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T-PVS(2021)MISC

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

41<sup>st</sup> meeting (*online*)  
Strasbourg, 29 November- 3 December 2021

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Opening of the meeting: 2.00 p.m. on Monday, 29 November 2021

**LIST OF DECISIONS  
AND ADOPTED TEXTS**

*Document prepared by  
the Directorate of Democratic Participation*

## **PART I – OPENING**

### **1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA**

Relevant documents: T-PVS/Agenda(2021)20– Draft agenda of 41st Standing Committee

The 41<sup>st</sup> meeting of the Standing Committee to the Bern Convention was opened by the Chair of the Committee, Ms Jana Durkošová, who welcomed Contracting Parties and all other participants to this meeting which was, as last year, being held virtually due to the Covid-19 pandemic. She noted that out of the 228 participants who had registered, 44 Contracting Parties were represented. She also thanked the Secretariat for the hard work during the year and for preparing the meeting. The agenda was adopted with no amendments.

The Director of Democratic Participation of the Council of Europe (CoE), Mr Matjaž Gruden, also welcomed the participants and thanked them for their continuous important efforts to implement the programme of activities during a second year of difficult circumstances due to the pandemic. He recalled the increasing volume of media and political attention related to the environmental and climate crises and welcomed the fact that the CoE had this year, for the first time, included the “fight against environmental degradation and climate change”, as one of the priorities of the Strategic Framework of the Organisation for the next quadrennium work programme.

The Director recalled the key role the Bern Convention had played in this regard for over 40 years, and its continued critical importance going forward. Stronger advocacy was required to convince stakeholders that biodiversity protection and multilateral cooperation were essential also in the fight against the other crises we were facing, such as social and economic tensions, inequalities, conflicts for resources, natural disasters and migrations.

Finally, the Director reminded that the conservation of biodiversity was both a human rights issue and an asset to democratic participation: both core values of the Organisation. He appreciated that communication activities had been developed this year on those linkages, and also finally mentioned the work on a Vision and Strategy for the Convention for the next decade as being core tools to enable a strong future for the Convention.

The EU and its member States stated that the Bern Convention’s major strength lied in its Pan-European scope and in providing the greatest intergovernmental platform for nature conservation standard setting and action in the region. It was the only forum where the EU could co-operate with other countries in Europe on common ground and with common goals in nature conservation. Nevertheless, the Convention had suffered several and consecutive severe budget cuts, both in operational and human resources over the past 20 years, and the future was still financially unsecure. The EU and its member States encouraged Contracting Parties to continue to fully engage in the discussions on the options explored and developed for ensuring a stable, fair and long-term budget for the Convention.

### **2. CHAIRPERSON'S REPORT AND COMMUNICATIONS FROM THE DELEGATIONS AND FROM THE SECRETARIAT**

Relevant documents: T-PVS(2020)10 – 40<sup>th</sup> Standing Committee meeting report  
T-PVS(2021)04, T-PVS(2021)08 and T-PVS(2021)12 – Reports of the three Bureau meetings in 2021

The Standing Committee noted the report of its 40<sup>th</sup> meeting and reports of the two ordinary meetings and one extraordinary meeting of the Bureau to the Standing Committee held during 2021. It recalled that there had been a high number of activities undertaken during the year due to a backlog of postponements from 2020. The vast majority of activities had remained within a virtual format.

The Committee appreciated the many activities undertaken and efforts to catch up on the postponed activities from last year.

### **3. FINANCING AND DEVELOPMENT OF THE BERN CONVENTION**

#### **3.1 FINANCING OF THE BERN CONVENTION**

Relevant documents: Resolution No. 9 (2019) on the financing of the Bern Convention  
T-PVS/Inf(2021)07 – Voluntary Contributions received in 2021  
T-PVS(2021)01, T-PVS(2021)03, T-PVS(2021)06 and T-PVS(2021)22 – Four meeting reports of the Intersessional Working Group on Finances  
TPVS/Inf (2021)06rev – Draft Resolution establishing an Enlarged Partial Agreement for the conservation of European wildlife and natural habitats, as amended by the GR-C  
TPVS/Inf (2021)62 – Amendment of the Bern Convention – State of play

The Chair invited the Parties to take stock of the voluntary contributions received in 2021 and to consider the same scale of voluntary contributions as set by Resolution No. 9 (2019) for 2022.

Upon request of the Bureau of the Standing Committee, the Secretariat presented several diagrams on the involvement of the voluntary contributions since 2011. The focus of the diagrams was the annual amount of voluntary contributions, the number of voluntary contributors and the average amount of the voluntary contributions.

The Secretariat concluded that 30 Contracting Parties had paid at least once a voluntary contribution to the Convention since 2011 and that 21 Contracting Parties never paid a voluntary contribution. It recalled that the implementation of the programme of work of the Bern Convention relied on predictable and stable extra-budgetary resources which could only be guaranteed through more regular contributions shared among all Contracting Parties according to their respective capacity.

### 3.1.1 ENLARGED PARTIAL AGREEMENT

The Director of Democratic Participation, Mr Matjaž Gruden, informed the delegates of the outcomes of nine meetings of the Committee of Ministers' Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C) held in 2021. He reported that, as a result of the survey carried out in Autumn by the Secretariat to the Permanent Representations to the Council of Europe and the Standing Committee's delegates, only 12 Parties had expressed an interest to join the Enlarged Partial Agreement (EPA) and 12 others may join but were not ready yet to announce it. Unfortunately, this number remained far from addressing the concerns expressed by some delegations within the GR-C regarding the governance of the EPA. He pointed out that the GR-C was supporting the Bern Convention and, at its last meeting on 18 November, had requested that the Standing Committee review all options available and explore possible new options to ensure political, institutional, and financial stability of the Convention. The work to set up the EPA and to amend the Convention should continue but it would require a lot of time. In the meantime, the Standing Committee should capitalise on the positive political momentum for the Bern Convention generated by the GR-C's full support to identify pragmatic financial solutions. Considering that 24 Parties (12+12) were ready or almost ready to commit, which was almost twice the annual average number of voluntary contributors, the Director called on all the Parties for their financial support which was the main issue at stake, independently of the possible legal options.

The Chair of the Intersessional Working Group on Finances, Mr Jan Brojáč, presented the outcomes of four Working Group meetings held in 2021. He reported on the follow up to the GR-C instructions and on the progress made in elaborating the two options to ensure the financial stability to the Bern Convention, indicated by the Standing Committee in 2020: establishing the EPA and the amendment of the Convention, as well as their estimated range of financial contributions. The Chair invited the delegates to support the *draft Resolution establishing an Enlarged Partial Agreement for the conservation of European wildlife and natural habitats*, as amended by the GR-C. He asked the Standing Committee to provide instructions for the next steps to be undertaken by the Intersessional Working Group on Finances in 2022.

The Director of Legal Advice and Public International Law, Mr Jörg Polakiewicz, also pointed out that the main issue at stake was not legal but financial. The Resolution CM/Res(96)36 establishing the criteria for partial and enlarged agreements of the Council of Europe, as amended by Resolution CM/Res(2010)2, sets the minimum number of Parties to join an EPA to 16, unless otherwise decided. The Statutory Resolution CM/Res(93)28 on Partial and Enlarged Partial Agreements specifies that a Partial Agreement should be set up for new activities, which was not the case for the Bern Convention. Therefore, the EPA option did not conform with the Council of Europe's institutional framework.

The EU and its member States stated that it welcomed the results of the work of the GR-C and the Intersessional Working Group on Finances. The EU and its member States took note of the revised draft of the EPA and would continue to engage constructively in the discussions on this financial mechanism proposed for the Convention. Ensuring financial stability for the Convention and its work should be a priority for all Parties.

The EU and its member States were concerned about the limited number of Parties that had expressed their interest in joining the EPA. Some Contracting Parties were continuing to hesitate and were not ready to make a decision which for some, was due to pending questions and clarification needs.

Therefore, the EU and its member states, supported by several other delegates, requested the Secretariat to develop a questions and answers document which could clarify as much as possible the foreseen operation of statutes and governance structure of the Enlarged Partial Agreement and invited all Parties to consider expressing interest in joining the EPA.

The NGO Pro Natura, on behalf of 28 organisations, presented a joint letter to the delegates and expressed concerns about the lack of commitment in all different options for financing and called on parties to contribute to the finance in order to ensure that the Convention can fulfil its mandate and obligations.

In the subsequent discussion, the delegates of Slovak Republic and Georgia announced their willingness to join the EPA, which would bring the total number of interested countries to 14.

The German delegate confirmed their interest, provided that the financial scale of contribution would not significantly deviate from what has been calculated in the financial scenarios. The UK delegate confirmed their interest in the EPA, and announced a voluntary contribution for 2021/2022 of 60 000 GBP.

The French delegate announced their interest in the EPA provided that some matters are clarified beforehand.

The delegates of Bulgaria, Portugal and Sweden stated that they have not taken a decision yet.

### **3.1.2 AMENDMENT OF THE BERN CONVENTION**

The Chair of the Intersessional Working Group on Finances, Mr Jan Brojáč, reported to the Standing Committee on the state of elaboration of the amendment. In particular he emphasised that a draft article 14 bis amending the Bern Convention by installing mandatory financial contributions had been discussed by the Intersessional Working Group on Finances. The draft article was drawing, to the extent possible, on the financial provisions of the Convention on Migratory Species but took also into consideration the financial regulations of the Council of Europe. The Chair further informed that the draft article would require further work next year.

The EU and its member States welcomed the work of the Intersessional Working Group on Finances with respect to the amendment of the Bern Convention text to include compulsory financial contributions by Contracting Parties. It noted the necessity to further develop some of the provisions of the proposed draft text for Article 14 bis. It also agreed with the proposal that the Intersessional Working Group continues to work in 2022 and urged the Group to finalise the amendment proposal text and to submit it for possible adoption by the Standing Committee for its 42<sup>nd</sup> Standing Committee meeting.

Within the frame of a further exchange of views with the Director of Legal Advice and Public International Law, Mr Jörg Polakiewicz, the Standing Committee was informed that increasing the ordinary budget was a political issue and any increase was unlikely in the near future, as the Programme and Budget for 2022 – 2025 had just been adopted by the Committee of Ministers, and had maintained the current level of the Convention's budget. A possible alternative could be the creation of a Special Account with the support or endorsement of the Committee of Ministers calling on member States to contribute.

The Director further elaborated on the amendment of the Convention. While article 16 of the Bern Convention foresees that the amendment should be ratified by all Contracting Parties, an additional or an optional protocol would not require unanimity but rather ratification by a minimum number of Contracting Parties to be determined by the Standing Committee.

The Standing Committee:

- took note of the information presented;
- thanked the Contracting Parties which had paid voluntary contributions in 2021 and invited all Contracting Parties to do so according to their capacities in 2022;
- agreed on the suggested scale of voluntary contributions for 2022 as set in Resolution No. 9 (2019);
- took note of the outcomes of the GR-C meetings presented by the Director of Democratic Participation;
- took note of the meeting reports of the Intersessional Working Group on Finances;

- acknowledged the Contracting Parties that had confirmed their intention to join the EPA and were considering joining the EPA. In particular, it welcomed the announcements from Georgia and the Slovak Republic of their interest to join the EPA;
- requested to the Parties which had not replied yet to the survey on the EPA to do so by the end of December;
- examined and expressed support to the “draft Resolution establishing an Enlarged Partial Agreement for the conservation of European wildlife and natural habitats” as amended by the GR-C;
- extended the mandate of the Intersessional Working Group on Finances, and instructed it, in collaboration with the Secretariat, to assess the feasibility to establish the EPA in the light of the last survey and to follow up the GR-C instruction to review all options available and explore possible new options for consideration by the 42<sup>nd</sup> Standing Committee;
- instructed the Secretariat to liaise with Parties which are either not ready yet to join the EPA or which have not yet expressed their intentions, to clarify the operation and governance of the EPA. The Secretariat should also prepare a questions and answers document summing up Parties’ concerns.
- took note of the state of play of the preparation of the amendment to the Bern Convention and mandated the Intersessional Working Group to pursue its elaboration and to submit it to the 42<sup>nd</sup> Standing Committee for possible adoption.

### **3.2 VISION FOR THE BERN CONVENTION FOR THE POST-2020 DECADE AND CONTRIBUTION TO THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK**

Relevant documents: T-PVS/Inf (2020)08rev - Terms of Reference for a Working Group on a Vision for the Bern Convention 2021-2030  
T-PVS/Inf(2021)2 – List of nominated members of the Working Group  
T-PVS(2021)02, T-PVS(2021)07 and T-PVS(2021)13 – Reports of the three meetings of the Working Group in 2021  
T-PVS(2021)14 - Draft Vision for the Bern Convention for the period to 2030  
T-PVS/Inf(2021)50 – Draft Strategic Plan for the Bern Convention for the period to 2030

The Chair of the Working Group on developing a Vision and Strategic Plan for the Bern Convention for the period to 2030, Mr Simon Mackown, informed the Standing Committee on the work of the Group. It had met three times during the year, and undertaken several written consultations in between to elaborate the Vision and Strategic Plan, which from the very beginning it was agreed should be separate documents. The Chair warmly thanked the independent consultant Mr David E. Pritchard who had been given the task of compiling members’ comments and elaborating the two documents.

The Group had agreed on a final version of the draft Vision, which was believed to be short and concise, and was submitted to the Standing Committee for possible adoption. The Strategic Plan however had been a more challenging work, with the limited time not allowing the Group to reach a final version. Thus, the Chair informed that the Working Group recommended to the Standing Committee to prolong the mandate of the Group to next year, to continue its work on the Strategic Plan.

The Committee took note of several comments of Parties, all of whom supported the recommendation to continue working on the Strategic Plan in 2022, and many of whom reiterated that the objective of the Plan should not be to increase reporting burdens for Parties, but rather to give them and the Convention as a whole a guiding tool. The plan should more concretely distil the contribution and added value of the Convention. Emphasis and priority should be given to issues where Bern Convention has strengths regarding its mandate (Pan-European level), having also in mind its human and financial capacities. Furthermore, it was recalled that the Global Biodiversity Framework (GBF) due for adoption next Spring should be a reference point.

Finally, indicators should be developed at the same time as the goals and as an integral part of the Strategic Plan and reporting should be linked to existing reporting formats and data sets.

On the draft vision, several amendments were proposed by Parties. Following some discussion, **the Standing Committee adopted the draft vision** with several amendments (T-PVS(2021)14, appendix II).

The Standing Committee agreed to prolong to 2022 the mandate of the Working Group on developing a Vision and Strategic Plan for the Bern Convention for the period to 2030. The work next year should focus on elaborating the Strategic Plan, which could use as a reference point the newly adopted Vision of the Bern Convention, the EU Biodiversity Strategy to 2030, and the Global Biodiversity Framework, once adopted.

Further, an independent expert could be contracted to assist in development, in particular in regard to developing targets and indicators. A draft of the Strategic Plan should be submitted to the 42<sup>nd</sup> Standing Committee for its possible adoption.

### **3.3 RULES OF PROCEDURE - POSSIBLE MODIFICATIONS**

Relevant documents: T-PVS/Inf(2021)44 – Proposed amendments to the Rules of Procedure of the Standing Committee  
T-PVS/Inf(2021)38 – Explanatory table of proposed amendments to the Rules of Procedure of the Standing Committee

The Standing Committee appreciated the initiative of the Secretariat supported by the Bureau on proposed changes to the Rules of Procedure, which had mainly been undertaken in order to modernise certain processes such as digital working methods, but also contained some other changes such as on voting rules.

The EU and its member States as well as some other Parties stated that it was too soon to adopt changes, and that internal procedures at national or EU level would firstly need to be done.

The Standing Committee thus decided to postpone the decision on the proposed amendments to the Rules of Procedure to the 42<sup>nd</sup> Standing Committee in order to give Contracting Parties sufficient time to consider them and their implications.

Parties were invited to submit possible comments and suggestions to the amendments as proposed in document T-PVS/Inf(2021)44 to the Secretariat by 15<sup>th</sup> December 2021.

The Committee mandated the Bureau and the Secretariat to develop a short assessment of the proposed voting rule changes on the case-file system. The final proposals for amendments to the Rules of Procedure and short assessment of the proposed voting rule changes on the case-file system should be submitted to Parties for consideration before the summer break in 2022 with a view to a discussion and possible adoption at the 42<sup>nd</sup> Standing Committee.

## **PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS**

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

#### **4.1 BIENNIAL REPORTS 2017-2018 AND 2019-2020 CONCERNING EXCEPTIONS MADE TO ARTICLES 4, 5, 6, 7 OR 8**

Relevant documents: T-PVS/Inf (2021)58 – Summary table of reporting under the Bern Convention  
Joint Note from the Secretariat of the Bern Convention and DG Environment on further instructions on reporting under Article 9 of the Bern Convention by EU MS

The Standing Committee took note of the information of the Secretariat who informed that, in June, the request for the reporting period of 2019/2020 had been sent out. Following feedback from some Contracting Parties over the last years, some tweaks had been made to this report to improve the user experience. To date, 26 Contracting Parties had submitted either a report via the Online Reporting System (ORS) system, or, for EU member states, the Habides+ tool. However, out of the 21 EU member States, only 7 had submitted the full package of reports, that is, the Habitats biennial report and both Birds annual reports. Those Parties who had not done so were kindly requested to submit the reports at their earliest convenience, either via the ORS tool or the Habides+ tool, as relevant.

The Committee also took note of the intervention of the European Commission who appreciated the streamlined process of the ORS and Habides+ tools, and expressed an invitation to the Bern Convention Secretariat to correspond over any issues encountered with respect to the reception of automatic notifications from the Habides+ tool.

#### **4.2 ONLINE REPORTING SYSTEM (ORS)**

The Standing Committee took note of the information of the Secretariat who informed that it had signed a maintenance contract for the ORS with the UNEP/WCMC just before the summer break thanks to a Norwegian voluntary contribution. This meant that there was now a dedicated technical support until the new version of the ORS would be launched, hopefully next year. It was hoped that as a result there would be fewer technical issues, and any remaining bugs would be quickly fixed.

## PART III – MONITORING OF SPECIES AND HABITATS

### 5. MONITORING OF SPECIES AND HABITATS

#### 5.1 INVASIVE ALIEN SPECIES (IAS)

Relevant documents: T-PVS(2021)9 – Report of Group of Experts meeting on IAS  
 T-PVS/Inf(2021)51 -2021 Report on the implementation of the Code of Conduct on Hunting and Invasive Alien Species, FACE  
 T-PVS/Inf(2021)42 - Brief summary of foreseen updates to study on alien pathogens and pathogens spread by IAS  
 T-PVS/Inf(2021)55 – position paper on non-native species and climate change  
 T-PVS/Inf(2021)39 - Guidance on e-commerce and IAS  
 T-PVS(2021)11 – Draft Recommendation on e-commerce and IAS

The Standing Committee thanked the Chair of the Group of Experts on Invasive Alien Species (IAS), Mr Pawel Wasowicz, and the independent consultants Mr Andrea Monaco and Mr Riccardo Scalera for their presentations and the work achieved throughout the year.

The Standing Committee took note of the report of the online meeting of the Group of Experts on IAS of 6<sup>th</sup> July 2021 and the proposals by the Group for its future areas of work, especially in relation to assessing actual and potential threats linked to the gaps in knowledge, policy and legislation with regard to alien pathogens and parasites, in collaboration with the Bern Convention Groups of Experts on the conservation of birds and on amphibians and reptiles.

The Committee welcomed the progress in the development of a new guidance tool on alien pathogens spread by IAS and the position paper on possible negative effects of using non-native species for climate change mitigation. It instructed the Secretariat, in collaboration with the Group of Experts and independent consultants, to further elaborate the documents during the course of 2022 with the aim of presenting them for discussion and possible adoption by the Standing Committee at its 42<sup>nd</sup> meeting.

In reference to the Guidance on Communication and IAS, the Committee expressed its regret that the work on the document had not progressed in 2021. It instructed the Secretariat to engage a new consultant for the finalisation of the work, which should comprise an integration of good communication practices and examples specific to IAS as well as a reflection of comments provided in particular by the Group of Experts on IAS.

The Standing Committee supported the suggestion of the Group of Experts to submit the Guidance document on e-commerce and IAS, with minor amendments, as an information document to the next meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the CBD.

The Standing Committee examined and adopted, with minor amendments, the following Recommendation:

➤ **Recommendation No. 210 (2021) on e-commerce and IAS**, available in appendix III.

Further, the Standing Committee thanked the European Federation for hunting and conservation (FACE) and the International Association for Falconry and Conservation of Birds of Prey (IAF) for their report on the implementation of the code of Conduct on Hunting and IAS.

#### 5.2 CONSERVATION OF BIRDS: ERADICATION OF ILLEGAL KILLING, TRAPPING AND TRADE OF WILD BIRDS

Relevant documents: T-PVS(2021)10 – Report of joint MIKT meeting  
 T-PVS(2021)05 – Updated assessment report of the 2<sup>nd</sup> Scoreboard reporting  
 T-PVS/Inf(2021)33 - Proposal for future periodic assessment and frequency and format of future joint meetings  
 T-PVS/Inf(2021)45 - Paper on the baseline and methodology for assessing progress toward achieving the Rome Strategic Plan 2020- 2030  
 T-PVS/Inf(2021)25- Considerations for the way forward on preparing a format and guidance for the development and implementation of national IKB action plans

The Standing Committee took note of the report of the virtual joint meeting of the Bern Convention Network of Special Focal Points on IKB and the CMS Intergovernmental Task Force MIKT of 9-11 June 2021.

The Committee recognised the importance of coordinated efforts to tackle IKB and welcomed the continuous cooperation between the Bern Convention and the CMS Secretariat. The Standing Committee thanked the CMS Secretariat for updating the assessment report of the 2<sup>nd</sup> national Scoreboard reporting and the Contracting Parties which had participated.

The Standing Committee discussed and supported the proposal for future periodic assessment and frequency and the format of future joint meetings ([T-PVS/Inf\(2021\)33](#)).

The Standing Committee further discussed and supported the proposal for voluntary guidance on the baseline and methodology for assessing progress towards achieving the Rome Strategic Plan ([T-PVS/Inf\(2021\)45](#)).

### 5.3 AMPHIBIANS AND REPTILES

Relevant documents: T-PVS(2021)15- report of Group of Experts meeting on Amphibians and Reptiles  
T-PVS/Inf(2021)34 – compilation of Parties' replies to the Questionnaire for the reporting by Parties on the implementation of Recommendation No. 176 (2015)

The Standing Committee took note of the report of the online meeting of the Group of Experts on the Conservation of Amphibians and Reptiles of 28 September 2021 and thanked Contracting Parties for their reporting on the follow-up to Recommendation No. 176 (2015) on the prevention and control of the *Batrachochytrium salamandrivorans* chytrid fungus (Bsal). The Committee welcomed the proposals by the Group for its future work priorities, in particular the collaboration with the Group of Experts on Invasive Alien Species with respect to pathogens affecting wildlife. The Committee stressed the importance of prevention and preparedness to respond to unexpected outbreaks of Bsal and invited Parties and the Group of Experts on the Conservation of Amphibians and Reptiles to continue the follow-up on the implementation of Recommendation No. 176 (2015).

Parties further suggested that the Group of Experts on the Conservation of Amphibians and Reptiles consider working on the impact of the current and expected climatic changes on the distribution and sustainability of herpetofauna.

### 5.4 GUIDANCE TOOL FOR THE CONSERVATION OF MARINE TURTLES

Relevant documents: T-PVS/Inf(2021)40 - terms of reference for *ad hoc* working group for conservation of marine turtles  
T-PVS/Inf(2021)16 – list of members of *ad hoc* working group for conservation of marine turtles  
T-PVS(2021)27 – report of first meeting of the *ad hoc* working group for conservation of marine turtles  
T-PVS/Inf(2021)56- flyer for initiative on conservation of marine turtles

The Standing Committee recalled its decision taken at the 40<sup>th</sup> plenary in December 2020 to initiate the development of a guidance tool, such as an action plan or guidelines for marine turtles. The main aim of the initiative is to support the Contracting Parties Cyprus, Greece and Turkey in finding solutions to the long-standing marine turtle cases and to prevent further marine turtle complaints, through an approach of sustainable co-existence of economic development with marine turtles' protection.

The Standing Committee thanked the two consultants commissioned to assist in the development and implementation of the initiative - Mr Paolo Casale, a marine turtle conservation expert, and Mr Ivica Trumbic, an expert on Integrated Coastal Zone Management and Maritime Spatial Planning - for their presentation on the outcomes of the 1<sup>st</sup> round of national online consultations held in Autumn 2021 in Cyprus. It took note that national online consultations were envisaged to be held in early 2022 in Greece and Turkey. The Committee further welcomed the first findings on identifying global good practices in relation to the co-existence of economic development and marine turtles' protection, as presented by Mr Paolo Casale.

The Secretariat informed that the *ad hoc* Working Group, set up to assist in developing the guidance tool, had convened for the first time on 2<sup>nd</sup> November 2021.

The Standing Committee welcomed the progress achieved so far in the development and implementation of the new initiative for the conservation of marine turtles. It thanked the three Contracting Parties, the NGOs and the members of the *ad hoc* Working Group and the Secretariat for their commitment and efforts.



The Committee appreciated the importance of the initiative. Parties highlighted that the initiative will not only support marine turtle conservation, but it will also assist Contracting Parties in finding a solution to the pending marine turtle cases and preventing future complaints.

The Committee called on Contracting Parties to provide financial support for the continuation of the initiative.

## **5.5 PAN-EUROPEAN ACTION PLAN FOR STURGEONS**

Relevant document: Recommendation No. 199 (2018) on the pan-European Action Plan for the Conservation of the Sturgeon  
T-PVS/Inf(2021)59 - list of nominated National Focal Points for the Pan-European Action Plan for Sturgeons

The Secretariat informed the Standing Committee that the proposal for a joint project with the European Commission on the conservation of the sturgeon framed in the context of the implementation of the pan-European Action Plan (PANEUAP) had not received the internal administrative visa. This was due to the fact that Council of Europe matching funds for Joint Programmes with the EU are limited and the allocation of funds needs to be prioritised among many other project proposals on various topics. Contracting Parties and Observer organisations expressed their strong regret that the project proposal had not received the internal green light.

The Secretariat recalled the mandate it had been given by Recommendation No. 199 (2018) of the Standing Committee, namely to closely monitor the implementation of the Action Plan and coordinate the implementation of regular reporting on the implementation of the Action Plan at national level. In order to follow up on this mandate, a coordination meeting for the national Focal Points for the PANEUAP was envisaged for 2022 and 2023. Further activities could be implemented pending available financial resources.

The Chair invited Contracting Parties to provide voluntary contributions to support activities for the monitoring and coordination of the PANEUAP.

The Committee called on Contracting Parties to fully implement the measures included in the pan-European Action Plan for Sturgeons and to report on progress at the meeting of the national Focal Points planned in 2022. It further called on range countries to appoint a national Focal Point for the Pan-European Action Plan for Sturgeons.

## **5.6 ERADICATION OF THE RUDDY DUCK**

Relevant documents: Recommendation No. 209 (2020) on the eradication of the ruddy duck (*Oxyura jamaicensis*) in the Western Palaearctic by 2025  
T-PVS(2021)18 - Report of the Expert Meeting on the Implementation of the Action Plan for the Eradication of the Ruddy Duck in the Western Palaearctic, 2021-2025  
T-PVS(2021)16 – Progress report on the implementation of the Action Plan for the Eradication of the Ruddy Duck in the Western Palaearctic, 2021-2025

The Standing Committee took note of the information of the Secretariat who recalled that Recommendation No. 209 (2020) and the Action Plan for the Eradication of the Ruddy Duck in the Western Palaearctic, 2021-2025, had been adopted at the 40<sup>th</sup> Standing Committee. During 2021, a reporting questionnaire had been sent out to all Contracting Parties, and those who had replied were thanked. As Tier 3 countries (those most concerned with the issue) should meet annually to discuss progress, an expert meeting on the implementation of the Action Plan had been held on 21 July 2021.

The Committee also appreciated the presentation of the technical expert of Wildfowl & Wetlands Trust, Mr Peter Cranswick, who reported on the outcomes of the progress review of the implementation of the Action Plan. The Committee welcomed the big progress in certain countries notably in Belgium, France, Germany and the UK. Although there was some positive progress from the Netherlands, the Committee noted that this remained the most concerned country, and it encouraged continuing efforts to address this problem for Europe as a whole.

The Committee took note of the intervention of the delegate of the Netherlands, who reassured that the Netherlands was fully committed to achieving the eradication of the ruddy duck by 2025, that there had been delays in cooperation activities during 2021 due to the Covid-19 pandemic and bird flu outbreaks, but that activities were planned for 2022.

All Contracting Parties with sightings of ruddy ducks were invited to step up their efforts to eradicate the species and save the endangered white-headed duck in Europe.

## 5.7. REVIEW OF THE PLANT CONSERVATION STRATEGY

Relevant document: A Review of European progress towards the Global Strategy for Plant Conservation 2011-2020

The Standing Committee took note of the information of the Secretariat who briefly informed that the Review of the European Plant Conservation Strategy elaborated by Planta Europa and Plantlife had been finalised this year and published on the Bern Convention website. The Committee welcomed this publication and the excellent cooperation with Planta Europa and Plantlife.

## 5.8. CONSERVATION OF HABITATS:

### 5.8.1 EMERALD NETWORK OF AREAS OF SPECIAL CONSERVATION INTEREST

Relevant documents: T-PVS/PA(2021)08 - Report of the 12<sup>th</sup> meeting of the Group of Experts on Protected Areas and Ecological Networks  
 T-PVS/PA(2020)07 - Obligations of Bern Convention Parties regarding the conservation of candidate and adopted Emerald Network sites: a legal analysis  
 T-PVS/PA(2021)01 - Future work on the legal framework of the Emerald Network – possible next steps  
 T-PVS/PA(2021)09 – Aspects to be considered in the future work on the legal framework of the Emerald Network  
 T-PVS/PA(2021)10 – Draft list of candidate Emerald Network Sites  
 T-PVS/PA(2021)11 – Draft list of adopted Emerald Network Sites

The Standing Committee took note of the report of the virtual meeting of the Group of Experts on Protected Areas and Ecological Networks of 5-6 October 2021.

#### *a) Legal framework of the Emerald Network*

The Standing Committee thanked the independent consultant Mr Arie Trouwborst for his presentation. It took note of the four possible options to either consolidate, clarify, adjust or complement the legal framework of the Emerald Network.

The Standing Committee took note of document T-PVS/PA(2021)09 prepared by the Secretariat following a written consultation both with the Parties and with the Group of Experts on Protected Areas and Ecological Networks, suggesting a preference was expressed for further clarifying currently unclear aspects of requirements and that all legal aspects (i.e. results to be achieved under Article 4 of the Convention, monitoring and reporting, site protection status, site management measures, assessment and authorisation of projects, scope for exceptions under Article 9 of the Convention) should be taken into account.

Considering the divergence of views of several Parties on the next steps, the Standing Committee agreed on the following way forward, which would be to:

1. Advance the Group of Experts on Protected Areas and Ecological Networks (GoEPAEN) to the end of the first semester of 2022.
2. Organise a dedicated session within the frame of the meeting of the GoEPAEN on the Emerald Network implementation. The purpose of this session would be for Parties to identify any problems or challenges they face with implementing the relevant elements of the Convention and other measures in place for Emerald Network sites and to discuss possible solutions to address the problems/challenges identified.
3. Invite Contracting Parties to nominate representatives with appropriate policy and technical expertise to attend this session.
4. Invite Parties and Observers, in January 2022, to respond to the question “Please identify what problems or challenges you face with implementing relevant elements of the Convention and other measures in place for Emerald Network sites, including in the frame of case-files”. Based on Parties responses, prepare a paper with a description and analysis of the problems and challenges they face with Emerald Network implementation including issues associated with case-files, for discussion at the 2022 GoEPAEN.
5. Mandate the GoEPAEN during the dedicated session to consider the above-mentioned paper, and other relevant papers (including T-PVS/PA(2020)07, T-PVS/PA(2021)01 and T-PVS/PA(2021)09) and identify

solutions for the Secretariat to prepare a paper on concrete options to address the problems identified. The Secretariat is to present that paper to the 42<sup>nd</sup> Standing Committee to consider.

6. Circulate a record reflecting the discussion of GoEPAEN to the participants of the dedicated session for agreement.
7. Consider that the proposed work plan does not prejudice the final output of the process.

*b) Emerald Network Barometer and update on the Emerald Network IT tools*

The Standing Committee welcomed the creation of the Emerald Network Barometer reflecting the indicators of the Emerald Network monitoring framework and noted that it was still in development. The Committee looked forward to the online launch of the Barometer.

The Standing Committee acknowledged that the barometer would not only help institutional bodies of the Bern Convention monitor progress in the implementation of the Emerald Network by Parties, but also support Contracting Parties in stepping up their efforts and in setting conservation priorities.

Furthermore, the Standing Committee welcomed the further developments of the Emerald Network IT tools aimed to enforce data quality, improve data assessment and automate processes.

The Standing Committee thanked the European Environment Agency for its technical support and Germany for its financial support to the creation of the Emerald Network Barometer.

*c) Emerald Network data mobilisation in the Western Balkans*

The Standing Committee welcomed the launch of the IPA project entitled “Emerald Network data mobilisation in the Western Balkans” and thanked the European Commission for its financial support and the European Environment Agency as implementing partner.

The Standing Committee took note that the project aimed to update the Emerald Network databases of the five Western Balkan Contracting Parties with all the data related to Natura 2000 precursors and collected by countries over the years with the support of the European Commission and to submit them under the Emerald Network.

The Standing Committee recalled that the latest data delivered by Western Balkans Parties dated back to 2011 and called on targeted Contracting Parties to fully engage in the project in order to demonstrate progress achieved in the implementation of the Emerald Network.

The Standing Committee looked forward to the outcomes of the project.

*d) Draft updated list of adopted Emerald sites and draft updated list of candidate Emerald sites*

The Standing Committee adopted the updated list of officially nominated candidate sites (T-PVS/PA(2021)10, appendix IV)

The Standing Committee adopted the updated list of officially adopted Emerald Network sites (T-PVS/PA(2021)11, appendix IV)

The Standing Committee recalled that UK sites included in the Natura 2000 Network as at the end of December 2020 are already Emerald Network sites and noted that all such sites now appear on the updated list of Emerald Network of Areas of Special Conservation Interest.

The Standing Committee further welcomed the progress in the setting-up of the Emerald Network and in particular the results achieved by Ukraine and Belarus which had identified respectively 161 and 15 additional Emerald Network sites and Liechtenstein which, for the first time, had proposed two Emerald Network sites. Finally, the Committee appreciated that Iceland had submitted the data for five Emerald Network sites representing almost 20% of the territory.

## **5.8.2 EUROPEAN DIPLOMA FOR PROTECTED AREAS**

Relevant documents: T-PVS/DE(2021)06 – Report of the meeting of the Group of Specialists on the EDPA  
 T-PVS/DE(2021)04 – Draft Resolution on the extension of the European Diploma  
 T-PVS/DE(2020)11rev - Draft resolutions regarding the renewal of the European Diploma for Protected Areas awarded to the de Oostvaardersplassen Nature Reserve and to the Weerribben-Wieden National Park  
 T-PVS/DE(2020)20- Renewal of the European Diploma in 2022: List of areas which could be visited in 2021

The Standing Committee took note of the meeting report of the Group of Specialists and welcomed the proactivity of the group in developing an online scenario for the on-the-spot appraisal visits in order to continue monitoring the European Diploma in the face of the COVID-19 pandemic. It also noted the four on-the-spot appraisal visits carried out partially or entirely online and the five physical on-the-spot appraisal visits.

The Standing Committee welcomed the renewal of the European Diploma to the De Oostvaardersplassen Nature Reserve and the Weerribben-Wieden National Park and the exceptional extension of the validity of the Diploma to 11 areas formally adopted by the Committee of Ministers on 7<sup>th</sup> July 2021.

The Committee took note that the combined on-the-spot appraisal visit to the Muddus, Sarek and Padjelanta National Parks could not take place and was postponed to Spring 2022.

Further, the Standing Committee welcomed the creation of the virtual exhibition available in the languages of the countries hosting a diploma and took note of the setting up of a pool of independent experts who will be involved in on-the-spot appraisal visits for the next four years.

Finally, the Committee took note of and regretted the decision of the managing authorities of the Port-Cros National Park (France) to not apply for the renewal of the European Diploma.

## **5.9 REPORTING UNDER RESOLUTION NO. 8 (2012) ON THE CONSERVATION STATUS OF SPECIES AND HABITATS**

Relevant documents: T-PVS/PA(2021)04 - Opinions about the reporting under the Resolution No. 8 (2012): assessment of the past reporting exercise and pointers for the future  
 T-PVS/PA(2021)06 – Draft Terms of Reference for the Creation of an Ad hoc Working Group on Reporting

The Standing Committee thanked the consultants Mr Otars Opermanis and Mr Marc Roekaerts for having carried out a survey on the experience of Contracting Parties from the first reporting under Resolution No. 8 (2012) and their expectations for the next reporting cycle, as well as the 17 non-EU Contracting Parties which had participated in the survey.

The Committee acknowledged that collecting relevant conservation data was important, not only for international reporting but also for sound decision making at national level as well as for shaping adequate and efficient management measures. However a number of Parties expressed concern regarding the heavy workload the first reporting exercise had represented and therefore supported a lighter reporting.

The Standing Committee supported the creation of a dedicated Working Group entrusted with the reporting under Resolution No. 8 (2012) and endorsed, with no amendments, the Terms of References of the Ad hoc Working Group on Reporting (see appendix V) proposed by the Group of Experts on Protected Areas and Ecological Networks.

The Standing Committee further welcomed the creation of the national summary dashboards aiming to display a summary of the data reported in 2019 by EU Contracting Parties under Articles 12 and 17 of the Nature Directives and by non-EU Contracting Parties. These are grouped according to four themes (number of habitats and species per country, conservation status and trends of habitats and species, main pressures and threats and data completeness and quality). The Committee noted that the dashboards adequately complemented the report which analysed the data delivered under Resolution No. 8 (2012) that had been examined in 2020.

The Standing Committee thanked the European Environment Agency for its technical assistance in the creation of the national summary dashboards.

## **PART IV – MONITORING OF SPECIFIC SITES AND POPULATIONS**

### **6. SPECIFIC SITES AND POPULATIONS**

Relevant documents:

T-PVS/Notes(2021)08 – Summary of open and possible case files  
T-PVS/Notes(2021)09– Summary of complaints on stand-by  
T-PVS/Notes(2021)07– Summary of Follow-up Recommendations  
T-PVS/Inf(2021)05 – Register of Bern Convention’s case-files

## **6.1 CASE-FILE SYSTEM REFLECTION AND POSSIBLE IMPROVEMENTS**

Relevant documents: T-PVS(2021)17 – Case-file system: Draft Guide of Procedures  
T-PVS/Inf(2021)30 – Case-file system reflection: Secretariat memorandum

The Standing Committee welcomed the presentation of the Secretariat on the need for a reflection on the case-file system, noting in particular that the system itself was considered a flagship tool of the Convention, but that several processes were outdated and inefficient, and that the long-term survival and relevance of the system depended on some adjustments. The timing of this initiative in parallel with other transitional activities such as the financing and vision was also apt.

It noted that the reflection had been first proposed in September 2020 by the Bureau, and during 2021 the Secretariat had prepared a comprehensive memorandum on the issues facing the system. The Bureau had been consulted during several of its meetings and eventually approved the memorandum, and charged the Secretariat with extracting the key findings and proposals into a shorter Guide. The Guide was meant not as a strict rulebook, but more a framework of reference for all Bern Convention stakeholders.

The EU and its member States stated that it was too soon to adopt or endorse these documents, and it proposed that a wider consultation involving the Contracting Parties be launched early next year, with a deadline of May 2022 for final submission of the texts to Parties for a possible endorsement or adoption at the 42<sup>nd</sup> Standing Committee.

Several other Contracting Parties welcomed the documents, and agreed with the proposal of the EU and its member States to do a wider consultation next year. Several NGOs also appreciated the reflection, and asked to be involved in consultations.

The Standing Committee thus agreed to postpone the possible adoption or endorsement of the case-file system Guide and Memorandum until its 42<sup>nd</sup> meeting, and meanwhile mandated the Secretariat, in consultation with the Bureau, to launch a written consultation process with the Contracting Parties and interested Observer NGOs next year.

## **6.2 FILES OPENED**

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

Relevant documents: T-PVS/Files(2021)73 - Government Report  
T-PVS/Files(2021)70 - Complainant Report

The Standing Committee thanked both parties for their constant timely reporting and recalled that at the last Committee meeting it had been decided to reduce the monitoring of this case to only one Bureau per year.

The Committee took note of the oral presentations of both the Bulgarian Ministry of Environment and Water and the complainant, Bulgarian Society for the Protection of Birds/Birdlife. In relation to the request of the authorities that the Standing Committee should evaluate the Study on “Final Report on the Impacts of Wind Energy Development on Birds in the Region of Kaliakra, Bulgaria”, the Committee recalled that this is not within its mandate. The Committee further acknowledged the authorities’ request to consider several of the points of Recommendation 200 (2018) as having been completed. However, with respect to the complainant’s disagreement, the Committee asked the authorities to continue reporting on the Recommendation as a whole.

The Committee noted concerns about the lack of an extended moratorium on the wind farms in the area and urged the authorities to act quickly to prolong this. It also took note of disagreeing opinions as to whether the potential new farms planned in Dobrudzha should be considered within the mandate of this case-file, but recommended prudence as the entire area of Balchik could be implicated.

The Standing Committee urged the authorities to ensure a participatory, multi-stakeholder approach when elaborating its Energy and Climate Plan, and to ensure the previous recommendations on this case, as well as other international guidelines are respected.

The file remains open and both parties were invited to send update reports for the 2<sup>nd</sup> Bureau meeting of 2022.

- 2013/1 - North Macedonia: Hydro power development within the territory of the Mavrovo National Park – *on-the-spot-appraisal*

Relevant documents: T-PVS/Files(2020)18 –Terms of Reference of the OSA  
 T-PVS/Files(2021)76 – Advisory Mission Report  
 T-PVS(2021)23 - Draft Recommendation on Hydro power development within the territory of the Mavrovo National Park

The Standing Committee thanked the government, complainant and other stakeholders which had taken the time to be involved in the online advisory mission, which included two days of online meetings, as well as online consultations before and after these meetings. It also extended its thanks to the two independent experts, Mr Andrej Sovinc and Mr Urs Breitenmoser, who had done an excellent job in undertaking the mission, the results of which were reflected in their presentation, mission report and draft recommendation. It welcomed the advisory mission report.

The Committee also took note of the oral presentations of the Ministry of Environment and Physical Planning of North Macedonia and the complainant, Ekosvest.

The Ministry proposed an additional on-site mission next year as they considered that the virtual meetings were not sufficient to assess the whole situation- they were therefore not in favour of adopting the recommendation. Furthermore, they proposed that the parts of the recommendation related to Lake Ohrid and Galichica National Park should be separated into a second recommendation.

The Chair recalled however that the Terms of Reference of the mission, discussed for two years and finally agreed by all parties in the Spring, had expressly mentioned that the mission should come up with recommendations not only for Mavrovo National Park, but also Lake Ohrid and Galichica National Park, and the wider Emerald Network in North Macedonia.

The Complainant and several Contracting Parties and NGOs supported the words of the Chair to adopt the recommendation this year.

The Complainant proposed two amendments supported by Contracting Parties: the first to the title so that it reflected more accurately the scope of the mission; and the second to the last line of the preamble so that the recommendation would “complement” the previous Recommendation 184 (2015).

With no support to the proposal of North Macedonia to take a vote on adopting the draft recommendation, the Standing Committee adopted with two amendments the following Recommendation:

- **Recommendation No. 211 (2021) on conservation measures within national parks in North Macedonia, including in relation to Mavrovo National Park and Lake Ohrid and Galichica National Park (North Macedonia)**, available in appendix VI.

The Committee recalled that the Recommendation also addresses the complaint-on-stand-by on Lake Ohrid and Galichica National Park which would be discussed later, and that the Recommendation should also provide as a general reference point for North Macedonia and any similar future complaints it may have.

The file remains open and both parties are invited to present updates on the case and progress in relation to the Recommendation at the 1st Bureau meeting in 2022.

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

Relevant documents: T-PVS/Files(2021)68 Government Report  
 T-PVS/Files(2021)57 Complainant Report

The Standing Committee thanked both parties for their constant timely reporting and took note of the oral presentations of the Ministry of Tourism and Environment of Albania, and the complaint EcoAlbania. It noted that the pandemic continues to delay the River Basin Management Plan preparation, and that the government is nearing the finalisation of declaring the Vjosa River area as a Cat. IV Nature Park, but that the complainant

and IUCN have made proposals based on extensive studies to declare the park as a National Park (IUCN Cat. II). The Committee asked the authorities to clarify why the proposal of the complainant and IUCN was not taken into account.

The Standing Committee reiterated its deep concern regarding the urbanisation plans for the Vjosë-Nartë Protected Areas, including construction of an airport, and urged the government to rethink these plans. The natural values of this area are evident, and a strong protection regime is needed.

It was also concerned with the potential reduction of the national network of Protected Areas, and delays in this project as well as of the River Basin Management Plan preparation, and encouraged faster development of these projects.

The Committee also took note of the proposal of the complainant to mandate an on-the-spot appraisal (OSA) to Vjosa-Delta-Narta Lagoon Protected Area, and which should in particular assess the situation of Vlora airport, which was allegedly already in the construction phase despite no Strategic Environmental Assessment having been completed. The proposal of the complainant was supported by several Contracting Parties and NGOs.

The European Commission recalled that Albania is expected to fully transpose and implement the EU acquis, including relevant provisions such as the Habitats and Birds Directives, EU EIA and SEA Directives, and Water Framework Directive. The Commission shared the Committee's concern about the situation regarding the airport, and supported the proposal of an OSA, which could provide the Albanian authorities with expert support to assess the situation and find solutions.

The authorities of Albania fully supported the proposal for an OSA, for which the Committee appreciated their cooperation. **Thus an OSA was mandated to take place during 2022**, to focus on the Vjosa-Delta-Narta Lagoon Protected Area and in particular to assess the situation of Vlora airport.

The Committee mandated the Bureau to draw up Terms of Reference in collaboration with the Secretariat, national authorities, and complainant. Both parties were requested to cooperate fully with the Secretariat and Bureau when formulating the Terms of Reference and preparing the mission which would ideally be held on-site but could also be held online, pending the pandemic situation.

The Committee again urged the national authorities of Albania to cooperate with both the local stakeholders and international community such as IUCN and the Energy Community Treaty when taking decisions which could affect the long-term viability of nature conservation in Albania. It also reiterated to the authorities the need to respect and adhere to Recommendation no. 202 (2018) as it has been 3 years since its adoption and tangible progress with regard to the 12 points of the Recommendation appears low.

The file remains open and both parties are requested to provide updates for the 1<sup>st</sup> Bureau meeting in 2022, using the 12 points of Recommendation no. 202 (2018) as the basis for their reporting.

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

Relevant documents: T-PVS/Files(2021)46 – Government Report  
T-PVS/Files(2021)17 – Complainant Report

The Standing Committee thanked both parties for their reporting during the year, and welcomed the beginning of some forms of cooperation between NGOs and governmental authorities. It also took note of the oral presentation of the complainant, Informal Citizens Group of Virzapar, but noted the absence of the focal point of Montenegro due to illness.

The Committee welcomed the multiple projects and activities being carried out by the national authorities. However it was concerned that the central aspects of the complaint as reflected in Recommendation no. 201 (2018) were still not properly addressed, three years after its adoption.

It echoed the three key concerns of the complainant: to abandon totally SLS Mihalovici, develop a new spatial plan and management plan, and enforce/monitor existing legislation on the ground.

It also took note of the complainant's concern that the political situation in the country was delaying progress and providing mixed messages.

The file remains open and both parties are requested to provide updates for the 1<sup>st</sup> Bureau meeting in 2022, using the 12 points of Recommendation no. 201 (2018) as the basis for their reporting.

➤ 1995/6 - Cyprus: Akamas peninsula

Relevant documents : T-PVS/Files(2021)60 – Government Report  
T-PVS/Files(2021)61 – Complainant Report

The Standing Committee took note of the reports of both parties and thanked the Cypriot authorities and the complainant organisation, Terra Cypria for their presentations. It noted progress in certain areas, such as the prosecution of the owners of illegal restaurants and the staffing of the Forest Park with park rangers to patrol the area. The Committee hoped that these measures would help reduce pollution and human presence in the protected area.

The Committee however remarked that minimal progress in the implementation of the majority of the thirteen points of Recommendation No. 191 (2016) had been achieved. In particular, the complainant renewed its appeal to designate the entire Akamas Peninsula as a protected area and reported new concerns on the proposed expansion of existing or the creation of new quarries within and adjacent to the Akamas Peninsula Natura 2000 site.

The Standing Committee also took note of the intervention of the European Commission which informed that a new infringement procedure had been opened in June 2021 for failure to comply with Articles 4.4 and 6 of the Habitat Directive, in particular for failing to designate sites of community importance and establish necessary conservation objectives for these sites. On 31<sup>st</sup> August 2021, the Cypriot authorities had informed the European Commission that the Akamas peninsula site was designated as a Special Areas of Conservation.

The European Commission further mentioned several related projects supported by the EU which were being implemented.

The Committee urged the Cypriot authorities to step up efforts to implement all points of the Recommendation.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative, which is in elaboration with the goal of identifying solutions to the long-standing pending marine turtle cases and to prevent further marine turtle complaints.

The file remains open and both parties were invited to report to the Bureau in Autumn 2022.

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

Relevant documents: T-PVS/Files(2021)47 – Government Report  
T-PVS/Files(2021)32 – Complainant Report  
T-PVS/Files(2021)80 – NGO Report

The Standing Committee took note of the reports of both parties and of the NGO ARCHELON, and thanked both the authorities and MEDASSET, the complainant organisation, for their presentations.

The Standing Committee noted that despite national authorities' monitoring and mitigation initiatives, the enforcement of relevant national laws was still low, as camping and fishing activities as well as night pollution continue to disturb nesting attempts and vehicles continue to access nesting beaches. The Committee noted that the limited vegetation in the coastal dune area complicates enforcement of existing legislation. The Committee urged the national authorities to fully implement Recommendation No. 174 (2014), in particular with a view of Point 3 of the Recommendation, so that steps are taken to restore the original sand dune and forest habitat and fines are imposed to halt illegal activities on nesting beaches.

The Committee noted the need for a Management Plan, which is envisaged for 2022 after the completion of special environmental studies, that can enable the implementation of several points under the Recommendation.

The European Commission also provided information that, in December 2020, the European Court of Justice (ECJ) had condemned Greece for failing to establish the necessary conservation objectives and



measures for several sites of community importance, including Thines Kiparissias. In April 2021, national conservation objectives had been developed, but site-specific conservation objectives were still to be adopted.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative, which is in elaboration with the goal of identifying solutions to the long-standing pending marine turtle cases and to prevent further marine turtle complaints.

The file remains open and both parties were invited to report to the Bureau in Autumn 2022.

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

Relevant documents: T-PVS/Files(2021)28 – Government Report  
T-PVS/Files(2021)62 – Complainant Report

The Standing Committee took note of the reports of both parties and thanked the Turkish authorities and MEDASSET, the complainant organisation, for their presentations. It noted progress by the authorities in certain areas, such as the systematic monitoring of both sites, the measures adopted against predation and the redetermination of the SPA's zoning in Patara.

The Committee acknowledged the complainant's ongoing concerns that the conservation status of the nesting beaches has deteriorated, and that new buildings have been constructed last year as well as in previous years in Fethiye. The Standing Committee also expressed its concerns regarding the redetermination of the SPA's zoning in Patara.

The Committee requested that the next Government report include an action plan for implementation of all points of the Recommendations before the nesting season, including Management plans and details on zoning at both sites.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative, which is in elaboration with the goal of identifying solutions to the long-standing pending marine turtle cases and to prevent further marine turtle complaints.

The file remains open and both parties were invited to report to the Bureau in Spring 2021.

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

Relevant documents : T-PVS/Files(2021)48 – Government Report  
T-PVS/Files(2021)19 – Complainant Report  
T-PVS/Files(2021)79 – NGO Report

The Standing Committee took note of the reports of both parties and of the NGO ARCHELON, and the oral presentation of the authorities and MEDASSET, the complainant organisation.

It noted progress in certain areas by the authorities as evoked at the last Bureau meeting, such as the adoption of the 6-years Action Plan on Caretta caretta and the monitoring and mitigation initiatives undertaken during the course of 2021.

The Committee expressed its concern at the information that only Sekania beach in Laganas Bay is designated as an area of 'absolute nature protection' under law 4782/2021 and therefore that some parts of the Bay could be designated for minor development projects. The Committee called for strong measures to be put in place to ensure that the integrity of the broader area would not be adversely affected in terms of its ecological functions.

Despite national authorities' monitoring and mitigation initiatives reported in August, as per the complainant's information, the enforcement of relevant national laws was still low, therefore the Committee encouraged the national authorities to intensify their efforts at land and sea and, pending Court decisions, enforce demolition and restoration orders for illegal constructions within the Zakynthos National Marine Park (illegal landfill site, illegal road in the protected landscape between Gerakas and Daphne, two illegal buildings in Nature Protection P2 of Gerakas, illegal constructions in Daphne beach as per point 1 of the Recommendation).

The Committee also took note that the complainant requested to mandate an on-the-spot appraisal.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative, which is in elaboration with the goal of identifying solutions to the long-standing pending marine turtle cases and to prevent further marine turtle complaints.

The file remains open and both parties were invited to report to the Bureau in Autumn 2022.

### 6.3 POSSIBLE FILES

#### ➤ 2001/4 - Bulgaria: Motorway through the Kresna Gorge – *on-the-spot-appraisal*

Relevant documents: T-PVS/Files(2021)01 – Terms of Reference of the OSA  
 T-PVS/Files(2021)36 – Government Report  
 T-PVS/Files(2021)59 – Complainant Report  
 T-PVS/Files(2021)75 – Advisory Mission Report  
 T-PVS(2021)24 - Draft Recommendation on the project to build a motorway through the Kresna Gorge  
 T-PVS/Files(2021)82 - Joint Government & Complainant report following OSA

The Standing Committee thanked the national authorities of Bulgaria, complainant and other stakeholders which had taken part in the online advisory mission, which had included three days of online meetings as well as online consultations before and after. It also expressed its thanks to the two independent experts, Mr Lazaros Georgiadis and Mr Radu Mot, who had taken on the challenge and completed a difficult mission with positive results, which were reflected in their presentation, mission report and draft recommendation. It welcomed the advisory mission report.

It particularly congratulated the cooperative spirit that the experts had contributed towards, noting that the parties had sent an unprecedented and most welcome joint-report to the Standing Committee, which in particular informed about the future cooperation mechanisms. These new working groups should provide quite quick results.

It also took note of the oral presentations of both parties, which confirmed the fact that both were largely satisfied with the results of the mission. It welcomed the progress already achieved since the mission. It took note of three amendments proposed by the government of Bulgaria and supported by the complainant.

The Standing Committee also thanked the European Commission for its update on the outcomes of the expert support it has funded to establish the site-specific conservation objectives (SSCOs), its appreciation of the Bern Convention mission and general support of the Recommendation. It took note of several amendments proposed to the preambular and operational sections of the draft recommendation. The Bulgarian government supported the amendments.

Following a discussion after which several Parties expressed support to all proposed amendments, the Standing Committee adopted with several amendments the following Recommendation:

#### ➤ **Recommendation No. 212 (2021) on the project to build a motorway through the Kresna Gorge (Bulgaria)**, available in appendix VII.

The Standing Committee also took note of the complainant's request to open a file and the authorities request to keep the file as possible. Several NGOs supported the motion to open the file, but no Contracting Parties seconded this motion. Several Parties instead stated it was important to keep the file on the Committee agenda as "Possible".

The file remains Possible and both parties were invited to present updates on the case and progress in relation to the Recommendation at the 1<sup>st</sup> Bureau meeting in 2022.

#### ➤ 2019/5: Turkey: Habitat destruction in Mersin Anamur Beach

Relevant documents : T-PVS/Files(2021)29 – Government Report  
 T-PVS/Files(2021)27 – Complainant Report

The Standing Committee took note of the reports of both parties and thanked the Turkish authorities and MEDASSET, presenting on behalf of the complainant organisation, for their presentations.

The Standing Committee noted progress in certain areas by the authorities, but also recognised that additional actions are necessary to improve law enforcement. Therefore, the Standing Committee would need to see a comprehensive response from the authorities before it could consider dismissing this complaint, as had been requested by the government. The Committee thanked the national authorities for their efforts and encouraged them to consider any possible development project thoroughly, continue discussions with the Municipality on alternative projects, and involve local environmental NGOs in any decision-making.

The Committee also took note that the complainant requested to open a file and mandate an on-the-spot appraisal. The Committee agreed to keep the file as possible.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative, which is in elaboration with the goal of identifying solutions to the long-standing pending marine turtle cases and to prevent further marine turtle complaints.

The complaint remains a possible file and both parties were invited to report to the Bureau in Spring 2022.

- 2020/09: Bosnia and Herzegovina: Possible negative impact of hydro-power plant development on the Neretva river

Relevant documents: T-PVS/Files(2021)06 – Complaint form  
T-PVS/Files(2021)40 – Government Report  
T-PVS/Files(2021)65 – Complainant report

The Standing Committee recalled that this complaint had been received earlier this year, and following its second discussion at the Bureau meeting in September, the Bureau had decided to elevate it to a Possible file due to the perceived urgency and risk to an Emerald Network site, and contrasting information from both parties.

The Standing Committee thanked both parties for their reporting during the year and noted the presentation of the complainant, Center for Environment. It however regretted the absence of a delegate of the government of Bosnia and Herzegovina to present at the meeting.

The Committee shared the concerns of the Bureau over the contradictory information of both parties, and allegations of the complainant about the threat to the Emerald Network site and irregularities over the Environmental Impact Assessment (EIA) carried out. It noted the proposal of the complainant to open a file.

Following a proposal of the complainant and seconded by several Contracting Parties and NGOs, and in order to attempt to quickly resolve this issue and avoid it becoming a long, drawn-out affair as was the case with other complaints, **the Standing Committee decided to mandate an on-the-spot appraisal (OSA)**. The aim of the mission would be for the independent expert to corroborate the information from both parties on the ground, inspect the area, and come up with recommendations. The OSA would be subject to the agreement of the authorities of Bosnia and Herzegovina.

The Standing Committee mandated the Bureau to draw up Terms of Reference in collaboration with the Secretariat, national authorities, and complainant. The status of the complaint would be reviewed following results of the OSA.

The Committee also took note of the information that the Energy Community was also closely involved with this case. Following a query on whether the European Commission could get involved, the representative of the Commission stated that they were concerned with the situation, and would be in contact with the EU delegation in the country.

The Committee requested that both parties keep the Bureau updated of the situation at its next meeting in Spring 2022, that they ensure full cooperation with the Bureau and the Secretariat during the preparation of the mission and drawing up of the Terms of Reference, and it urged the authorities to in the meantime suspend any constructions in the area. The case remains a possible file.

#### 6.4 COMPLAINTS ON STAND-BY

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

Relevant documents : T-PVS/Files(2021)64 – Government Report  
T-PVS/Files(2021)24 – Complainant Report

The Standing Committee recalled its decision of last year to mandate an on-the-spot appraisal (OSA) and to consider the status of this complaint following its results. Regrettably, the OSA had not gone ahead this year due to a transition in the Focal Point of Iceland. The government had only responded to the Terms of Reference of the mission in October, and recommended that the OSA go ahead, but that it focus on mitigation measures, as the road construction had already begun after correctly following all national legal procedures.

The Committee expressed its regret that the construction had begun despite repeated calls of the Bureau and Standing Committee to halt development until an OSA could be carried out- it reminded Iceland that there were international treaties to be followed as well as national procedures when carrying out projects such as this.

The Standing Committee supported the proposal of the authorities to refocus an OSA early next year on mitigation and compensatory measures. It charged the Bureau and Secretariat with reformulating the Terms of Reference in consultation with both parties. The mission could be carried out online if restrictions remained in force next year, as this activity could not afford to be delayed any longer. Following results of the OSA, the status of the case would be reviewed.

Both parties were requested to cooperate fully with the Secretariat and Bureau when reformulating the Terms of Reference and preparing the mission, and were also requested to send an update report to the first Bureau meeting of 2022.

- 2018/1: Ukraine: Presumed threat to Emerald site “Polonina Borzhava” (UA0000263) from wind energy development (taking into account the “Other Complaints” concerning Emerald Network sites in Ukraine) – *on-the-spot-appraisal*

Relevant documents: T-PVS/Files(2021)38 –Terms of Reference of the OSA  
T-PVS/Files(2021)41 – Government Report  
T-PVS/Files(2021)18 – Complainant Report  
T-PVS/Files(2021)77 – Advisory Mission Report  
T-PVS(2021)25 - Draft Recommendation on the presumed threat to Emerald Network site “Polonina Borzhava” from wind energy development (UA0000263)

The Standing Committee thanked the Ukrainian government, complainant and other stakeholders which had taken part in the online advisory mission, which included three days of online meetings, as well as online consultations before and after these meetings. It also extended its thanks to the two independent experts, Mr Bernard Fleming and Mr Lawrence Jones-Walters, who had done an excellent job in undertaking the mission, the results of which were reflected in their presentation, mission report and draft recommendation.

The Standing Committee also took note of the oral presentations of the Ministry of Environmental Protection and Natural Resources of Ukraine, and the complainant, Ukrainian Nature Conservation Group, which confirmed the fact that both were largely satisfied with the results of the mission and looked forward to adopting and implementing the recommendation.

The Committee recalled that the Recommendation also addresses the general state of the Emerald Network in Ukraine and the many related complaints to this end, and that this Recommendation should thus be used as a benchmark to help in solving these complaints and avoiding any future ones, through the improvement of cooperation between all stakeholders, and eventual standardisation of national laws. It noted that both of these processes have already begun as demonstrated during the mission.

It took note that one amendment was proposed by the government, and one by the complainant. Both, as well as the independent expert, supported the amendments.

The Standing Committee welcomed the advisory mission report, and adopted with two amendments the following Recommendation:

- **Recommendation No. 213 (2021) on the presumed threat to Emerald Network site “Polonina Borzhava” from wind energy development (UA0000263) (Ukraine)**, available in appendix VIII.

Both parties were invited to present updates on the case especially on the upcoming Court decision, as well as progress in relation to the Recommendation at the 1<sup>st</sup> Bureau meeting in 2022.

- 2017/02: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments

Relevant documents : T-PVS/Files(2021)XX – Government Report  
T-PVS/Files(2021)37 – Complainant Report  
Annex from UNESCO

This case was discussed straight after the case of Mavrovo National Park, as the advisory mission carried out had pertained to both. The Standing Committee recalled that the Bureau had decided to place this complaint exceptionally on the Standing Committee agenda due to worrying allegations from the complainant and other international organisations, a lack of any report from the authorities, and conclusions of the advisory mission of North Macedonia carried out in May.

The Standing Committee thanked the complainant for their reporting as well as UNESCO and the Ramsar Convention for their updates, but strongly regretted not receiving a report from the authorities of North Macedonia despite repeated reminders during 2021. It also acknowledged the oral interventions of the Ministry of Environment and Physical Planning, and the complainant, Front 21/42.

Despite the several interesting activities reported by the government, the Committee was overall deeply concerned with the situation in the two sites as described by the complainant and international organisations.

Following the proposal of the complainant which was supported by several Contracting Parties, the Standing Committee decided to **elevate this complaint to an open file**.

The Committee, following the recommendation of the independent experts and the proposal of the complainant backed by several Contracting Parties and NGOs, also **decided to mandate an on-the-spot appraisal** (OSA) to these sites to take place during 2022. This mission and its Terms of Reference should be carefully elaborated in order to build on but not duplicate previous monitoring missions of other organisations such as IUCN, Ramsar and UNESCO. To that end, those organisations were invited to consult the Terms of Reference, and join the OSA if they so wished. Furthermore, eventual recommendations could build on those of the newly adopted Bern Convention Recommendation no. 211 (2021).

The Committee took note of and thanked the representative of the Ramsar Convention for their intervention which appreciated the cooperation with the Bern Convention, and confirmed their willingness to explore possibilities to undertake a joint-mission to the area.

The Committee also took note of the North Macedonian government's agreement to the OSA, and thanked them for their cooperation.

The Committee mandated the Bureau to draw up Terms of Reference in collaboration with the Secretariat, national authorities, and complainant. Both parties were requested to cooperate fully with the Secretariat and Bureau when formulating the Terms of Reference and preparing the mission which would ideally be held on-site, pending the pandemic situation. Both parties were also requested to send update reports to the first Bureau meeting of 2022.

**The file is open.**

## **6.5 FOLLOW-UP OF PREVIOUS COMPLAINTS AND RECOMMENDATIONS**

- [Recommendation No. 95 \(2002\)](#) on the conservation of marine turtles in Kazanli beach, Turkey

Relevant documents: T-PVS/Files(2021)81 – Government Report  
T-PVS/Files(2021)78 - Medasset update report

The Standing Committee took note of the updated information provided by both parties and thanked the Turkish authorities and MEDASSET for their presentations.

The Committee took note of the complainant's concerns that progress in the implementation of Recommendation No. 95 (2002) was lacking, especially concerning the erosion of the nesting beach and

building removal. The Committee expressed its regret that the project in cooperation with the METU Marine Sciences Institute on the factors causing coastal erosion, due to lack of funds, could not be implemented.

The Standing Committee urged the Turkish authorities to implement all conditions of Recommendation No. 95 (2002) and to accelerate the neutralisation process of the remaining hazardous wastes, hoping that in 2023 all waste would be neutralised.

Both parties were invited to submit updated reports in two years.

- [Recommendation No.190 \(2016\)](#) on the conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland

Relevant documents: T-PVS/Files(2021)74 – Government Report  
T-PVS/Files(2021)69 – Complainant report

The Standing Committee took note of the reports of both parties, and the presentation of the Icelandic Forestry Service, and of Birdlife Iceland. It appreciated the progress achieved, while also noting concerns of the complainant and their request to return this on the agenda as a possible file.

The Committee recalled that the Icelandic authorities should refer to Recommendation No. 193 (2017) on the European Code of Conduct for Invasive Alien Trees, and ensure good communication and cooperation with relevant national and international stakeholders.

It requested an update report from the Icelandic authorities for the 2<sup>nd</sup> Bureau meeting of 2023 ahead of its presentation at the 43<sup>rd</sup> Standing Committee.

## **PART V – COOPERATION AND COMMUNICATION ACTIVITIES AND PROGRAMME OF WORK 2022-2023**

### **7. INTERNATIONAL COORDINATION WITH OTHER MEAs AND ORGANISATIONS**

The Standing Committee took note of the information provided by the Secretariat and expressed its appreciation of the continued cooperation developed throughout the year with other MEAs and organisations in spite of the difficult circumstances of the Covid-19 outbreak. In particular, it acknowledged Birdlife, the CMS, Energy Community Treaty, European Commission, European Environment Agency, Planta Europa, UNEP/WCMC, Wildfowl and Wetlands Trust, and WWF.

The Standing Committee was informed by Bureau member Mr Carl Amirgulashvili (Georgia) of a new initiative of the Council of Europe to develop policy guidelines for an integrated culture, nature and landscape management. Mr Amirgulashvili is representing the Bureau of the Bern Convention in the Working Group which is going to prepare the guidelines. The overall objective of the initiative is to strengthen the inseparable links between people, culture and nature based on the Council of Europe's human rights and participatory approach and the Council of Europe's Conventions in the field of culture, nature and landscape. Together with other conventions of the Council of Europe (i.e. the European Cultural Convention, Granada Convention, Valletta Convention, Florence Convention, Faro Convention, Nicosia Convention), the Bern Convention shall form the basis for the new policy guidelines. The Bureau will keep the Standing Committee informed of developments in 2022. The Committee appreciated this initiative.

### **8. AWARENESS AND VISIBILITY**

The Standing Committee took note of the information provided by the Secretariat on activities related to communication and visibility. 2021 had been a busy year in that regard with two main activities undertaken: the Voices of Nature Campaign and participation in the World Forum for Democracy. The theme of both activities had been how democracy and local stakeholders could raise their voice to protect the environment. The Committee appreciated the short video which had been created as a summary of the Campaign, of which a website including short and long-form success stories was the main feature.

The Committee also welcomed the active participation of the Bern Convention in the World Forum for Democracy, both during online events throughout the year, and a live participation in November. The latter participation had consisted of two forum panels, the first entitled “Linking biodiversity, climate change and a healthy environment”, and the second called “Better together: Engaging communities for nature conservation and protection”. Several stakeholders of the Convention had been implicated and were thanked by all for their dedication. Furthermore, the Committee appreciated this interactive and inclusive approach to the visibility activities. It looked forward to a possible new campaign next year.

## **9. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2022-2023**

Relevant document: T-PVS(2021)26 – Draft Programme of Activities for 2022-2023  
T-PVS/Inf(2021)54 – Draft Calendar of meetings for 2022

The Standing Committee recalled its decision taken at the 40<sup>th</sup> plenary in December 2020 (i) to assess the pros and cons of having a Standing Committee meeting every two years instead of annually, highlighting mitigation measures and/or other options in case of drawbacks, as well as (ii) to report on the lessons learned from the pandemic and make recommendations on new working methods.

The Standing Committee thanked the Secretariat for its presentation on the issues above. It was agreed that the assessment of having only biennial Standing Committee meetings would require further reflection. The Committee mandated the Bureau, in collaboration with the Secretariat, to further elaborate the assessment ahead of the 42<sup>nd</sup> Standing Committee. It should include an assessment on how the case-file management system could be managed efficiently should the Standing Committee be held biennially.

The EU and its member States recalled that, as per the legal text of the Treaty, the Standing Committee is the main governing body of the Convention and decides on its work priorities. The Standing Committee develops, discusses and adopts the biennial Programme of Work of the Convention and subsequently mandates and gives instructions to the Secretariat to implement it. The Bureau to the Convention monitors the implementation and further guides the Secretariat work in the intersessional period. The Standing Committee expresses its concern over interferences with its prerogatives and their consequences on the functioning of the Convention.

The Standing Committee reminded that developing concrete Species Action Plans, Strategies, tools for protecting the habitats of species and other policy documents for the benefit of European biodiversity and most importantly implementing them, is fully within the mandate of the Convention and its main mission.

Finally, the Standing Committee adopted, with minor amendments, the Programme of Activities and budget allocation for 2022-2023 (appendix IX), to be implemented subject to the availability of financial resources and to the pandemic situation. It further encouraged Contracting Parties to express their interest to the Secretariat of hosting Group of Experts meetings, again subject to the feasibility of hosting physical meetings.

## **10. STATES TO BE INVITED AS OBSERVERS TO THE 42ND MEETING**

The Standing Committee decided unanimously to invite the following States to attend its 42<sup>nd</sup> meeting: the Russian Federation, San Marino, Egypt, the Holy See and Jordan.

### **PART VI – OTHER ITEMS**

## **11. ELECTION OF CHAIR, VICE-CHAIR AND BUREAU MEMBERS**

Relevant document: T-PVS/Inf(2013)6 – Rules of Procedure of the Standing Committee

In accordance with Article 18(e) of the Rules of Procedure, the Standing Committee elected:

- Ms Merike Linnamägi (Estonia) as Chair;
- Mr Carl Amirgulashvili (Georgia) as Vice-Chair;
- Mr Jan Plesnik (Czech Republic) and Mr Andreas Schei (Norway) as Bureau members.

According to Rule 19 of the Rules of Procedure, the Committee acknowledged the automatic election of the previous Chair, Ms Jana Durkošová (Slovak Republic), as a Bureau member, and thanked her for her three years serving as the Chair.

The Committee warmly thanked outgoing Bureau member Mr Øystein Størkersen (Norway) for his long years of dedicated service to the Bern Convention.

## **12. DATE AND PLACE OF THE 42ND MEETING**

The Standing Committee agreed to hold its next meeting on 29 November - 2 December 2022, in Strasbourg (dates and format subject to the pandemic situation in 2022).

## **13. ADOPTION OF THE MAIN DECISIONS OF THE MEETING**

The Standing Committee adopted document T-PVS(2021)Misc.

## **14. OTHER BUSINESS (ITEMS FOR INFORMATION ONLY)**

The Representative of Belarus made a statement concerning the conservation of biodiversity in Belarus.



## **Appendix I**

# *AGENDA*

### **PART I – OPENING**

- 1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA**
- 2. CHAIRPERSON'S REPORT AND COMMUNICATIONS FROM THE DELEGATIONS AND FROM THE SECRETARIAT**
- 3. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION**
  - 3.1. Financing of the Bern Convention**
    - 3.1.1 Enlarged Partial Agreement
    - 3.1.2 Amendment of the Bern Convention
  - 3.2. Vision and Strategic Plan for the Bern Convention for the period to 2030 and contribution to the post-2020 global biodiversity framework**
  - 3.3. Rules of Procedure - Possible modifications**

### **PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS**

- 4. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION**
  - 4.1. Biennial reports 2017-2018 and 2019-2020 concerning exceptions made to Articles 4, 5, 6, 7 or 8**
  - 4.2. Online Reporting System**

### **PART III – MONITORING OF SPECIES AND HABITATS**

- 5. MONITORING OF SPECIES AND HABITATS**
  - 5.1. Invasive Alien Species**
  - 5.2. Conservation of Birds: eradication of illegal killing, trapping and trade of wild birds**
  - 5.3. Amphibians and Reptiles**
  - 5.4. Guidance tool for the Conservation of Marine Turtles**
  - 5.5. Pan-European Action Plan for Sturgeons**
  - 5.6. Eradication of the Ruddy Duck**
  - 5.7. Review of the Plant Conservation Strategy**
  - 5.8. Conservation of Habitats:**
    - 5.8.1 *Emerald Network of Areas of Special Conservation Interest*
    - 5.8.2 *European Diploma for Protected Areas*

## 5.9. Reporting under Resolution No. 8 (2012) on the conservation status of species and habitats

### PART IV – MONITORING OF SPECIFIC SITES AND POPULATIONS

#### 6. SPECIFIC SITES AND POPULATIONS

##### 6.1. Case-file system reflection and possible improvements

##### 6.2. Files opened

- 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica
- 2013/1: North Macedonia: Hydro power development within the territory of the Mavrovo National Park- *on-the-spot appraisal*
- 2016/5: Albania: Presumed negative impact of hydro-power plant development on the Vjosa river
- 2016/4: Montenegro: Development of a commercial project in Skadar Lake National Park and candidate Emerald site
- 1995/6: Cyprus: Akamas peninsula
- 2010/5: Greece: threats to marine turtles in Thines Kiparissias
- 2012/9: Turkey: Presumed degradation of nesting beaches in Fethiye and Patara SPAs
- 1986/8: Greece: Recommendation No. 9 (1987) on the protection of Caretta Caretta in Laganas bay, Zakynthos

##### 6.3. Possible files

- 2001/4: Bulgaria: Motorway through the Kresna Gorge - *on-the-spot appraisal*
- 2019/5: Turkey: Habitat destruction in Mersin Anamur Beach
- 2020/09: Bosnia and Herzegovina: Possible negative impact of hydro-power plant development on the Neretva river

##### 6.4. Complaints on stand-by

- 2017/6: Iceland: Possible negative impact on Breiðafjörður Nature Reserve’s authentic birch woods from new road infrastructure- *on-the-spot appraisal*
- 2018/1: Ukraine: Presumed threat to Emerald site “Polonina Borzhava” (UA0000263) from wind energy development (taking into account the “Other Complaints” concerning Emerald Network sites in Ukraine)- *on-the-spot appraisal*
- 2017/02: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments

##### 6.5. Follow-up of previous complaints and Recommendations

- [Recommendation No. 95 \(2002\)](#) on the conservation of marine turtles in Kazanli beach, Turkey
- [Recommendation No.190 \(2016\)](#) on the conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland

### PART V – COOPERATION AND COMMUNICATION ACTIVITIES AND PROGRAMME OF WORK 2022-2023

- 7. INTERNATIONAL COORDINATION WITH OTHER MEAS AND ORGANISATIONS**
- 8. AWARENESS AND VISIBILITY**
- 9. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2022-2023**
- 10. STATES TO BE INVITED AS OBSERVERS TO THE 42<sup>ND</sup> MEETING**

#### **PART VI – OTHER ITEMS**

- 11. ELECTION OF CHAIR, VICE-CHAIR AND BUREAU MEMBERS**
- 12. DATE AND PLACE OF THE 42<sup>ND</sup> MEETING**
- 13. ADOPTION OF THE MAIN DECISIONS OF THE MEETING**
- 14. OTHER BUSINESS (ITEMS FOR INFORMATION ONLY)**

## PLAN FOR DISCUSSION OF THE AGENDA

MORNINGS 9.00 am - 12.30 pm (CET)	AFTERNOONS 2.00 pm – 5.30 pm (CET)
<b>MONDAY 29<sup>th</sup> November</b>	
	<ol style="list-style-type: none"> <li>1. <b>OPENING AND ADOPTION OF AGENDA</b></li> <li>2. <b>REPORT FROM CHAIRPERSON &amp; COMMUNICATIONS</b></li> <li>3. <b>FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION</b> <ol style="list-style-type: none"> <li>3.1 <b>Financing of the Bern Convention</b> <ol style="list-style-type: none"> <li>3.1.1 <i>Enlarged Partial Agreement</i></li> <li>3.1.2 <i>Amendment of the Bern Convention</i></li> </ol> </li> <li>3.2 <b>Vision and Strategic Plan for the Bern Convention for the period to 2030 and contribution to the post-2020 global biodiversity framework</b></li> <li>3.3 <b>Rules of Procedure- Possible modifications</b></li> </ol> </li> </ol>
<b>TUESDAY 30<sup>th</sup> November</b>	
<ol style="list-style-type: none"> <li>4. <b>MONITORING AND IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION</b> <ol style="list-style-type: none"> <li>4.1 <b>Biennial reports</b></li> <li>4.2 <b>Online Reporting System</b></li> </ol> </li> <li>5. <b>MONITORING OF SPECIES AND HABITATS</b> <ol style="list-style-type: none"> <li>5.1 <b>Invasive Alien Species</b></li> <li>5.2 <b>Conservation of Birds: eradication of illegal killing, trapping and trade of wild birds</b></li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>5.3 <b>Amphibians and Reptiles</b></li> <li>5.4. <b>Guidance tool for the Conservation of Marine Turtles</b></li> <li>5.5 <b>Pan-European Action Plan for Sturgeons</b></li> <li>5.6 <b>Eradication of the Ruddy Duck</b></li> <li>5.7 <b>Review of the Plant Conservation Strategy</b></li> <li>5.8 <b>Conservation of Habitats</b> <ol style="list-style-type: none"> <li>5.8.1 <i>Emerald network of Areas of Special Conservation Interest</i></li> <li>5.8.2 <i>European Diploma for Protected Areas</i></li> </ol> </li> <li>5.9 <b>Reporting under Resolution No. 8 (2012) on the conservation status of species and habitats</b></li> </ol>
<b>WEDNESDAY 1<sup>st</sup> December</b>	
<ol style="list-style-type: none"> <li>6. <b>SPECIFIC SITES AND POPULATIONS</b> <ol style="list-style-type: none"> <li>6.1 <b>Case-file system reflection and possible improvements</b></li> <li>6.2 <b>Files opened</b> <ul style="list-style-type: none"> <li>➤ 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica</li> <li>➤ 2013/1: North Macedonia: Hydro power development within the territory of the Mavrovo national Park (OSA)</li> <li>➤ 2016/5: Albania: Presumed negative impact of hydro-power plant development on the Vjosa river</li> <li>➤ 2016/4: Montenegro: Development of a commercial project in Skadar Lake National Park and candidate Emerald site</li> </ul> </li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>6.2 <b>Files opened (continued)</b> <ul style="list-style-type: none"> <li>➤ 1995/6: Cyprus: Akamas peninsula</li> <li>➤ 2010/5: Greece: threats to marine turtles in Thines Kiparissias</li> <li>➤ 2012/9: Turkey: Presumed degradation of nesting beaches in Fethiye and Patara SPAs</li> <li>➤ 1986/8: Greece: Recommendation No. 9 (1987) on the protection of <i>Caretta Caretta</i> in Laganas bay, Zakynthos</li> </ul> </li> <li>6.3 <b>Possible files</b> <ul style="list-style-type: none"> <li>➤ 2001/4: Bulgaria: Motorway through the Kresna Gorge (OSA)</li> <li>➤ 2019/5: Turkey: Habitat destruction in Mersin Anamur Beach</li> <li>➤ 2020/09: Bosnia and Herzegovina: Possible negative impact of hydro-power plant development on the Neretva river</li> </ul> </li> </ol>

**THURSDAY 2<sup>nd</sup> December**

<p><b>6.4 Complaints on stand-by</b></p> <ul style="list-style-type: none"> <li>➤ 2017/6: Iceland: Possible negative impact on Breiðafjörður Nature Reserve’s authentic birch woods from new road infrastructure (OSA)</li> <li>➤ 2018/1: Ukraine: Presumed threat to Emerald site “Polonina Borzhava” (UA0000263) from wind energy development (OSA)</li> <li>➤ 2017/02: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments</li> </ul> <p><b>6.5 Follow-up of previous complaints and Recommendations</b></p> <ul style="list-style-type: none"> <li>➤ <a href="#">Recommendation No. 95 (2002)</a> on the conservation of marine turtles in Kazanli beach, Turkey</li> <li>➤ <a href="#">Recommendation No.190 (2016)</a> on the conservation of natural habitats and wildlife, specially birds, in afforestation of lowland in Iceland</li> </ul>	<p><i>Possible continuation of unfinished work</i></p> <ul style="list-style-type: none"> <li><b>7. INTERNATIONAL COORDINATION WITH OTHER MEAS AND ORGANISATIONS</b></li> <li><b>8. AWARENESS AND VISIBILITY</b></li> <li><b>9. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2022-2023</b></li> <li><b>10. STATES TO BE INVITED AS OBSERVERS TO THE 42<sup>ND</sup> MEETING</b></li> </ul>
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**FRIDAY 3<sup>rd</sup> December**

<ul style="list-style-type: none"> <li><b>11. ELECTION OF CHAIR AND VICE-CHAIR, AND BUREAU MEMBERS</b></li> <li><b>12. DATE AND PLACE OF THE 42<sup>ND</sup> MEETING</b></li> <li><b>13. ADOPTION OF THE MAIN DECISIONS OF THE MEETING</b></li> <li><b>14. OTHER BUSINESS</b></li> </ul>	<p><i>Possible continuation of unfinished work</i></p>
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*Please note:*

*The 41st Standing Committee meeting will be held online via KUDO.*

*The documents for the meeting will be available at the following link:*

<https://www.coe.int/en/web/bern-convention/-/41st-meeting-of-the-standing-committee>

## **Appendix II**

Strasbourg, 3 December 2021  
[tpvs14e\_2021.docx]

**T-PVS(2021)14**

### CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

#### **Standing Committee**

41<sup>st</sup> meeting  
Strasbourg, 29 November – 3 December 2021

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## **Vision for the Bern Convention for the period to 2030**

*Document prepared by the independent consultant,  
Mr Dave E Pritchard*

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## ➤ The Vision

### **“Healthy nature for healthy people”**

*By 2030, declines in biodiversity are halted, leading to recovery of wildlife and habitats, improving the lives of people and contributing to the health of the planet.*

## ➤ The Bern Convention’s mission

The mission of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) is to ensure that wild flora, fauna and habitats are maintained at, or restored to a favourable conservation status. The Convention enables cooperation and coordination across borders, building bridges between science and citizens, and uniting governments and society at large in a common endeavour. It connects environmental protection with human rights and democracy in the framework of the Council of Europe’s core values and priorities, and makes a distinctive contribution to the UN Sustainable Development Goals and to global agreements on nature and climate change.

## ➤ New energy to meet the growing challenge

Healthy natural systems are vital. They support a diversity of species, and underpin the Earth’s ability to provide for people’s prosperity and well-being. Biodiversity however is in accelerating decline. There is an urgent need for a step-change in humanity’s response to this.

Parties to the Bern Convention commit to focusing renewed energies to this end:

- The period to 2030 will be marked by strengthened investment in conservation accompanied by greater efforts towards restoration and recovery.
- Parties will ensure that the extent, quality and management of the Emerald Network meets the needs of the habitats and species it protects.
- Actions under the Convention will strengthen the link between the conservation and sustainable use of nature and other measures relating to human rights, democracy, landscape, climate change, cultural heritage, health and major hazards.
- Bern Convention mechanisms including Action Plans, Strategies, Codes of Conduct, the Emerald Network, Case Files, On the Spot Appraisals and the European Diploma will be used effectively to deliver the objectives of the treaty.

## ➤ Four key goals

An accompanying **Strategic Plan** for the Convention for the period to 2030 sets out the more detailed objectives that support this Vision, and multi-year work programmes will define the actions that deliver it. These all link closely to the Global Biodiversity Framework, helping to implement it in the pan-European context and avoiding duplication<sup>1</sup>. Four key goals guide this:

- GOAL 1:** The area, connectivity, integrity and resilience of natural and semi-natural ecosystems is increased, including through protected areas and other effective area-based conservation measures covering at least 30% of the land and of the sea areas.
- GOAL 2:** The conservation status of threatened species is improved, the abundance of native species has increased, and human-induced extinctions have been halted.
- GOAL 3:** The contributions of wild flora and fauna and their natural habitats to a safe, clean, healthy and sustainable environment are valued, maintained and enhanced.
- GOAL 4:** Sufficient resources are available and are used efficiently to achieve all goals and targets in the Plan.

## ➤ Special advantages of the Bern Convention

- The only pan-European treaty for the conservation and sustainable use of species and habitats, with 51 Contracting Parties (including four African States and the European Union) and active since 1979.
- Embodies the principles of participation and transparency, fully involving relevant governmental and non-governmental organisations as well as wider society.
- An instrument of the Council of Europe, thus providing coherent linkage between environmental protection and frameworks for human rights, democratic governance and inclusive participation.
- A pan-European network of conserved areas (the Emerald Network, harmonised with the EU Natura 2000 Network).
- Transparent monitoring mechanisms, including implementation reports and a “case file” system that is open to engagement by civil society organisations and citizens.

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<sup>1</sup> The references here to the “Strategic Plan for the Convention” and to the “Global Biodiversity Framework” anticipate documents to be agreed at a future date and should not prejudice the negotiations of these documents.



## Appendix III



Convention on the Conservation  
of European Wildlife and Natural Habitats

Standing Committee

### **Recommendation No. 210 (2021) of the Standing Committee, adopted on 3<sup>rd</sup> December 2021, on e-commerce and Invasive Alien Species.**

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention.

Having regard to the aims of the Convention to conserve wild flora and fauna and its natural habitats;

Recalling that Article 11, paragraph 2.b, of the Convention requires parties to strictly control the introduction of non-native species;

Recalling its Recommendation No. 91 (2002) on invasive alien species that threaten biological diversity in islands and geographically and evolutionary isolated ecosystems;

Recalling its Recommendation No. 99 (2003) on the European Strategy on Invasive Alien Species;

Recalling its Recommendation No. 125 (2007) on trade in invasive and potentially invasive alien species in Europe;

Recalling its Recommendation No. 154 (2011) on the European Code of Conduct on Pets and Invasive Alien Species;

Recalling the Strategic Plan for Biodiversity 2011-2020 with its 20 headline Aichi targets for 2020, adopted at COP 10 of the CBD and in particular Target 9 devoted to invasive alien species (IAS): “By 2020, invasive alien species and pathways are identified and prioritised, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment”;

Recalling the EU Regulation No. 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species;

Recalling Decision XIII/13 adopted by the Convention on Biological Diversity which recognised the serious threat that e-commerce poses to biodiversity and encouraged Parties, and invited other Governments, relevant international organizations, consumers, regular mail and express delivery service providers and e-commerce traders and managers, to reduce the risk of biological invasion associated with trade in wildlife via e-commerce;

Conscious that invasive alien species are assessed as one of the five direct drivers of biodiversity loss in the IPBES [Global Assessment on Biodiversity and Ecosystem Services](#), approved by the IPBES Plenary at its 7th session in May 2019 in Paris, France (IPBES-7);

Conscious of the considerable increase of e-commerce over the past years as well as of its major role as an IAS introduction pathway and the difficulties encountered in regulating this trade;

Referring to the Guidance Document on e-Commerce and Invasive Alien Species [document [T-PVS/Inf\(2021\)39](#)];

Recommends that Contracting Parties:

1. Raise awareness on biological invasion risks associated with e-commerce, among all relevant subjects and institutions,
2. Adopt and enforce legislations regulating invasive alien species, and make the lists of regulated species easily accessible to all subjects (sellers, buyers, platforms, custom organisations, environmental protection agencies, etc.),
3. Collaborate with the main platforms and actors of e-trade of plants and animals to prevent the e-commerce of invasive alien species,
4. Ensure that sellers and buyers are provided with key information and warnings on the species they sell or buy, including on their potential invasiveness,
5. Collaborate with relevant international and regional organizations as well as neighbouring states and trade partners to develop and carry-out monitoring of e-commerce of invasive alien species at all scales,
6. Keep the Standing Committee informed on the measures taken to implement this recommendation.

Invites Observer States to take note of this recommendation and implement as appropriate.

## **Appendix IV**

### **UPDATED LIST OF OFFICIALLY NOMINATED CANDIDATE EMERALD SITES**

Kindly consult document [T-PVS/PA\(2021\)10](#) on the website of the meeting.

### **UPDATED LIST OF OFFICIALLY ADOPTED EMERALD SITES**

Kindly consult document [T-PVS/PA\(2021\)11](#) on the website of the meeting.

## **Appendix V**

Strasbourg, 3 December 2021  
[pa06e\_2021.docx]

**T-PVS/PA(2021)06**

### CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

#### **Standing Committee**

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

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## **TERMS OF REFERENCE FOR THE CREATION OF AN AD HOC WORKING GROUP ON REPORTING**

*Document prepared by  
the Directorate of Democratic Participation*

## I. BACKGROUND

In 2012, the Standing Committee to the Bern Convention adopted [Resolution No. 8](#) regarding the national designation of adopted Emerald Network sites and the implementation of management, monitoring and reporting measures. According to the Resolution:

*“Parties will report to the Secretariat of the Bern Convention on the conservation status of species and habitats listed in Resolutions No. 6 (1998) and No. 4 (1996) of the Standing Committee to the Bern Convention;*

*The report will be submitted in English, every six years from the date of adoption of this Resolution and shall reflect the previous period of six years;*

*The Group of Experts on Protected Areas and Ecological Networks will prepare a reporting format to be used for the purposes of this reporting.”*

The reporting, aimed to evaluate progress towards meeting the Convention’s objectives and the efficiency of Parties’ conservation efforts does not focus on the Emerald Network although it considers the species and habitats listed on Resolution No. 6 (1998) and No. 4 (1996). Conservation status is the overall assessment of the status of a habitat type or a species at the scale of country biogeographical or marine region or at country scale for birds. Further details are available from the [Reference Portal for the Reporting under Resolution No. 8 \(2012\)](#).

In 2019, Contracting Parties reported for the first time on the conservation status of a sample of 46 features over the period 2013 – 2018. This first reporting round was considered a first attempt aimed to build up experience and capacity and pave the path for future reporting cycles.

While the first reporting under Resolution No. 8 (2012) used the reporting format adopted for reporting under Articles 12 and 17 of the EU Nature Directives, a pan-European assessment of the conservation status of the 46 features was challenging because of the limited number of reporting countries and the incompleteness of the reports received.

Within the frame of a survey, 17 non-EU Contracting Parties participating shared opinions on their experience from the first reporting, pointed to the obstacles for not participating in the reporting cycle and commented on the scope of the forthcoming reporting cycle covering the period 2019 – 2024 ([T-PVS/PA\(2021\)04](#)).

Following advice from the Group of Experts, the Standing Committee decided to set up an Ad hoc Working Group on Reporting entrusted with following up on the findings of the survey, addressing technical challenges and proposing a future reporting scheme.

## II. SCOPE

The Ad hoc Working Group on Reporting will provide a dedicated cooperation platform for preparing the scope, format, methodology, tools of the reporting on the conservation status of species and habitats under Resolution No. 8 (2012). It will advise the Standing Committee in collaboration with the Bureau, independent experts and Secretariat in assessing the objectives of the reporting under Resolution No. 8 (2012) and in developing the appropriate resources. Building on the outcomes of the survey on the experience and expectations of Contracting Parties from the reporting, the Ad hoc Working Group is requested to:

- Provide recommendations on the objectives and the expected outcomes of the reporting under Resolution No. 8 (2012) in light of capacities and needs of Contracting Parties, in particular focussing on what sort of reporting and information is most useful for the purposes of the Convention and how to get that in the most cost-effective way;
- Provide advice on the scope of the reporting under Resolution No. 8 (2012) in order to achieve the defined objectives and drawing on the experience of the first reporting round (2013-2018);
- Consider the extent to which it is technically feasible for the reporting under Resolution No, 8 (2012) to be combined with information from the reporting under Articles 17 and 12 of the EU Habitats and Birds Directives to form a Pan-European overview. Taking into account the need for this to be done in a cost-

effective manner and to avoid a disproportionate reporting burden, provide recommendations on how to enable a Pan-European overview.

- Ensure consistency between the objectives, the scope and format of the reporting; Provide advice and guidance for the drafting of the supporting documentation and guidance and for the design of the reporting tool(s).
- Provide guidance on how to raise awareness and disseminate knowledge on the reporting on the conservation status of species and habitats listed in Resolutions No. 6 (1998) and No. 4 (1996) among a wide range of experts and stakeholders to involve them in the reporting process.
- Monitor progress of the preparation of the reporting under Resolution No. 8 (2012).
- Review results of the reporting cycle covering the period 2019 – 2024.

### **III. COMPOSITION**

The Ad hoc Working Group will comprise relevant representatives of Contracting Parties to the Bern Convention and observers and may invite relevant third parties as deemed necessary.

The Ad hoc Working Group will select one Chair from amongst the Contracting Party members.

### **IV. WORKING METHODS**

The Ad hoc Working Group members will provide input through meetings, conference calls, written contributions to draft papers, reports, and other means as appropriate.

The working language will be English.

The Ad hoc Working Group will determine its own meeting frequency; however, it is expected to two times in 2022 and will reconvene as required. The Ad hoc Working Group shall operate by online means and physical meetings as appropriate.

The Bureau of the Standing Committee will review and evaluate the work of the Ad hoc Working Group at the Bureau's meetings through the year.

In co-operation with the Chair, the Secretariat will coordinate and assist with the organisation and preparation of the agenda for the meetings of the Ad hoc Working Group and any other support activities deemed necessary.

### **V. TIME FRAME**

The Ad hoc Working Group will develop a timeline for the reporting under Resolution No. 8 (2012) which will guide the work of the Ad hoc Working Group, and provide clarity for Contracting Parties on what is expected to happen when.

The Ad hoc Working Group should provide updates on progress at the annual meetings of the Group of Experts on Protected Areas and Ecological Networks. The Ad hoc will report to the Standing Committee at its annual meeting.

The Ad hoc Working Group will continue until the results of the reporting cycle covering the period 2019 – 2024 have been collated and have been reviewed by the Standing Committee.

## Appendix VI



Convention on the Conservation  
of European Wildlife and Natural Habitats

Standing Committee

**Recommendation No. 211 (2021) of the Standing Committee, adopted on 3<sup>rd</sup> December 2021, on conservation measures within national parks in North Macedonia, including in relation to Mavrovo National Park and Lake Ohrid and Galichica National Park.**

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 1, paragraph 2 of the Convention calls on Parties to give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1 of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention

Recalling that Article 4, paragraph 2 of the Convention stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recalling that Article 4, paragraph 4 of the Convention states that Contracting Parties undertake to co-ordinate as appropriate their efforts for the protection of the natural habitats referred to in this article when these are situated in frontier areas;

Recalling its Recommendation No. 184 (2015) on the planned hydropower plants on the territory of the Mavrovo National Park ("the former Yugoslav Republic of Macedonia")

Noting that Mavrovo National Park is one of the key biodiversity hotspots in Europe, hosting a very high number of species and natural habitats protected by the Bern Convention;

Recalling that Mavrovo National Park has been officially nominated as a candidate Emerald Network site in 2011, in accordance with national legislation, and as such, it is subject to Recommendation No. 157 (2011, revised in 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to "take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites" until their full inclusion in the Emerald Network;

Recalling also its Recommendation No. 20 (1991) on the protection of the European lynx (*Lynx lynx*) and Recommendation No. 204 (2019) on the Conservation of the Eurasian lynx (*Lynx lynx*) in Continental Europe;

Noting that Mavrovo National Park and its immediate surroundings are among the core reproduction areas of the critically endangered Balkan lynx (*Lynx lynx balcanicus*);

Stressing that the Balkan Lynx is a critically endangered species protected under Appendix II of the Convention, and that urgent coordinated and cross-border action is needed to improve its population status;

Noting the parallel processes and statuses of other major environmental agreements operating in North Macedonia including IUCN, the Ramsar Convention and UNESCO;

Highlighting the ban on hydropower development in World Heritage Sites and the new due diligence requirements for other protected areas announced at the World Conservation Congress in Marseille in September 2021 by the International Hydropower Association in cooperation with IUCN and UNESCO as an effort to protect the most valuable natural sites; and noting that Mavrovo National Park is one of the components of the serial World Heritage Site Ancient and Primeval Beech Forests of the Carpathians and Other Regions of Europe.

Taking note of the report of the online advisory mission (document T-PVS/Files(2021)76) carried out by independent experts on 25 & 28 May 2021;

Noting that said mission also took into account another complaint of the Bern Convention concerning Lake Ohrid and Galichica National Park;

Agreeing that the current Recommendation complements Recommendation No. 184 (2015),

**Recommends to the Government of North Macedonia to:**

1. Suspend and cancel approved concessions and those planned for construction and implement a ban on hydropower plants (large, medium and small) both a) in national parks, protected areas, World Heritage Sites and other candidate Emerald sites (potential future Natura 2000 sites) as their implementation will cause problems with compliance with the Bern Convention and b) that will impact on these locations if constructed outside their boundaries.
2. Implement the new international standards on the prohibition of hydropower plants in World Heritage Sites (beech forests in Mavrovo National Park are part of serial Beech Forests World Heritage property) and ensure due diligence for protected areas, candidate protected areas and corridors between protected areas which require the implementation of high standards of performance and transparency.
3. Ensure proper implementation of the EU Water Framework Directive National Law regarding environmental flow of streams and prevent excessive withdrawal of water in streams within or impacting upon Mavrovo National Park, other protected areas, World Heritage Sites and Emerald candidate areas.
4. Ensure that core funding for the operation and management of national parks in North Macedonia comes from the state budget and not from the excessive harvesting of natural resources and other unsustainable sources of funding (complying with IUCN cat. II protected area standards).
5. Strengthen the process for all forms of impact assessments in national legislation to ensure they meet EU standards for robust quantification of potential impacts, including (but not limited to) revision of the process for conducting, reviewing and auditing Strategic Environmental Assessments, Environmental Impact Assessments and Environmental Elaborates as well as implementing and monitoring the recommendations of these documents; this should be achieved at a minimum via a) heightened licencing standards and responsibility mechanisms for assessment proponents; and b) improvements to the relevant laws and regulations.
6. Accelerate the process of preparation of the valorisation study for Mavrovo National Park, taking into account all international and national standards for nature conservation and protected areas, including IUCN protected area and World Heritage Sites standards. Increase efforts to complete the process of re-proclamation and adoption of a new law for Mavrovo National Park and prepare an effective and comprehensive management plan for the park.
7. Ensure that there are no further extensions for applications for legalisation of objects that were built without permission in Mavrovo National Park, other protected areas and World Heritage Sites.



8. Improve and maintain the capacity of protected area management and monitoring structures in accordance with international methodologies and IUCN standards, including the principles of implementing the primary management objective for the protected area over at least 75% of its territory. Ensure that expert staff are deployed in all management unit positions to enforce legislation, carry out proper wildlife and habitat management, and carry out inspections and monitoring.
9. Harmonise spatial and sectoral plans, especially on tourism and urban settlements in order to prevent further urbanisation and degradation inside national parks and protected areas. Encourage sustainable, environmentally friendly forms of tourism, which are based on the IUCN standards for tourism in protected areas.
10. Facilitate an independent review of the entire legislation framework related to spatial and urban planning, construction, environment and nature protection in order to eliminate any weaknesses for protected area and UNESCO World Heritage objectives, conducted by a team of specialised experts.
11. Review, endorse and re-implement the *Conservation Action Plan for Balkan Lynx in National Park Mavrovo* developed in cooperation with the Balkan Lynx Recovery Programme in 2013 and ensure funding for the implementation of the plan.
12. Improve the cooperation between Mavrovo National Park, neighbouring national parks in North Macedonia, the adjacent communities and extant or potential lynx areas in neighbouring countries with regard to wildlife and habitat conservation and management to ensure the connectivity of these sites and the expansion of the lynx population. In this respect, consider the development and implementation of a National Lynx Action Plan.
13. Improve collaboration among government agencies, complainants, NGOs, scientists, and stakeholder groups to expedite the process of effective protection and management of Mavrovo National Park, Ohrid Lake, and Galichica National Park. This collaboration has improved greatly in recent years, but more efforts are needed to achieve protection and development goals. There is also an urgent need to involve Albanian decision makers and other relevant stakeholders and to promote transboundary cooperation between the two countries.

## Appendix VII



Convention on the Conservation  
of European Wildlife and Natural Habitats

Standing Committee

**Recommendation No. 212 (2021) of the Standing Committee, adopted on 3<sup>rd</sup> December 2021, on the project to build a motorway through the Kresna Gorge (Bulgaria).**

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1 of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Recalling that Article 4, paragraph 2 further stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recalling that Article 4, paragraph 3 further provides that the Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas;

Recalling its Recommendation No. 98 (2002) on the project to build a motorway through the Kresna Gorge (Bulgaria);

Considering that the Kresna Gorge and its surroundings contain rare and endemic species and habitats of European importance that are conservation priorities and which Bulgaria has undertaken to protect;

Recognising the role of the gorge on an international scale as a prime axis of migration for migratory birds and insects and also at regional level as a point of exchange for the different types of vegetation and animal populations;

Having regard to the importance of the biodiversity and of the ecological networks existing in the area and the value of the archaeological heritage;

Aware of the foreseeable ecological impact of the motorway project on this natural sanctuary unique in the Balkans region;

Mindful of the need to reconcile the economic and ecological issues raised by this project and convinced of the necessity of identifying a route compatible with the natural and human environment;

Considering that the Kresna Gorge falls within two Natura 2000 network sites (BG0000366 Kresna Iindentsi SCI and BG0002003 Kresna SPA) and is thus subject to EU Habitats, Birds and other environmental directives, and noting the expert support the European Commission provided to Bulgaria on this case;

Taking note of the report of the online advisory mission (document T-PVS/Files(2021)75) carried out by independent experts on 25-27 August 2021;

Agreeing that the current Recommendation complements Recommendation No. 98 (2002);

**Recommends to the Government of Bulgaria to:**

1. Establish a fundamental cooperation relationship between the government and complainants, going beyond the usual informative and consultancy type of engagement, and maintaining it during construction, operation and maintenance, and as part of the Natura 2000 sites management – related activities.
2. Ensure a functional and transparent engagement mechanism with the complainants and other relevant stakeholders (scientific bodies, NGOs, civil society including representatives of the local communities) by re-activation of the Steering committee for the building of the “Struma” Motorway and by establishing common working groups (on themes such as biodiversity, traffic safety etc.);
3. As a priority, initiate a concrete cooperation with complainants and other relevant stakeholders for the finalisation of the Site-Specific Conservation Objectives for the two Natura 2000 sites, as well as in the review of the 2017 EIA/AA report/study on the potential impact of the motorway and in its potential revision, which should be done in light of the newly set SSCOs;
4. Develop a common functional data-support mechanism, creating a common GIS database and a best practices library, using commonly-agreed methodologies (on collecting, validating and interpreting the data) and tools towards supporting the production of and enriching the locally available scientific knowledge and ensure a commonly-agreed process of using best available information for data-driven solutions. This mechanism has to focus on all relevant species in assessing the impact of the future motorway (one reference is the study “Restoring Ecological Networks Across Transport Corridors in Bulgaria. Identification of bottleneck locations and practical solutions” (2008) which identified umbrella-species for the regional bio-corridors such as the brown bear, wolf, and bats, but also bird species);
5. Include in the ongoing monitoring programme the assessment of functionality for the target species of the mitigation measures that have been already implemented on the European road E-79 and make sure that the complementary fencing is not / will not create significant new barriers for other species, as a basis for further decisions;
6. Implement the principle of Mitigation Hierarchy giving priority to avoidance, as the Struma Motorway project is evaluated in relation to two Natura 2000 sites. Even in the case of avoidance, two actions have to be addressed:
  - a. If the final solution will be outside of Kresna area, it still has to include all the appropriate mitigation and compensation measures in order to secure the permeability of the motorway for all the species of local fauna and the overall cohesion of the protected areas network of South-West Bulgaria and the South-Eastern Balkans in order to implement the principles of Green Infrastructure EU Strategy and to develop a functional TEN-G;
  - b. Set up and implement a Kresna Gorge Conservation and Restoration Plan following the Green Deal Strategy of the European Union at local / regional level, based on the needs for conservation of all the species and habitats which are the subject of protection in the two Natura 2000 sites;
7. Assess all motorway alternatives during the additional review/analysis of the EIA/AA report/study and during the potential revision of the EIA/AA, in order to fulfil the basic requirements of the Habitats, Birds and EIA Directives;
8. Seek solutions that will address, alongside the impacts of the new motorway, the cumulative potential negative effects of existing and future linear features (European road, railway, Struma River), as well as opportunities of potential ecological restoration (of affected habitats and connectivity);

9. Address the concerns and the needs of the local society - i.e., loss of agricultural land and the restricted local mobility (access to properties, safe passage for people and livestock, the impact on local businesses including eco-tourism etc.);
10. Consider organising a technical workshop/s in Kresna focused on best practices relevant for the Kresna Gorge and Struma Motorway case involving all concerned stakeholders, and possibly in collaboration with the Bern Convention, Infrastructure & Ecology Network Europe, or other international bodies;

**Invites the complainants, relevant NGOs, scientific community, and civil society to:**

11. Follow the above recommendations with regard to cooperation with the authorities of Bulgaria, including by sharing data, engaging in cooperation bodies and activities, and agreeing on a detailed time plan of next steps (inspired by the proposal in the mission report).

## Appendix VIII



Convention on the Conservation  
of European Wildlife and Natural Habitats

Standing Committee

**Recommendation No. 213 (2021) of the Standing Committee, adopted on 3<sup>rd</sup> December 2021, on the presumed threat to Emerald Network site “Polonina Borzhava” from wind energy development (UA0000263) (Ukraine).**

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1 of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Recalling that Article 4, paragraph 2 further stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recalling that Article 4, paragraph 3 further provides that the Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas;

Recalling that Article 4, paragraph 4 further states that Contracting Parties undertake to co-ordinate as appropriate their efforts for the protection of the natural habitats referred to in this article when these are situated in frontier areas;

Recalling that Polonina Borzhava has been officially adopted as an Emerald Network site in 2016, in accordance with national legislation, and as such, it is subject to Recommendation No. 157 (2011, revised in 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to “take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites” until their full inclusion in the Emerald Network;

Recalling Recommendation No. 208 (2019) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites;

Recalling Recommendation 109 (2004) on minimising adverse effects of wind power generation on wildlife;

Recalling other relevant guidelines on wind farms and biodiversity including the Bern Convention/Birdlife report on “Wind farms and birds: an updated analysis of the effects of wind farms on birds, and best practice guidance on integrated planning and impact assessment”, the recent EU Guidance document on wind energy developments and EU nature legislation (2020), and resources of the Energy Community Treaty;

Considering that Polonina Borzhava and its surroundings contain rare and endemic species and habitats as well as migratory species of European importance that are conservation priorities and which Ukraine has undertaken to protect under, among others, the Bern and Bonn Conventions;

Noting the rapid response in the form of new development (proposed and actual) by the wind energy and other renewables sectors to the Government approved Energy Strategy of Ukraine until 2035 which stipulates that renewable sources will provide 25% of the country's electricity by 2035;

Taking note of the report of the online advisory mission (document T-PVS/Files(2021)77) carried out by independent experts on 20-23 September 2021;

**Recommends to the Government of Ukraine to:**

*Concerning the planned wind farm:*

1. Cancel the plans for the development. It is clear that there will be significant impact on the biodiversity interest; thus alternative sites should be sought where the impact would be much less and would not impinge on an Emerald Network site, but would allow a similar contribution to be made to Ukraine's renewable energy targets.
2. If the development is to proceed, repeat the environmental impact assessment using current methodology that is agreed between the developer, the regulator and the complainants; in doing so this will mean that the results are less likely to be challenged and can potentially form a better basis for decision-making in relation to 'go and no-go areas' for the development.

*Concerning environmental assessments:*

3. Produce country-wide 'opportunity maps' with 'go and no-go areas' that show where windfarms could be placed without significant impact on environmental, social or cultural aspects.
4. Implement a programme of awareness raising of the legislation and how it should be implemented for key officials including private developers, through the provision of simple written advice and guidance and targeted training.
5. Develop common standards in relation to the collection of biodiversity data and information for the EIA process.

*Concerning the creation of a nature reserve:*

6. Initiate a multi-stakeholder process in order to: i) define a vision and high-level conservation objectives for the site; ii) identify the critical issues (opportunities, threats, conflicts, relating to the various uses, ecosystem services and other features); iii) set objectives for the resolution of those issues; and iv) agree on costed actions and the timescale for the delivery in order to achieve those objectives.
7. Translate the above process into an integrated management plan for the site.
8. Use the above process to determine the most appropriate designation for the site in order to achieve its management and protection and, in particular, to provide the basis for staffing and the provision of resources for actions to be taken.
9. Accompany the process with the development of a communications plan to raise general awareness of users and the general public in relation to the correct behaviour required to maximise the enjoyment that can be achieved from recreating on the site whilst at the same time protecting its fragile and valuable natural resources.

*Concerning overall progress in the implementation of the Emerald Network:*

10. Adopt legislation related to environmental protection and in particular the Law on the Emerald Network as soon as possible.

11. Initiate a multi-stakeholder process in order to: i) identify key issues that constrain progress, ii) identify key organisations with responsibility for these, iii) identify mechanisms which would allow the effective and timely detection, reporting, assessment and resolution of potential conflicts before they threaten international biodiversity obligations and iv) identify a timeline to secure and monitor progress.
12. Assess the quantification of the contribution of the Emerald Network to carbon sequestration and storage.

## **Appendix IX**

Kindly consult the **Programme of Activities and Budget 2022-2023** via this link: [T-PVS\(2021\)26](#)