that had discussed better collective user experience- both for the user organisations, and the final user. The intention was to have quarterly meetings.

During a second meeting with WCMC, the Secretariat had learned that a new version of the ORS was being planned, pending funding from the EC which was hoped to be confirmed in the coming months. The new system was hoped to be up and running during the next 18-24 months. The intention was that the system would not drastically change and remain familiar, but without the usual bugs and a better user experience.

In the meantime, the WCMC had suggested maintenance contracts for user organisations, in order to more efficiently address the numerous technical glitches experienced, provide a user assistance and other services. A contract between WCMC and the Ramsar Convention had already been signed for a period of 14 months. The Secretariat had received a contract template and is consulting with its legal services to learn if it fits internal legal requirements. However further negotiations would need to take place with the WCMC Secretariat in terms of fee, services, length and other details. It was pointed out that a better system could lead to a better response rate- as several Contracting Parties were frustrated with the current unpredictable system. Thus it was considered quite an urgent investment, despite the fact that it had not been included in the budget for the year.

It was also noted that the possibility of WCMC assisting in the assessment of reports had been raised- while it seemed feasible from their perspective, the Secretariat had not pursued this for the time being and Bureau members agreed this was not an urgent topic which could be discussed at a later meeting.

Decision: The Bureau took note of the information on the ORS and instructed the Secretariat to continue negotiations and feasibility studies regarding the maintenance contract. Due to the urgency of having a workable system, the Bureau should remain informed of progress, and should a contract be ready to sign before their next meeting, the Bureau may be consulted of the situation and approve the investment by email if it agrees.

➤ **Communication campaign**

The Secretariat recalled that during the last Bureau meeting and the exchange of views with the Director General of Democracy, there had been long discussions on reinventing the visibility and communication strategy of the Bern Convention, both internally and externally. In line with this, the Secretariat had made good efforts to increase visibility during the past months through its communication channels of website, social media and mailing lists. These initiatives, including a video of Bureau members on Earth Day, a week of social media presence during International Biodiversity Week and a Press Release on the occasion of the European Day of Parks had been considered particularly timely given the rise of digital communications during the sanitary crisis.

Furthermore, as in previous years, the Secretariat had decided to launch a Communication Campaign. The theme for this year would be in line with that of the World Forum for Democracy 2020 as explained above on democratic participation and the environment. A tender for communication services had recently been launched and it was hoped a company could be selected and ready to work by mid-July. While the concept of the Campaign would need to be further elaborated, its goal would be to highlight the relevance and importance of the Convention, especially as regards its innovative approach of involving civil society in much of its work. Parallely, it would target the Contracting Parties and general public to raise awareness on the subject.

As mentioned above, a general and several specific calls for initiatives had been launched to the Bern Convention network. Those initiatives which may not be selected to take part in the WFD would still be featured in the campaign to highlight the good examples of collaborative experiences as regards the case-files, EDPA site management, action plans and others. The included parties would also be closely involved in the development of the campaign through possible surveys, interviews, etc. to find out both the good qualities of the initiative, as well as improvements needed.

Decision: The Bureau took note of the information, appreciated the visibility actions and welcomed the proposed Campaign; they hoped that many initiatives would be submitted by Contracting Parties and Civil Society, and that the Campaign would lead to greater visibility for the Convention both internally and externally.

4. ANY OTHER BUSINESS

None.