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Strasbourg, 20th November 2023 **T-PVS/Notes(2023)07**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

43rd meeting
Strasbourg, 27 November - 1 December 2023
Strasbourg

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APPLICATION OF THE CONVENTION

- Summaries of case files -

- OPEN AND POSSIBLE FILES -

WINTER 2023

Memorandum prepared by
the Secretariat of the Bern Convention

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1995/6: CYPRUS: AKAMAS PENINSULA

Date submitted	06/1995
Submitted by (Complainant)	Terra Cypria
Respondent State (Respondent)	Cyprus
Specie/s or habitat/s affected	*Caretta caretta* (Appendix II) and *Chelonia mydas* (Appendix II)
Background to complaint	➢ Plans for a tourist development in the Peninsula of Akamas (Cyprus), with detrimental effect on an ecologically valuable area with many rare plant and animal species protected under the Bern Convention. ➢ Case was first discussed at the 16th meeting of the Standing Committee in 1996. Two on-the-spot appraisals were carried out in 1997 and 2002 and a recommendation adopted in 1997 [Recommendation No. 63 (1997)] on the conservation of the Akamas peninsula in Cyprus and, in particular, of the nesting beaches of *Caretta caretta* and *Chelonia mydas*. ➢ In 2008, the Standing Committee asked Cyprus to send the management plan for the area, and requested that the area of Limni would also get adequate protection. The Committee asked Cyprus to fully implement Recommendation No. 63 (1997); to create a National Park and ensure the maintenance of the ecological integrity of the area; as well as to apply the ecosystem approach to the Akamas peninsula, including Limni. ➢ At the 29th meeting of the Standing Committee, the delegate of Cyprus informed that there had been no great changes since the previous year. ➢ In 2010 the Committee took note of the report presented by the Secretariat in the absence of delegate of Cyprus. It further took note of the observations and reports from the NGOs and decided to keep the file open while asking Cyprus to present a report for its next meeting; to provide the management plan for Limni area; to fully implement its Recommendation No. 63 (1997). ➢ In August 2011 Cyprus authorities sent the Executive Summary of the Draft Management Plan for the Limni Area and informing that the government of Cyprus designated a wider area that would be managed via development regulations and restrictions. ➢ The report from the NGO (Terra Cypria) informed that a formal notice letter and a reasoned opinion were sent by the EU to the Republic of Cyprus regarding the insufficient SPA proposal for the area. It is expected that the issue will be led to the European Court of Justice. ➢ In the absence of a delegate from Cyprus at the 31st Standing Committee meeting, the Secretariat presented the case-file and called the attention of the Committee on the report on the management plan for the Natura 2000 "Polis Gialia" Natura 2000 site. The representative of Terra Cypria argued that the size and extent of the Natura site was still being considered at EU level. The proposal by Cyprus to regulate part of the area not as a Natura site, but through Town Planning regulations relating to land use (rather than conservation), was an indirect admission that the area is inadequate. She further considered that in the case of Limni, while a management plan exists, this was not implemented yet and, in any case,

	the area designated comprises such a narrow strip of land that it cannot protect turtles from human interventions taking place just beyond. According to Terra Cypria, the plan proposed did not seem to include policy for foraging turtles. The local authorities are allegedly allowing unsuitable activities and the threats to wildlife are continuing. These views were supported by the representative of MEDASSET, who pointed the attention of the Committee to deaths on the sea in different areas of Cyprus. The representative of BirdLife noted the importance of the Akamas Peninsula for some threatened birds, for which not enough Natura 2000 sites were designated. The delegate of the European Union informed the Committee that the European Commission was analysing the information sent by Cyprus authorities in reply to a letter of formal notice for insufficient designation of the area. A decision on the follow-up to infringement procedure was expected by January 2012. The Committee decided to keep the case file open requesting from Cyprus the full implementation of its Recommendation No. 63 (1997) as well as more information on the protection of sites in the whole of the Akamas Peninsula and Limni. The Committee asked the Secretariat to follow-up the file in close co-operation with the European Commission. ➢ March 2012 the Government of Cyprus reported disagreement with the NGO's claim of inadequate designation of both the Akamas and the "Polis Gialia" areas. Regarding the latter, the authorities assured that the developments surrounding the area were being controlled by the competent authorities and the procedures for granting building permits were observed. Furthermore, the Government stressed that maximum efforts were put in place to ensure the protection of birds, particularly by designating large SPAs. a full scientific package of information was under preparation in the framework of the complaint opened under the Commission and that this information would be forwarded at the same time to the Secretariat of the Bern Convention (around end of June). ➢ European Union also informed that, in the framework of a complaint on the issue of insufficient designation and protection of the Akamas area under the Natura 2000 network, a reply was received from Cypriot authorities following which the Commission issued a Letter of Formal Notice under Article 258 of the Treaty for insufficient designation of the area. The Commission analysed the reply and requested a number of further clarifications, after which they would decide on next steps. ➢ No substantial new information was submitted by the European Union, which in August 2012 was still expecting the reply of the authorities to its request of clarifications. No information was submitted by Cyprus authorities either. ➢ Bureau instructed the Secretariat to approach again Cyprus authorities and ensure that the scientific package of information related to the Akamas peninsula is forwarded to the Standing Committee. The complainant and the European Union are also invited to submit any relevant information available.
32nd Meeting Standing Committee November 2012	➢ Delegate of Cyprus informed that the Department of Environment proceeded to revise the mapping of Akamas Peninsula using high resolution satellite and aerial images. Site visits and sampling were also carried out. Once properly analysed the appropriate protection measures would be taken. Concerning the "Polis-Gialia" area, the authorities disagreed with the claim that the designated area was inadequate. The process of reviewing the monitoring and inspection protocols in place was being reformed to ensure adequate surveillance of the area. ➢ Delegate of Norway stressed that the fact that the file had been open for sixteen years was a sign that the actions undertaken by the authorities were not enough effective to solve the conservation problems encountered. Case file to be kept open.
European Commission report March 2013	➢ Received new scientific data from both the Cypriot authorities and NGOs. The information showed controversies in its conclusions. The Commission services were in the process of assessing the results in an attempt to of find the best solution to resolve the case.

Respondent's report July 2013	➢ The Department of Environment was finalising the mapping of the Akamas Peninsula and results would be forwarded once published. Affirmed being in the process of conducting a Management Plan for the Akamas Peninsula, which was expected to be completed by the end of 2013.
Complainant's report July 2013	➢ Akamas issue was being examined by the European Commission as a matter of "insufficient designation", meaning that the production of a management plan for the area designated would presumably be insufficient for solving the problem alone. ➢ A local developer proposed the construction of two golf courses surrounded by villas and hotels in the adjoining Limni area, which could presumably directly affect the turtles nesting there. The Government's failure to take a firm stance about the distance of installations from the foreshore had been the subject of a second and different formal complaint to the Commission.
Bureau meeting September 2013	➢ First assessment of the case. ➢ Welcomed progress towards the mapping and management plan of the Akamas Peninsula, but considered it necessary to follow the developments related to the complaint regarding the presumed insufficient designation of the SCI. The matter was forwarded to the Standing Committee.
33rd Meeting Standing Committee 3-6 December 2013	➢ Cyprus did not attend. The complainant stated that investigation by the European Commission concerning the presumed insufficient designation of the Natura 2000 areas was strong evidence of the possible inadequate protection of both Akamas Peninsula and Limni. Requested the Committee to make a number of recommendations to the attention of Cyprus authorities, including to promptly revise and extend the current boundaries of the areas, regulating development in the adjacent area, adopting a management plan of Akamas with all necessary measures for monitoring and control of habitats, reacting with adequate measures against illegal constructions and unsuitable activities on the surrounding beaches, and adopting an early warning system in order to closely monitor these areas, the rest of the Natura 2000 sites and prevent human destruction from taking place. ➢ Case file to kept open. Cyprus to fully implement its Recommendation No. 63 (1997) and to report namely on the concrete measures implemented to avoid further deterioration of the concerned habitats and undertake any necessary step aimed at providing an early warning system against illegal damage and to inform the Committee on their implementation.
Respondent's report March 2014	➢ The areas proposed as SCI for Akamas and Limni are considered adequate and that further development of the area was subject to the necessary impact assessment as foreseen by both international and national legislation. ➢ The Management Plan for the "Polis-Yialia" Natura 2000 site was being implemented but the management plan for the Akamas Natura 2000 site (expected to be completed by the end of 2013) was still under preparation. ➢ The wider residential and rural area around the Akamas Natura site would be subject to special regulations and restrictions so to ensure the highest possible protection of the peninsula. ➢ Provided short but specific information on the implementation of operational paragraphs 7, 9 and 10 of the Standing Committee Recommendation No. 63 (1997), which are specific to Lara-Toxeftra Reserve area and to seagrass communities in Akamas. ➢ Regarding an early warning system, the regular monitoring mechanism already in place is both appropriate and effective. However, the authorities declared willingness to evaluate any specific recommendations regarding the issue.

Bureau meeting April 2014	➢ Case file to kept open and reassessed at September meeting in order to be able to take into account the position of the complainant.
Complainant's report April 2014	➢ A huge part of the Akamas Peninsula has been excluded from the Natura 2000 network leaving very important habitats and species unprotected. The largely insufficient designation of the Limni area which enabled for the delivery of licences authorising the development of a golf course and a multi-villa project, adjacent to the Natura 2000 area, with a probable impact on the nesting beaches of the Caretta caretta. ➢ The Proposed Plan for Polis-Gialia does not contain serious implementation actions and therefore does not meet the requirements set by national law for the adequacy of management plans. ➢ The development regulations and restrictions announced by the Government around the Akamas Natura 2000 site were considered by the to be part of the regular Town Planning framework and therefore not inspired by biodiversity conservation's considerations. ➢ Regarding the information submitted by the authorities on the implementation of the Standing Committee's recommendations specific to Lara-Toxeftra Reserve, the regularity and quality of the monitoring carried out by the Fisheries Department, as well as the data sent to minimise the presumed disturbance of the Thanos hotel complex, was questioned. ➢ Taking into consideration the recent experience of situations where the interventions of the authorities against biodiversity disturbance and damage failed to be carried out before damage was done, the Republic of Cyprus should seriously consider to set up an early warning system and to put in place a team of wardens with full legal powers.
European Union report	➢ Engaged in the process of analysing the classification of special protection areas (SPAs) of the Akamas area on the basis of the recent update of the list of Important Bird Areas in Cyprus published by Birdlife. ➢ Assessing the alleged failure to designate the Akamas area under the Habitats Directive as a Site of Community Importance (SCI), having requested and received further technical clarifications as regards the mapping of habitat types in question as well as information on the preparation of the management plan for the broader Akamas area. ➢ Regarding tourist development in Limni (Polis-Gyalia Natura 2000 site) the Commission investigated through an EU Pilot the measures taken to ensure compliance of the planned development with Articles 6 and 12 of the Habitats Directive. The issue was under assessment in September 2014.

Respondent's report July 2014	➢ Not received any evidence from the NGO showing the insufficient designation of the Akamas Peninsula and therefore not being in a position to either remedy or counteract any possible inaccuracies. ➢ Confident that the designated area would be considered as adequate, and provided all relevant scientific information to the European Commission in this respect. They also informed that the Akamas Management Plan was at its final stages of completion, pending the public consultation procedure which was expected to take place in January 2015. ➢ An EU Pilot was on-going on Polis-Gialia situation and that the procedure was thus confidential. In addition, the authorities defended the quality and effectiveness of the Management Plan which is intended to ensure the highest possible protection of the peninsula. They further informed that the procedure for the site's declaration to SAC would be completed by the end of 2014 as foreseen and that the relevant Ministerial decree on the restrictions and permitted actions within the site would be ready within the first three months of 2015. ➢ Contradicted the allegations concerning the lack of patrolling in Lara-Toxeftra Reserve for which a specific Turtle Monitoring Programme had been assigned every year to experts through a tendering procedure. The obligations and responsibilities of the experts are considered to be in compliance with the regulations. ➢ Regarding the adoption of an early warning system, the authorities considered that the regular monitoring of the sites was still the most efficient measure, together with the prosecution of illegal acts. Also in the process of studying possible amendments to the Nature Law so to allow for extrajudicial measures following damages to sites, habitats and species
European Union report 30 April 2015	➢ On 30 April 2015 it had issued a Reasoned Opinion against Cyprus as it considered that the breaches of the Habitats Directive concerning the tourist development in Limni area persisted. As regards the other aspects of the case, the Commission received only limited information and is now waiting for the requested clarifications.
Respondent's report June 2015	➢ The procedure for the declaration of Polis-Gialia as SAC had been again delayed. The Ministerial decree fixing the rules for the actions to be permitted on the site was now expected to be ready by the end of 2015. ➢ The public consultations for the Akamas management plan took place as foreseen in January 2015 but the written opinions received were still being processed. ➢ The management of the rural area established outside the Akamas Natura site as a way to ensure higher protection to the peninsula were proceeding well, with the establishment of cycling routes, camping, and environmental awareness centres.
Complainant's report June 2015	➢ Highlighted delays, continuous pressures for building in the protected area, and on the need to keep the file open also in light of the on-going EU infringement procedure.
35th Meeting Standing Committee November 2015	➢ Cypriot authorities not present. ➢ After taking note of the concerns expressed by Terra Cypria supported by MEDASSET, and of the information presented by the delegate of the European Union, the Committee decided to keep the case-file open and invited both the authorities and the complainant to improve communication with the Secretariat in the coming months.

Secretariat action January 2016	➢ Letter sent to national authorities to express concerns about the recent news reported by the press regarding the decisions taken by the Council of Ministers of the Republic of Cyprus on 11th January 2016, presumably implying: a) The exclusion of private properties from the recently declared "Akamas National Forest Park", opening the possibility for further development; b) The preparation of a new Local Plan, to be drafted by the Department of Town Planning and Housing, that would allow the licensing of holiday homes, hotels and other tourist developments within the Akamas Natura 2000 site, in clear contradiction with the Akamas management plan whose main objective is to ensure the sustainable development of the area. ➢ The recent decisions, particularly the new local plan, might lead to the further expansion of the urban development zones for construction of additional houses and tourism facilities. After recalling the background of the case – and with the authorisation of the Bureau, the Secretariat requested the agreement of the authorities for an on-the-spot appraisal in order to gather additional information as well as to examine ways on how to improve the situation.
Respondent's report 4 April 2016	➢ Stated that some of the content of Recommendation No. 63 (1997) needs to be re-evaluated as "some issues may be deemed as obsolete or no longer relevant in light of the EU member state status of Cyprus". ➢ The report answered point by point to Recommendation No. 63 (1997). Designation of the SCI Akamas and the SCI Polis-Gialia was expected in the following three months (by July 2016). A draft Management Plan for the Akamas SPA is also ready and that its public consultation was scheduled to start in May 2016. The adoption of the Plan is expected by the end of 2016. ➢ Requested the Standing Committee and Bureau of the Convention to wait until the establishment of the management system of the area is decided upon. They expressed they are ready to consider the On-the-spot appraisal option if this is considered needed. ➢ A new Ministerial Decree for the Akamas area was issued and that this decree foresees 1) an immediate implementation of two aspects of the MP relating to the habitats and species conservation and promotion (a total of 31 measures); 2) that the forest and part of the state land are to be declared as national Park and 3) that a mandate was given to the Department of Town Planning to prepare a new zoning Plan for the peninsula within 18 months. The authorities consider these measures as a positive step towards resolving the long-standing issues of Akamas and a political will to reach a solution also through the re-visiting of the ownership issue.
On the spot visit 10-11 October 2016	➢ This took place in the presence of an independent expert and a member of the Secretariat. The outcomes of the visit will be presented in a written report and orally before the Committee at its 36th meeting. A new draft Recommendation, aimed at replacing Recommendation No. 63 (1997) is expected to be presented for discussion and if appropriate, adoption by the Committee.
Respondent's report November 2016	➢ The Cyprus authorities propose modifications to the new draft Recommendation prepared further to the on-the-spot visit. ➢ In 2014 the study for the formulation of a management plan (MP) for the Natura 2000 area "Chersonisos Akama" started and the whole project was finalized in mid-2016. The result of the study was an MP that included a thorough analysis of the needs of the area and valuable suggestions for actions including the protection of habitats and species both terrestrial and marine, the increase of public awareness for the value of the area, as well as actions for integrated management of the forest and the non-forest part. The latest Ministerial Council Decision on the Natura 2000 area "Chersonisos Akama" resulted in the immediate commencement of the implementation of the protection and promoting actions proposed in the MP, as well as the formulation of a local development plan for the whole area, to establish distinct development zones.

	➢ The Ministerial Council opted for the declaration of the forest and state land (consisting of almost 80% of the Natura 2000 area) within the Natura 2000 site as a National Forest Park.The National Forest Park has been declared and the actions for its protection and promotion have already been designed and their implementation is expected to begin immediately (within this month). ➢ The nesting habitats of Lara and Toxeftra are pristine, well-preserved and adequately monitored and the anthropogenic threats in these areas are insignificant, mainly due to the strong legislative framework enforced on the spot. The nesting habitat in Limni is in good condition and actions are taken by the competent authorities to improve its status, especially in the last two years, via habitat restoration and elimination of threats, such as predation, use of the beach, vehicle use and other illegal activities, with really high success. ➢ Regarding the impacts of the golf project on SCI «Periochi Polis-Gialia-CY4000001», and particularly on Limni beach. During the Environmental Impact Assessment (EIA) and AA procedures, all elements, factors and parameters have been examined thoroughly, including all cumulative effects of the various elements of the project, taking into consideration simultaneously all developments in the area east and west of the project, as well as the zoning provisions of the area. The cumulative effects examined included direct lighting, sky-glow, noise, the existing conditions on and around the nesting beach (Limni), visitation factors, etc. is a complete misconception that the use of data contained in the EIA and AA studies, carried out by the project's beneficiary, implies that the assessment and final decision of the EA is not independent. ➢ The aforementioned assessment produced the Environmental Opinion (EO), which contains strict conditions and prerequisites as to the proper implementation of the project and the enforceability of these conditions to ensure protection of the Natura 2000 site. Some of the conditions for the safeguarding of the nesting beach included are: a) A lighting plan for each residential unit and of each common building of the project will be submitted to the EA for approval, prior to the issuance of a building permit. b) Qualified personnel, employed by the EA specifically for this project, will oversee the proper and full implementation of all the conditions imposed by the EO, until the whole project is completed. c) Although the nearest housing units are at a distance of approx. 200 meters from the nesting beach, a green zone of 20 meters width is required to be created at the edge of each plot, to ensure that there will be no effects from direct lighting. d) The hotel will be low-height, built at a distance of approx. 280 meters from the nesting beach and the three rows of bungalows that were proposed in front of the main building of the hotel were omitted. e) Re-routing of the existing primary road that runs parallel to the coastal line more than 450 inland and in the form of a tunnel to diminish light pollution from this source. Also, re-routing of the existing perpendicular road which ends up in the middle of the nesting beach, to the most eastern boundary of the project, away from the heart of the nesting beach. This new secondary road will be submerged to diminish light pollution from this source as well. f) No organized public beach will be allowed on Limni beach. The EA will ensure that appropriate pathways leading to the beach will be constructed to avoid uncontrolled access to people and vehicles. Additionally, a warden will be employed to strictly supervise and manage the access, especially in the months of May to October, when turtle nesting occurs.

36th Meeting Standing Committee November 2016	➢ Re-examined the report in light of the on the spot appraisal conducted in October 2016. ➢ A contact group redrafted the text of the proposed Recommendation prepared after the on-the-spot appraisal. The Committee thus adopted Recommendation No. 191 (2016) on the conservation of the Akamas peninsula and the sea turtle nesting beaches of Chrysochou Bay (Cyprus). ➢ The Committee decided to keep the case-file open and encouraged the Republic of Cyprus to fully implement the above mentioned Recommendation and to report on its implementation to the 37th meeting of the Committee in December 2017.
Complainant's update 20th July 2017	➢ Regarding Akamas; a) The Government has appointed a consultancy bureau, to provide guidelines on how to plan and implement the section of the Akamas peninsula which has been declared a 'national forest park' (almost the same area as the Natura 2000 site) b) The Government has directed the Town Planning Department to develop a 'Local Plan' for the Peninsula outlining amongst other things where and what kind of development can take place. c) The European Commission continues to have an open infringement procedure since 2011 against the Republic of Cyprus for insufficient designation of the specific Natura 2000 area. ➢ Regarding Limni Golf, hotel and villa complex; a) On the basis of the Casale Report, Recommendation No 191 (2016) and further NGO submissions, the European Commission presented the Cyprus Government with a number of matters which had to be implemented, including the distance of any building developments from the beach. b) The Government has recently responded to the Commission explaining why no changes are necessary to be made to the original plan. Instead the Government is imposing 'conditions' which will apply after the development is in place. Most of these conditions depend solely on the good will of the developer, his visitors, and future occupants of his villas and are such that they could not solve the lighting and human disturbance problem. c) It is expected that this will lead to the instigation of legal measures against Cyprus by the Commission. This has not yet happened.
Respondent's report 21st July 2017	➢ Action taken towards implementation of Recommendation No.191 (2016) is as follows; a) Point 1 - The state forest area of the Akamas peninsula (consisting of almost 80% of the Natura 2000 area), along with most of the state land, has been declared as a National Forest Park. Additionally, an action plan with measures for the protection of the whole Natura 2000 site is currently being implemented. b) Point 2 - A Local Development Plan covering the whole of the peninsula is under formulation, to establish distinct development zones and ensure the harmonious coexistence of nature and communities. c) Point 3 - The management and protection of Akamas is under the consistent and coordinated efforts of the Department of Environment, Department of Forests, Department of Fisheries and Marine Research (DFMR) and the Game and Fauna Service. A separate entity, with scientific staff and wardens, will not be created.

	d) Point 4 and 8 - The Marine Turtle Conservation Project aims at: (i) protecting and managing turtle nesting beaches, (ii) protecting eggs and hatchlings from predation - and human activities, (iii) protecting adult turtles, (iv) monitoring the turtle population and nesting activity in Cyprus and (v) raising public awareness in turtle conservation. Additional funding is being used through the European structural and investment funds for the 2017 – 2018 nesting period. During this period, additional parameters will be monitored (i.e. beach temperature profiles, sex ratio, predation, hatching success etc) in order to increase our knowledge and better understand the nesting trends. as part of its research and conservation activities the DFMR has been engaged as a beneficiary in the LIFE project "Collective actions for improving the conservation status of the EU sea turtle population" (LIFE15 NAT/HR/000997 – LIFE EUROTURTLES). The project focuses on the Polis-Gialia Natura 2000 site (CY4000001). Some actions of the project will also be carried out at Lara - Toxeftra, within the Chersonisos Akama Natura 2000 site (CY4000010). e) Point 5 - Authorization of roads, buildings and facilities has been closely monitored and has been restricted in the area Lara and Toxeftra. f) Point 6 - The Cyprus Council of Ministers approved on 11.1.2016 (decision no: 80.041) a set of measures for the protection and promotion of the Akamas peninsula, which were derived from the newly formulated management plan. An action plan for the Akamas Peninsula has been developed as a Project with the Department of Environment as the beneficiary. The estimated budget of the Akamas Project is 2 million euros and actions are already being implemented. The Project includes actions for monitoring the good conservation status of the habitats and species of the site, management, maintaining protection of the area and for the promotion of the Natura 2000 site. g) Point 7 - Monitoring of the area is consistent and continuous. h) Point 9 - There are still some illegal establishments within the designated Natura 2000 area of Akamas, the issue is expected to be resolved within the new management regime as well as through the new local plan which is under formulation. i) Point 10 - Seagrasses and more specifically the Posidonia meadows are protected around the island from trawling (it is prohibited to trawl in depths less than 50 m). Protective measures are undertaken through Environmental Impact Assessment studies for any activity that might have an impact on Posidonia. Mapping of Posidonia is expected to continue to cover the remaining coastal areas of Cyprus. j) Point 11 - Regarding the golf project on SCI «Periochi Polis-Gialia-CY4000001», and particularly on Limni beach, the Republic re-assessed the project, under the scope of the appropriate assessment (AA) provisions of the Habitats Directive (92/43/EEC). The above mentioned independent assessment produced the Environmental Opinion (EO), which contains strict conditions and prerequisites as to the proper implementation of the project. k) Point 12 - A thick barrier, in the form of a planted fence will ensure that no direct lighting will reach the nesting beach from the road connecting the golf development with the existing coastal road. With regards to the protection of the nesting beaches of the entire coastal length of the Natura 2000 site «Periochi Polis-Gialia-CY4000001» from light pollution, this will be regulated via the Ministerial Decree for the Protection and Management of the area. l) Point 13 - The last local development plan for Chrysochou Bay (including the area of Polis-Gialia) has been in place since 2015. Any future amendments will be assessed according to national and EU legislation.
European Commission report 20th July 2017	➢ No final decision on the next steps to be taken regarding infringement file 2014/4019 has been reached. ➢ Extensive new information has been received from the authorities over the last months.

Bureau meeting 18 September 2017	➢ Noted that no action has been taken to fulfil the terms of Recommendation No. 191 (2016). ➢ Invited the national authorities and the complainant to provide a status update on the Recommendation's implementation to the Standing Committee at its 37th meeting on the 5th to 8th December 2017 in Strasbourg. ➢ Instructed the Secretariat to liaise with the European Union and to request information on the European Commission's action in relation to the area's conservation. ➢ The file remains open.
Complainant's report 27 October 2017	➢ Request for Limni – reinstating of the original decision of the Environment Department providing an area of at least 475m from the shore free of all development; at the same time, to reduce the overall residential capacity of the project, since it is far beyond the long-term carrying capacity of the area's ecosystem. ➢ To establish and enforce a Management Plan and Conservation Decree for the area, in accordance with the procedure advocated in the National Law; also, to allocate funding towards its implementation and the careful monitoring and patrolling of the area. ➢ Request for Akamas - to expand the boundaries of the Natura 2000 site in line with those proposed by LIFE project 'Special Areas of Conservation in Cyprus' (1998-2002). As the boundaries stand today important habitat types and species remain unprotected. ➢ To establish and enforce a Management Plan and Conservation Decree for the area and directly allocate funding towards its implementation and close monitoring and patrol of the area. ➢ To prohibit any future infrastructure for overnight and dining accommodation, outside the boundaries of the designated Development Areas of Akamas villages. ➢ An important point by point assessment of implementation of the Bern Convention's Recommendation is provided from page 6 of the report.
Respondent's report 3 November 2017	➢ Not feasible to declare whole peninsula as a National Park. The National Forest Park (enclosing 80% of the Natura 2000 site), is considered as a first step in reaching specific goals, aiming at both the protection of the area but mostly for raising awareness and highlighting the benefits of nature to the local communities. The management plan for the National Forest Park is expected to tackle protection issues, as well as management regimes (i.e. if a separate management entity is required) and it is at its final stages of completion. Also, the Local Development Plan for the wider area is underway. ➢ There has been no progress to close down illegal restaurants. It is expected to be tackled best via the provisions of the Local Development Plan. ➢ Regarding Limni golf project, authorities are reviewing newly submitted data regarding the light pollution and visitation of the nesting beach. ➢ The local development plan for Chrysochou Bay, please note that no final decision has been reached for this issue yet. The competent authorities are reviewing the options and the SC will be kept informed.
Standing Committee November 2017	➢ The Standing Committee took note of the reports by the national authorities, the NGOs and the European Commission and welcomed the news about new plans for the conservation of the area. The Standing Committee decided to keep the case-file open and expressed its wish that the whole area of Akamas and Limni was managed in a coordinated and environmentally friendly way, that a positive agreement was reached with the European Union for the designation of all areas of significant biodiversity interest as Natura 2000 areas and that the projected development in Limni respected the limits reflected in Recommendation No. 191 (2016), thus minimizing negative effects on the nesting beaches.

Complainant's report 20 August 2018	➢ The Government is unwilling to expand the current Natura 2000 boundaries and, furthermore, is unwilling to declare the whole of the Akamas Peninsula as an IUCN national park, an UNESCO biosphere reserve, or a protected area with comparable international protected status. For that reason, the whole area cannot be appropriately and holistically managed in a sustainable, integrated way. Therefore large areas with important habitats and species remain unprotected. ➢ The Government has not yet put into force any appropriate management measures through legally binding mechanisms (e.g. Decrees for the Protection and Management of the Natura 2000 areas Site of Community Interest – SCI CY4000010 and Special Protection Area – SPA CY4000023 Akamas Peninsula). It is important to highlight that such measures are foreseen by the official Management Plans which have no legal force. Moreover, there is no management body in place and no monitoring mechanism to react to and stop any illegal activities that take place within the peninsula. ➢ There is no mechanism in place to prevent any type of vehicles from being driven uncontrolled all over the peninsula. As a result, important habitats and species are severely damaged. This includes damage to the sea turtle nesting beaches at Lara and Toxeftra. ➢ There are no controls on swimmers placing their umbrellas and sunbeds within the sea turtle nesting beaches at Lara and Toxeftra. ➢ There are serious problems regarding the uncontrolled anchoring of tourist and private boats all over the peninsula. In May this year a tourist boat landed several times on the Lara shore, right next to the sea turtle nests, and left tourists at the beach without any supervision. ➢ The Government has not closed down the illegal restaurants and beach bars within and adjacent to the Lara and Toxeftra sea turtle nesting beaches. On the contrary, new illegal facilities have been constructed in the past couple of years (e.g. the illegal restaurant and beach bar adjacent to South Lara Bay), with the government not taking any action to demolish them. ➢ In addition, recent official proposals foresee the creation of several new refreshment kiosks, snack bars and souvenir shops within and adjacent to the Lara – Toxeftra Marine Protected Area (MPA). ➢ Between 2017 and 2018 several Environmental Authorisations and planning and construction licences were issued for dozens of villas, an 8 storey 5-star hotel, as well as other recreational activities adjacent to the Akamas nesting and resting sea caves of the endangered Mediterranean monk seal (Monachus monachus). Despite a public outcry, the Government proceeded with the issuing of the planning and construction licences. This was done without ensuring that the proposed projects had been subjected to the appropriate assessments for developments on the Natura 2000 area. This is despite the site's conservation objective which, while they are not directly connected with or necessary to the management of the Natura 2000 area, are on the contrary likely to have a significant effect on it, either individually or in combination with other plans or projects. In addition, the competent authorities skipped even the official expert consultation procedure required by the Environmental Impact Assessment (EIA) Directive and National Law. ➢ Several proposals for the expansion of existing or the creation of new quarries within and adjacent to the Akamas Peninsula Natura 2000 area have been pending for a long period of time, which would directly threaten the integrity of the area and various important habitats and species. ➢ The Government has directed the Town Planning and Housing Department to proceed with the development of a new Local Plan for the Akamas Peninsula, which will outline, amongst other things, where and what type of development can take place. The Town Planning and Housing Department has decided to fragment the Akamas Peninsula into two different Local Plans, despite the strong opposition of competent authorities

	dealing with nature protection, as well as Environmental Non-Governmental Organisations (ENGOs) and other stakeholders. For example, the spatial planning of the Lara – Toxeftra Marine Protected Area (MPA) is fragmented into two parts, of which one includes Lara and the other Toxeftra. This development comes in direct contradiction of the conclusions of the Report of the on-the-spot appraisal [T-PVS/Files (2016) 44], according to which a nesting site should be considered as a unit and managed as such. Since anthropogenic impacts are cumulative, any impact assessment should be done at the nesting beach level (i.e. a development plan of the entire area and with estimates of potential light pollution and human visitors at the beach) and not for individual sub-units (i.e. fragmented plans and single projects), because each individual plan and project might be independently considered as sustainable and therefore approved, but this would result in a non-sustainable overall effect by multiple projects. ➢ The first "Local Plan for Akamas Communities" was supposed to be ready by July 2017, but as yet no official plan has been presented for public consultation. There is still no official information about the development of the second "Local Plan for Pegeia Municipality". Overall, there is also no information about when and how these Local Plans will be subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). ➢ Regarding the proposal for the construction and operation of two golf courses and associated development, including housing, tourist, and commercial facilities in Limni, the Government insists on not demanding a 500-meter zero lighting zone from the sea, which would minimize the lighting and human disturbance problems to the sea turtle nesting beach. ➢ There is a continuous uncontrolled access of vehicles within the whole Natura 2000 area Site of Community Interest – SCI CY4000001 Polis – Gialia and especially in the Limni area. ➢ Over the past couple of years several incidents of environmental damage have taken place on the sea turtle nests and their protective cages, but there have been no prosecutions. ➢ Several illegal beach bars operate without being subject to appropriate assessment and without any planning and building licences being granted, within and adjacent to the Natura 2000 area, particularly in the coastal zone between Argaka and Gialia villages. The illegal beach bars also operate at night with their lights pointing directly towards the sea turtle nesting beach. At the same time, they have damaged and degraded various sand dune habitats, including sea turtle nesting habitats. ➢ In conclusion, the illegal activities are continuously increasing and there is no sign that the Government has any intention to protect these areas.
Bureau meeting 10-11 September 2018	➢ Bureau expressed its concern that no report from the authorities had reached the Bureau and urged them to send their report ahead of the 38th Standing Committee meeting of the Convention and to attend the meeting itself to report on progress in the implementation of Recommendation No. 191 (2016). ➢ It instructed the Secretariat to request an update from the European Commission on their respective action on the issues at stake in the case-file
Complainant updated report 15 October 2018	➢ In addition to their report from August 2018, the complainant organisation recalls the comments they provided on the 2017 report by the authorities and formulated the following requests: ➢ For Limni:

	➢ To reinstate the Environment Department's original decision to provide an area of at least 475m from the shore free of all development; at the same time, to reduce the overall residential capacity of the project, since it is far beyond the long-term carrying capacity of the area's ecosystem. This precaution is essential for the protection of the sea turtle nesting ground and to meet future erosion of the sandy beach. ➢ To establish and enforce a Management Plan and Conservation Decree for the area, in accordance with the procedure advocated in the National Law; also, to allocate funding towards its implementation and the careful monitoring and patrolling of the area. ➢ For Akamas: ➢ To expand the boundaries of the Natura 2000 site in line with those proposed by LIFE project 'Special Areas of Conservation in Cyprus' (1998-2002). As the boundaries stand today important habitat types and species remain unprotected. ➢ To establish and enforce an integrated Management Plan and a legally binding Conservation Decree for the area and directly allocate funding towards its implementation and close monitoring and patrol of the area. ➢ To prohibit any future infrastructure for overnight and dining accommodation, outside the boundaries of the designated Development Areas of Akamas villages.
Respondent's report 17 October 2018	➢ The declaration of the state forest land as a National Forest Park, is considered as an adequate mean to facilitate the protection of the whole peninsula. Currently a proposal regarding its construction and operation guidelines and procedures is being prepared to be submitted to the Council of Ministers for approval. ➢ As far as the Natura 2000 site "Periochi Polis-Gialia", the Republic considers that the current protection regime is adequate. ➢ Regarding the coexistence with neighboring communities of the designated Natura 2000 area "Chersonisos Akamas", a Local Development Plan covering the whole of the peninsula is still underway. ➢ The authorities consider that point 8 of the Recommendation '*Continue and strengthen the integrated and coordinated management of the nesting sites, though the Turtle Conservation Project which is implemented in the areas of the Republic of Cyprus under the effective control of the Government of the Republic of Cyprus, and especially in the areas of Akamas Peninsula and "Periochi Polis-Gialia", so as to maintain positive trends'* is fully implemented. ➢ The authorities consider that point 5 of the Recommendation '*Maintain and, where appropriate, improve the nature protection-oriented provisions of the existing and future development plans, especially in the areas adjacent to Lara and Toxeftra beaches where building is to be avoided, so as to prevent negative impacts on nesting sites from tourist and/or housing developments'* is fully implemented. ➢ The authorities consider that point 6 of the Recommendation '*Promptly commence the implementation of the protection measures of the newly formulated management plan through appropriate and adequate funding, as to preserve the good conservation status of the habitats and species of the Natura 2000 area, as well as to maintain the strict protection provided, so far, in the areas of Lara and Toxeftra'* is fully implemented. ➢ The authorities consider that point 7 of the Recommendation *'Continue to manage access of people and vehicles to the beaches of Lara and Toxeftra, avoiding in particular the disturbance caused by tourism'* is fully implemented. Additionally, within the design and operation of the

	National Forest Park, further measures regarding the access of vehicles in the area of the park, including the areas adjacent or leading to Lara and Toxeftra beaches will be implemented. ➢ Regarding the issue of illegal restaurants in the neighborhood of the beaches of Lara and Toxeftra (including Aspros river restaurant), the authorities inform that the issue is being monitored. The offenders have been prosecuted and the issue is now in the courts. ➢ The authorities consider that point 10 of the Recommendation *'Continue to offer protection to the seagrass communities in the Akamas and* Limni areas on which Chelonia mydas feeds' is fully implemented. ➢ The authorities consider that Point 11 of the Recommendation *'Ensure, by an appropriate assessment that the golf project will not affect the Natura 2000 site "Periochi Polis-Gialia" and especially the exceptional nesting beach of Limni; in this context, avoid housing and establish a zero-lighting zone in an area of at least 200 meters south of the boundaries of the Natura 2000 site'* is fully implemented. The new masterplan permits have been issued with more strict measures and concrete restrictions regarding lighting and access to the beach ➢ The authorities consider that Point 12 of the Recommendation «*Take appropriate measures to avoid light pollution impacts on the beach from the planned road that will be connecting the golf development with the existing coastal road and protect the beaches from light pollution in the entire coastal length of the Natura 2000 site* is fully implemented. ➢ Additionally, as part of the EU infringement case, the authorities reviewed newly submitted studies and data regarding the light pollution and visitation of the nesting beach, as per the recommendations of the Commission. The issued masterplan permits contain strict lighting restrictions and rules regarding the visitation and access to the nesting beach. ➢ With regards to the Ministerial Decree, there have been delays from extrinsic factors but efforts will be made for it to enter into force within the first semester of 2019. ➢ Regarding Point 13 of the recommendation «*Revisit the local development plan of the Polis Gialia so as to ensure, through Strategic Environmental Assessment, that it will not affect the integrity of the nesting habitats of marine turtles*, the authorities inform that no final decision has been reached for this issue yet. The competent authorities are reviewing the options and the SC will be kept informed.
Standing Committee December 2018	➢ The Standing Committee noted with appreciation the progress in the past year demonstrated by the national authorities of Cyprus and in particular the designation of the area as a National Forest Park. ➢ The Standing Committee further noted that the NGOs consider that nevertheless, there is a strong need for a legally binding management plan for the area to be developed, which is the only way to ensure full compliance with Recommendation No. 191 (2016) and an efficient and effective protection for the benefit of the species. ➢ The Standing Committee decided to keep the file open and to request the national authorities to report on further progress with the implementation of all operational points of the Recommendation, for the second Bureau meeting in 2019.
Complainant updated report 30 July 2019	➢ For Akamas: ➢ The Government is still unwilling to expand the current Natura 2000 boundaries nor declare the Peninsula as an IUCN national park, UNESCO biosphere reserve, or other internationally recognised protected area. Thus, large areas with important habitats and species remain unprotected.

	➢ The Government has not yet put into force any appropriate management measures through legally binding mechanisms, although such measures are foreseen by the official Management Plans which have no legal force. Moreover, there is no management body or monitoring mechanism in place to react to any illegal activities that take place within the peninsula. ➢ There is also a lack of adequate patrolling within the area; one result being the frequent illegal setting of fires all over the Peninsula. No prosecutions were made since no patrols were present in the area to spot the people who conducted this illegal activity. ➢ There is no mechanism to prevent vehicles from driving uncontrolled all over the peninsula. As a result, important habitats and species are severely damaged, such as damage to the sea turtle nesting beaches at Lara and Toxeftra. ➢ There are no adequate measures in place to prevent swimmers setting up their umbrellas and sunbeds within the sea turtle nesting beaches at Lara and Toxeftra. ➢ The Government has not closed down the illegal restaurants and beach bars within and adjacent to the Lara and Toxeftra sea turtle nesting beaches, where they have been operating illegally for years. Instead, more facilities are being foreseen and established. ➢ In the last years, in spite of public outcry, authorisations have been issued for dozens of villas, a hotel, and other recreational activities by the Akamas nesting and resting sea caves of the endangered Mediterranean monk seal (Monachus monachus). ➢ Several proposals for the expansion of existing or creation of new quarries within and adjacent to the Peninsula have been pending for a long time. These would directly threaten the integrity of the area and various important habitats and species. ➢ The Government has directed the Town Planning and Housing Department to proceed with the development of a new Local Plan for the Akamas Peninsula, fragmenting it into two different local plans, despite strong opposition from nature protection authorities, ENGOs, and other stakeholders. The development contradicts the conclusions of the *Report of the on-the-spot appraisal [T-PVS/Files (2016) 44]*. There is also no information about when and how these Local Plans will be subject to assessments (SEA & AA). ➢ For Limni: ➢ The Government gave the green light to the construction of two golf courses and associated development, including housing, a hotel, tourist and commercial facilities, ignoring the 500-meter zero building/lighting zone from the sea, which would have minimised lighting and human disturbance problems to the sea turtle nesting beach. ➢ There is a continuous uncontrolled access of vehicles within the site. ➢ In the last years there have been several incidents of damage to the sea turtle nests and their protective cages, but no prosecutions. ➢ There seems to be a serious lack of communication between the various governmental departments having different responsibilities within the site, such as the removal of Acacia trees which bordered the protected beaches where turtles go to lay their eggs. This action was conducted by the forestry department with no prior consultation with either the Fisheries Department or Environment Department. ➢ Several beach bars have expanded their operations illegally, such as placing tables in protected areas, light damage, and degradation of sand dune habitats. The Government shows no sign of protecting these areas.

Respondent's report 5 September 2019	➢ On Point 1 of Recommendation No. 191 (2016) : A sustainable development plan for the National Forest Park has been prepared and its implementation has commenced via the preparation of various studies; ➢ Point 2: The Local Development Plan is under preparation and the SC will be informed on the progress; ➢ Point 3: When the National Forest Park is fully established and operational the SC will be informed and given relevant data on the management and protection regime; ➢ Points 4 & 8: The Marine Turtle Conservation Project, which has been ongoing since 1978, will continue to be implemented and has achieved international recognition. Several laws and provisions continue to protect turtles, thus this part of the Recommendation is considered fully implemented; ➢ Point 5: relevant EU legislation, as well as national legislation ensures that all projects and/or plans proposed in these areas are duly assessed and accordingly permitted (or not), thus this part of the Recommendation is considered implemented; ➢ Point 6: The Cyprus Council of Ministers approved in 2016 a set of measures for the protection and promotion of the Akamas peninsula; the EU Operational Programme Competitiveness and Sustainable Development 2014-2020 for Cyprus includes as priority areas the protection and promotion of Natura 2000 areas; an action plan for the Akamas Peninsula has been developed as a Project by the Department of Environment as the beneficiary, to be implemented along with other competent authorities. Specific measures have also been put into place for Lara and Toxeftra and nesting beaches, thus this part of the Recommendation is considered implemented; ➢ Point 7: Monitoring of the area is consistent and continuous and measures regarding the access of vehicles in the area of the park are in place, thus this part of the Recommendation is considered implemented; ➢ Point 9: the issue is expected to be resolved within the new management regime as well as through the new local plan which is under formulation. The offenders have been prosecuted and the issue is now in the courts. The SC will be informed on the outcome when available. ➢ Point 10: The marine areas of Akamas and "Polis-Gialia" are included in the Natura 2000 network up to the 50 m isobaths and measures for their protection apply under the European Habitats Directive (92/43/EEC). This part of the Recommendation is considered fully implemented; ➢ Point 11: The golf project was re-assessed under the scope of the appropriate assessment (AA) provisions of the Habitats Directive (92/43/EEC) which produced the Environmental Opinion (EO), which contains strict conditions and prerequisites as to the proper implementation of the project and the enforceability of these conditions to ensure protection of the Natura 2000 site. The EO is an integral part of the authorization of the project issued by the Development Authority and as such will be legally binding for the project's beneficiary. This part of the Recommendation is considered fully implemented; ➢ Point 12: A thick barrier, in the form of a planted fence will ensure that no direct lighting will reach the nesting beach from the road connecting the golf development with the existing coastal road. This condition has been included in the EO. This part of the Recommendation is considered fully implemented; ➢ Point 13: The last local development plan for Chrysochou Bay has been in place since 2015. Any future amendments will be assessed according to national and EU legislation. No final decision has been reached for this issue yet. The competent authorities are reviewing the options and the SC will be kept informed.

Bureau meeting 9-10 September 2019	➢ The Bureau thanked the complainant for the updated report on progress and regretted that the report from the authorities was received very late before the Bureau meeting. ➢ The Bureau called for a better cooperation between different authorities and stakeholders at national level, as there are continuous opposing views on whether the Recommendation is implemented or not. It expressed serious concern that after so many years the Bern Convention recommendations are still not fully followed-up by the authorities and that according to interested actors the main threats remain. It urged the national authorities to attend the 39th meeting of the Standing Committee meeting and reminded that in long-lasting cases such as this one, the Standing Committee might consider adopting a decision which will effectively close the file while formulating a conclusion whether the country has implemented or not its obligations towards the Convention, or namely, implemented fully the recommended measures in Recommendation No. 191 (2016). ➢ The Bureau further instructed the Secretariat to request that the European Commission sends an updated report on their own processes in relation to this file, for the 39th meeting of the Standing Committee. ➢ Eventually, the Bureau also instructed the Secretariat to consider launching an information/awareness-raising campaign on marine turtles' conservation which could target travel agencies and tourists. The latest data on the drivers of biodiversity loss from the IPBES assessment report from May 2019 could be used.
Complainant updated report 8 November 2019	➢ In response to the authorities report on Point 1: The designation of the State forest land of the Akamas Peninsula as a National Forest Park (based on national legislation) cannot be compared to/or confused with the status requested by point 1 of the recommendation (based on international standards), because: a) it is a much smaller geographical area than the area recommended by the Bern Convention; b) it is based on local, rather than international standards and c) the whole peninsula is not managed in an integrated way. ➢ Point 2: The Local Development Plan (LDP) is fragmented into 2 separate parts and no progress has been seen since last year. The environmental parameters being applied in the LDP are also inconsistent. It is not believed that the LDP will be perceived as a solution to the current disputes regarding the coexistence of nature and communities; ➢ Point 3: The government states that no such entity will be established "at this point". However, it is believed that the Akamas Peninsula is in need of this because of the fragmentation of responsibilities between departments and services. A group of experts including Bern Convention representatives were attacked during a training exercise during the Summer; ➢ Points 4 & 8: any provisions from relevant Management Plans need to be integrated into Ministerial Decrees. The effects of what is currently taking place including lack of effective patrolling and enforcement of the law, the threat posed by the potential building of the Limni golf course and other development impacts on the sea nesting beaches, will only be seen and understood a further 25-30 years down the line; ➢ Point 5: The current planning regime is under revision by two separate LDPs thus dividing the Akamas Peninsula into two separate planning areas; the tolerance shown by the authorities to the continued existence and recent expansion of long-established illegal developments in the beaches of Lara-Toxeftra, does not substantiate the authorities' claim that protection of the nesting beaches is a priority and under control; ➢ Point 6: Although the Council of Ministers approved a set of measures, provisions from relevant Management Plans are not yet integrated into Ministerial Decrees so as to gain legal status;

	➢ Point 7: The access of people and vehicles to Lara and Toxeftra beaches still remains uncontrolled. It is believed that the Government can solve the problem today and by postponing for the future is not satisfying at all and directly threatens the integrity of the area; ➢ Point 9: Today, all illegal establishments are still in place and some are expanding their operations, even though the closing down of illegal restaurants and bars within and adjacent to the Lara-Toxeftra Marine Protected Area was initially proposed twenty-two years ago. The legislation that calls for their removal is still in place. However, we have seen a complete lack of will to enforce it for two whole decades; ➢ Point 10: no monitoring or protective actions, either in the form of an updated Management Plan or an issued Conservation Decree, have been initiated. Regarding the sea turtle foraging areas in Chrysochou Bay, no anchorage facilities exist, and sea traffic is not regulated; ➢ Point 11: The refusal of the Republic to enforce the 500m buffer zone free of buildings is in complete contradiction to what the government itself agreed. Assertions that the protection of the Polis-Gialia Natura 2000 site (SCI/SAC CY4000001) is ensured are unfounded. The lighting study submitted by the private company LUXPOPULI, appointed by the developer, has been criticised for its shortcomings, gaps and inaccuracies; ➢ Point 12: We are not convinced of the effectiveness of the tree barrier proposed by the Department of Environment to avoid light pollution on the beach from the planned road as it will run vertically to the beach, and it is unclear what plant species will be used to create this barrier: only a distance of a minimum of 500 metres will ensure no direct or indirect light pollution on the beach. Furthermore, the Bern Convention Recommendation refers to the entire coastal length of the Natura 2000 site; ➢ Point 13: even if an SEA Study is conducted in the framework of the next revision of the Chrysochou Bay Local Development Plan, the proposed project will already be under construction and/or operation, with significant, devastating and irreversible impact on the nesting habitats of sea turtles within and adjacent to the Polis-Gialia Natura 2000 site, due to the dramatic increase of building facilities, human pressure and light pollution.
Standing Committee December 2019	➢ The Committee thanked the authorities of Cyprus and the complainant organisation for their reports and noted the progress achieved by the Government. It welcomed current processes and in particular the LIFE project aimed at improving the conservation status of sea turtles in the EU, implemented in six countries, including Cyprus. ➢ The Committee however noted the evidence provided by the complainant organisation, pointing out the insufficient current protection status of the area and the fact that it does not ensure full compliance with the operational paragraphs of Recommendation No. 191 (2016). ➢ The Committee urged the Cyprus authorities to keep up their efforts and to continue cooperating with the relevant civil society organisations involved in the area. ➢ The file is kept open and the authorities are requested to keep the Bureau informed on progress in the implementation of Recommendation No. 191 (2016).
Complainant's report 30 July 2020	➢ Notes that, for another year, the Republic of Cyprus has not yet implemented nor shown significant progress on any of the 13 points of the Recommendation No. 191 (2016).

	➢ Despite the broad lockdown and strict social distancing measures due to COVID-19, uncontrolled off road driving of quad bikes, illegal placement of umbrellas at the sea turtle nesting beaches and operation of illegal restaurants within the Akamas area, are some of the activities we see taking place at a period where the reduced tourism presence would be expected to have equally reduced pressures to the area. ➢ ***For Akamas:*** - The Government is still unwilling to expand the current Natura 2000 boundaries and, furthermore, is unwilling to declare the whole of the Akamas Peninsula as an IUCN national park, an UNESCO biosphere reserve, or a protected area with comparable international protected status. - The Government has not yet put into force any appropriate management measures through legally binding mechanisms (e.g. Decrees for the Protection and Management of the Natura 2000 areas, Site of Community Interest – SCI CY4000010 and Special Protection Area – SPA CY4000023 Akamas Peninsula); although such measures are foreseen by the official Management Plans which still do not have legal force. Moreover, there is no management body in place and no monitoring mechanism to react promptly to and stop any illegal activities that take place within the peninsula. - As a result of the lack of controlled management, there is still a lack of adequate patrolling of illegal activities (e.g. illegal setting of fires) within the area. - There is still no sufficient mechanism in place to prevent any type of vehicles from being driven uncontrolled all over the peninsula. As a result, important habitats and species are severely damaged. This includes damage to the sea turtle nesting beaches at Lara and Toxeftra. Even though at Lara and Toxeftra the authorities have recently installed iron fence posts to prevent vehicle access on the beach, on site visits revealed that this measure, and without patrolling, is not efficient as vehicle tracks on the beach are still evident. - There are still no adequate measures in place to prevent swimmers setting up their umbrellas and sunbeds within the protected sea turtle nesting beaches at Lara and Toxeftra. - Another year goes by where the Government has not closed down and removed the illegal restaurants and beach bars within and adjacent to the Lara and Toxeftra sea turtle nesting beaches, where they have been operating illegally for years. On the contrary, new illegal facilities have been constructed in the past couple of years (e.g. the illegal restaurant and beach bar adjacent to South Lara Bay), and even this year, with the government not taking any action to demolish them or prevent the erection of new illegal facilities. Evidence to this is recent on-site visits which revealed the appearance of a new establishment. Even more, while driving in Akamas one can see several advertisement signs of the illegal facilities as if they are legally operating. - Two more unlicensed and destructive interventions have been carried out near the coastal protected area of Lara - Toxeftra. The first incident concerns a plot of an abandoned traditional stony sheep/goat corral (called “stiadia”), which was well adapted to the base of a rocky plateau and within the N2K. These stony “stiadia” are traditional and cultural structures of the rural landscape where shepherds sheltered their animals and Akamas has many of these. The interventions to this plot included extensive excavations, rock extraction, heavy earthworks, vegetation removals and the construction of a high welded wire mesh fence. A structure most probably suitable for use as a residence for sale or rent has also been erected. The second incident concerns extensive excavations to level the heavily sloping ground, natural and other vegetation removals, construction of a high welded wire mesh fence. Extensive levelling and earthworks have also been carried out, and again a building suitable for use as a residence for sale or rent has been erected. The concerns are great as the

	aforementioned incidents could pave the way for new unlicensed and destructive interventions to the numerous "stiadia" found all over the Akamas Peninsula. To this day, no official response by the competent authorities was given to our request to investigate. - Recent official proposals foresee the creation of several new refreshment kiosks, snack bars and souvenir shops in several areas around the Peninsula including two kiosks within and adjacent to the Lara – Toxeftra Marine Protected Area (MPA). - During the last years several Environmental Authorisations and planning and construction licences were issued for dozens of villas, an 8 storey 5-star hotel, as well as other recreational activities adjacent to the Akamas breading and resting sea caves of the endangered Mediterranean monk seal (*Monachus monachus*). Despite a public outcry, the Government proceeded to issue planning and construction licences. - Several proposals for the expansion of existing or the creation of new quarries within and adjacent to the Akamas Peninsula Natura 2000 area have been pending for a long time. - The Government has directed the Town Planning and Housing Department to proceed with the development of a new Local Plan for the Akamas Peninsula, which will outline, amongst other things, where and what type of development can take place. The Town Planning and Housing Department has decided to fragment the Akamas Peninsula into two different Local Plans, despite the strong opposition of the authorities dealing with nature protection, as well as Environmental Non-Governmental Organisations (ENGOs) and other stakeholders. For example, the spatial planning of the Lara – Toxeftra Marine Protected Area (MPA) is fragmented into two parts, of which one includes Lara and the other Toxeftra. This development is in direct contradiction to the conclusions of the *Report of the on-the-spot appraisal [T-PVS/Files (2016) 44]*, according to which a nesting site should be considered as a unit and managed as such. Since anthropogenic impacts are cumulative, any impact assessment should be done at the nesting beach level (i.e. a development plan of the entire area and with estimates of potential light pollution and human visitors at the beach). It should not be for individual sub-units (i.e. fragmented plans and single projects), because each individual plan and project might be independently considered as sustainable and therefore approved. However, we believe that this would result in a non-sustainable overall effect by multiple projects. - The first "*Local Plan for Akamas Communities*" was supposed to be ready by July 2017, but as yet no official plan has been presented for public consultation. There is still no official information about the development of the second "*Local Plan for Pegeia Municipality*". Overall, there is also no information about when and how these Local Plans will be subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). ➢ ***For Limni Area:*** - Regarding the proposal for the construction and operation of two golf courses and associated development, including housing, a hotel, tourist and commercial facilities in Limni, the Government gave the green light to the private company to ahead with its plans. This ignored the 500-meter zero building/lighting zone from the sea, which would have minimised lighting and human disturbance problems to the sea turtle nesting beach. - With the closing of the infringement case against Cyprus over the Limni bay on the part of the Commission, and the construction permit already granted by the town planning department, the green light was given to begin development. With the Bank of Cyprus being the new owner of the land and the planned project, it is uncertain how the Limni bay project will proceed. - The concerns are great considering the granted construction permit and Bank of Cyprus being eager to find investors, mainly from overseas. With everything ready for development, the ecological importance of the area is in imminent threat.

	- There is a continuous uncontrolled access of vehicles within the whole Natura 2000 area Site of Community Interest – SCI CY4000001 Polis – Gialia and especially in the Limni area. - In the last years, there have been several incidents of damage to the sea turtle nests and their protective cages, but no prosecutions. - There seems to be a serious lack of communication between the various governmental departments having different responsibilities within the Natura 2000 area, such as the removal of Acacia trees which bordered the protected beaches where turtles go to lay their eggs. - Several beach bars have expanded their operations and placed tables within and adjacent to the Natura 2000 area, particularly in the coastal zone between Argaka and Gialia villages, such as placing tables in protected areas, light damage, and degradation of sand dune habitats. In conclusion, the illegal activities are continuously increasing and there is still no sufficient protection of these areas.
Respondent's report September 2020	➢ On Point 1 of Recommendation No. 191 (2016) : The sustainable development plan for the National Forest Park continues to be elaborated with the preparation of various studies; ➢ Point 2: The Local Development Plan is still under preparation; ➢ Point 3: It is expected that in approximately two years' time the Forest Park will be staffed with Park Rangers, with relevant authority and duties to implement protection and operation measures.; ➢ Points 4 & 8: The DFMR has also initiated a training and awareness program regarding the marine turtles and their important habitats in 2020. This program has both theoretical and practical sessions and aims in promoting awareness as well as the active involvement of the local communities of the Polis-Gialia area. This has been successful with the participation of a lot of young people from the local communities; ➢ The offshore marine area "Oceanid-CY4000024" (surface area of 8317.00 Km) has been proposed to be included in the European Natura 2000 network. The designation of the Oceanid marine area as a proposed SCI relied on scientific findings; ➢ Point 5: No updates since last report; ➢ Point 6: No updates since last report; ➢ Point 7: No updates since last report; ➢ Point 9: No updates since last report; ➢ Point 10: A new mapping of Posidonia was launched in September 2019 through tendering. Amongst the expected results of the mapping, is the real coverage/presence of each marine habitat (1110, 1120*, 1170 and 8330) of the European Habitats Directive (92/43/EEC), for all the coastal waters of Cyprus (under the effective control of the Republic of Cyprus), ranging from 0 to 50 m depth; ➢ Point 11: No updates since last report; ➢ Point 12: With regards to the Ministerial Decree, there have been further delays due to the pandemic. The legal procedures for the Decree will commence late 2020. At this point it is not possible to give an estimate on the issuance of the Decree due to the complicated procedures set by law regarding public consultation;

	➢ Point 13: No updates since last report.
Bureau meeting 15-16 September 2020	➢ The Bureau thanked both parties for the updated reports. ➢ The Bureau took note of the concerns of the complainant that the government has achieved little progress on the 13 points of Recommendation No. 191 (2016), and that, despite the restrictions imposed as a result of the Covid-19 pandemic, illegal activities have continued on and in the vicinity of the nesting beaches. ➢ The Bureau welcomed the awareness-raising activities of the authorities and proposed designation of a new marine protected area but stressed the need to finalise the designation soon so that the site would be well restricted from illegal activities. The recruitment of park rangers as soon as possible was also a positive sign. ➢ The Bureau expressed concern at the slow progress of the authorities in relation to several points of the Recommendation and urged them to step up efforts, in particular as regards addressing the illegal activities mentioned by the complainant such as off-road quad bikes, tourist pressure on beaches and illegal businesses continuing to operate. ➢ It further encouraged continuing good efforts at awareness-raising of the public, and to improve collaboration with the local NGOs. ➢ The file remains open and both parties are invited to make a brief presentation at the 40th Standing Committee meeting, focusing on any recent updates. The authorities should also give further information on the EU LIFE project. ➢ The Bureau also instructed the Secretariat to request information from the European Commission regarding the status of the LIFE project.
Complainant's report October 2020	➢ In addition to reiterating the concerns mentioned in the report from July 2020 (see above), the complainant highlights the fact that the Cypriot government is still unwilling to designate the entire Akamas Peninsula as a designated area, or an integrated management for the Natura 2000 sites. It also continues to fail to enforce existing legislation. ➢ A continuing major problem is the development project of 2 golf courses, with hotels, villas and other commercial amenities in the Polis-Gialia area, and particularly the refusal to respect both Bern Convention Rec 191 (2016) and European Commission (EC) recommendations to enforce a 475m buffer zone to the coast to protect the turtles habitat ➢ Concerning the 2 Local Development Plans for Akamas, there are concerns that many stakeholders are putting pressure for unsustainable developments. In spite of EC infringement procedures, no progress has been made. ➢ The Complainant again reiterates its call for the Cypriot authorities to implement Rec 191 (2016) and specifically to: ➢ reinstate the Department of Environment's original decision to provide an area of at least 475m from the shore free of all development at Limni, and reduce the overall residential capacity of the project; ➢ (for both Limni and Akamas) establish and enforce a Management Plan and Conservation Decree for the area, in accordance with the procedure advocated in National Law, and to allocate funding towards its implementation and the careful monitoring and patrolling of the area; ➢ expand the boundaries of the Natura 2000 site in line with those proposed by LIFE project 'Special Areas of Conservation in Cyprus' (1998-2002). As the boundaries stand today, important habitat types and species remain unprotected;

	➢ prohibit any future infrastructure for overnight and dining accommodation, outside the boundaries of the designated Development Areas of Akamas villages.
Standing Committee December 2020	➢ The Standing Committee noted progress in certain areas by the authorities as evoked at the last Bureau meeting, but emarked that the overall situation appeared concerning with minimal true progress in the implementation of Recommendation no. 191 (2016). ➢ The Committee also took note of the oral presentation of the European Commission which recalled that several related infringement proceedings have been opened. The authorities had until the end of the year to show progress or the case could be brought before the European Court of Justice. ➢ The Committee urged the Cypriot authorities to step up efforts to implement all points of the Recommendation. In particular, the authorities were encouraged to cooperate with the complainant and other civil society, and to undertake the recommendations mentioned in the complainant report, including providing an area of at least 475m from the shore free of all development at Limni Beach, and establishing and enforcing Management Plans and Conservation Decrees for both Akamas and Limni. ➢ Finally, the Committee recalled the earlier agenda item on an Action Plan for the Conservation of Marine Turtles,
Respondent's report August 2021	➢ The government considers that Points 4, 5, 6, 7, 8, 10 and 11 of Recommendation No.191 (2016) are fully implemented, as was stated and explained in the last Government Report submitted in September 2020. ➢ On point 1 (*'declare the whole of the Akamas peninsula a […] protected area'):* The sustainable development plan for the National Forest Park is still under preparation; ➢ On point 2 ('*protecting the area adequately'):* The Local Development Plan is under environmental evaluation (to be developed since 2017). ➢ On Point 3 *('establishing a [management] entity')*: Park Rangers are expected to be operational in the Forest park in approximately one year's time . ➢ On point 9 ('*Close down illegal restaurants'):* No updates since last report; ➢ On point 12 ('*protect the beaches from light pollution'):* The legal procedures for the Decree have commenced and are expected to be completed in the second trimester of 2022. Additionally, as part of the EU infringement case, the authorities reviewed newly submitted studies and data regarding the light pollution and visitation of the nesting beach. The issued masterplan permits contain strict lighting restrictions and rules regarding the visitation and access to the nesting beach. Furthermore, authorities have been informed that the proponent has sold their rights (permit and land) to a local bank to eliminate debts. No further building permits or requests for construction commencement have been submitted up to now. ➢ On point 13 (' *Revisit the local development plan of the Polis Gialia [..] to ensure […] that it will not affect the integrity of the nesting habitats'):* No updates since last report;
Complainant's report August 2021	The complainant regrettably notes that for another year the Republic of Cyprus has not yet implemented nor shown significant progress on any of the 13 points of the Recommendation. Despite COVID-19 decreased tourism activities, the complainant continues to report illegal incidents/activities in the area (off-road driving of quad bikes, illegal anchoring of boats and illegal placement of umbrellas and sun beds, illegal restaurants).

Akamas

- The complaint reports that the current Natura 2000 boundaries have not been expanded yet and the whole Akamas Peninsula was not given an international protected status.
- The complainant claims that the management of the Peninsula and its Natura 2000 sites is fragmented between two Local Plans (both under preparation). Additionally, the protection and management of the Natura 2000 sites is fragmented as the government is proposing a "lighter" protection and management regime in the privately-owned Natura 2000 sites. The complainant also reports that several developments are being proposed through the Local Plan for the Akamas' Communities in privately-owned Nature 200 sites.
- Furthermore, for the first time it was stated, through the SEA for the Local Plan, that: *the government has now abandoned the idea of creating a National Park and is moving forward with the National Forest Park of Akamas.*
- The complainant continues report that the Government has not yet put into force any appropriate legally binding management measures and that there is not an effective management body in place (the fragmentation of responsibilities between different authorities, results in a problematic coordination).
- According to the complainant, currently there are no mechanisms in place to deal with issues like permits, supervision of permitted works and activities, early response and intervention, patrolling and enforcement. Even though at Lara and Toxeftra the authorities have recently installed iron fence posts to prevent vehicles' access on the beach, on site visits carried out by the complainant revealed that this measure, without patrolling, is not efficient as several iron fence posts have been damaged or removed.
- The complainant also reminds the Bureau that no clear official respond by the competent authorities was given to their request to investigate and restore the two sites object of 'unlicensed and destructive interventions'.
- Several proposals for the expansion of existing or the creation of new quarries within and adjacent to the Akamas Peninsula Natura 2000 area which were pending for a long time, have now officially been submitted to competent authorities.
- Recently, the Strategic Environmental Assessment (SEA) of the "*Local Plan for the communities of Akamas*" was made available for public consultation. The complainant flags concerns in relation to:
  - Visitable farms inside Nature 2000 areas (include accommodation, retail, dining and sports facilities).
  - higher education institutions (Universities, Colleges and other specialized schools), Research and Development Centers and High Technology Developments.
  - Specialized Medical Centers, large Diagnostic Centers, Medical Centers of International Standards and Private Hospitals.
  - Theme Parks, recreation Centers and Organized Large Scale Sports Centers.
  - Agricultural Warehouses. The concerns are that these warehouses will eventually be converted into houses without any planning permission.
  - Houses located within a distance of 500m from the outer boundary of designated residential areas

Limni Area

The complainant reports that several beach bars have expanded their operations and placed tables within and adjacent to the Natura 2000 area, particularly in the coastal zone between Argaka and Gialia villages. The beach bars also operate at night with their lights pointing directly towards

	the sea turtle nesting beach. At the same time, they have damaged and degraded various sand dune habitats, including sea turtle nesting habitats. Also, sun beds and umbrellas are placed in several areas on the sea turtle nesting beaches. As announced in newspapers, recently, officials issued a notice of enforcement, for the removal of two illegal seaside bars in Argaka and Gialia. The notice of enforcement was calling for the immediate removal within 10 days (beginning of August 2021). The complainant reports that when the report was submitted (14 August), no enforcement took place.
EC update Sep 2021	The European Commission sent a letter of formal notice to Cyprus in June 2021 for its failure to take the necessary steps to protect and manage its Natura 2000 networks. Cyprus responded on 12/08/2021 and the Commission is currently analysing the reply.
Bureau meeting 15-16 September 2021	➢ The Bureau took note of the concerns of the complainant that the government has achieved little progress on the 13 points of Recommendation No. 191 (2016), and that, despite the restrictions imposed as a result of the Covid-19 pandemic, illegal activities have continued on and in the vicinity of the nesting beaches. ➢ The Bureau welcomed progress in relation to the development of a Local Development Plan and the issuance of a Ministerial Decree, but noted that bureaucracy is slowing down progress. ➢ The Bureau noted the information provided by the complainant that several proposals for the expansion of existing or the creation of new quarries within and adjacent to the Akamas Peninsula Natura 2000 area have been put forward and asked the authorities to report on this issue at the 41st Standing Committee meeting. ➢ The Bureau further encouraged enforcement efforts such as those indicated by the complainant in Argaka and Gialia. ➢ The Bureau also thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative. ➢ The file remains open and both parties are invited to make a brief presentation at the 41st Standing Committee meeting, focusing on any recent updates
Complainant's report November 2021	➢ The complainant reports that the Republic of Cyprus is <u>not willing to declare the whole of Akamas Peninsula as a national park (IUCN) or a biosphere reserve (UNESCO), or any other reserve with comparable international status</u> (point 1 of the Recommendation). The complainant also claims that the government is <u>not willing to establish an entity for integrated management of the Natura 2000 sites and neighbouring communities</u> (Point 3 of the Recommendation). Moreover, accoridng to the complainant the Government refuses to accept point 11 of the Recommendation which asks for an approximately 500-meter buffer zone, free of buildings, between the proposed golf development and sea turtle nesting beach at Polis-Gialia Natura 2000 area. ➢ The complainant is worried by some provisions of the the <u>new Akamas Local Plan, which allows for various developments outside the current local communities' boundaries</u>. ➢ Further, the complainant continues to stress that <u>there is no adequate management, patrolling and/or protection of the Natura 2000 sites</u> of Akamas Peninsula and Polis-Gialia area. The complainant reports that there is no mechanism and/or relevant body ensuring integrated management and

conservation of the area. As a result, several illegal activities continue to take place (some operating for more than 25 years), law enforcement is not adequate.

Limni Area

In addition to reiterating the concerns mentioned in the report from November 2020 (see above), the complainant highlights the government's announcement that a Ministerial Decree for the Protection and Management will be issues in the second trimester of 2022.

Further, the complainant reports that the Ministry of Transport, Communication and Works has recently submitted studies for the construction of 43 wave break, out of which 20 are situated within the SAC Area Polis – Gialia, as per the complainant information. Although the plan has not been assessed yet by the Ministry of Environment, the complainant sees the submission of the plan as the proof that without the necessary Ministerial Decrees for the Protection and Management of Natura 2000 sites, significant threats will continue to exist and even increase, due to the lack of enforcement of the appropriate conservation objectives and measures regarding the SAC Area Polis – Gialia.

Akamas Peninsula

The complainant reiterates the concerns on the new Local development plan for Akamas, which according to the complainant is opening the prospect of development within the Natura 2000 area and in important areas for biodiversity and may lead to a modification of previous decisions of the Council of Ministers, aimed at prohibiting residential and commercial development within the Akamas Natura 2000 area.

In addition to what was reported in 2020, the complainant informs the Standing Committee that the European Union provided in October 2020 a reasoned opinion on an infringement procedure for the insufficient designation of the broader Natura 2000 Network in Cyprus.

Further, the complainant reports that in June 2021, the European Commission initiated another infringement procedure, as Cyprus has failed either to set any conservation objectives for SACs or to set appropriate conservation objectives that fulfil the requirements of the Habitats Directive.

The Complainant again reiterates its call for the Cypriot authorities to implement Rec 191 (2016) and specifically to:

- reinstate the Department of Environment's original decision to provide an area of at least 475m from the shore free of all development at Limni, and reduce the overall residential capacity of the project;
- (for both Limni and Akamas) establish and enforce a Management Plan and existing legislation for the protection of marine turtles, and to allocate funding towards its implementation and the careful monitoring and patrolling of the area;
- expand the boundaries of the Natura 2000 site in line with those proposed by LIFE project 'Special Areas of Conservation in Cyprus' (1998-2002). As the boundaries stand today, important habitat types and species remain unprotected;
- declare the whole of the Akamas Peninsula a national park, a biosphere reserve or a protected area with comparable international protected status;
- prohibit any future infrastructure for overnight and dining accommodation, outside the boundaries of the designated Development Areas of Akamas villages;
- evaluate the cumulative effects of the Akamas National Forest Park Sustainable Development Plan, the Akamas Local Plan and Pegeia Local Plan, following Directive 2001/42/EC and Directive 92/43/ECC.

Standing Committee December 2021	➢ The Standing Committee 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 remarked minimal progress in the implementation of the majority of the thirteen points of Recommendation No. 191 (2016). 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. ➢ A new infringement procedure had been opened within the EU in June 2021 for failing to designate sites of community importance and establish necessary conservation objectives for these sites. On 31st August 2021, the Cypriot authorities had informed the European Commission that the Akamas peninsula site was designated as a Special Areas of Conservation. ➢ The Committee urged the Cypriot authorities to step up efforts to implement all points of the Recommendation. ➢ The file remains open and both parties were invited to report to the Bureau in Autumn 2022.
Respondent's report September 2022	➢ <u>The government considers that Points 4, 5, 6, 7, 8, 10 and 11 of Recommendation No.191 (2016) are fully implemented</u>, as was stated and explained in the Government Reports submitted in 2020 and 2021. ➢ On point 1 (*'declare the whole of the Akamas peninsula a […] protected area'):* The sustainable development plan for the improvement of the road network, the construction of the nodes and the hiring of personnel for the management of the National Forest Park is being implemented. Conservation actions and environmental and planning approvals are currently being issued for the first phase of the road improvement; Meanwhile other key aspects of the park are being defined, including operational rules, other conservation actions, local community involvement as well as surveillance and monitoring of species and habitats. ➢ On point 2 ('*protecting the area adequately'):* <u>An Environmental Impact Assessment was conducted on the Local Development Plan.</u> The assessment resulted in conditions prohibiting scattered development and promoting development near the community cores to avoid to negatively affect environmentally important areas. ➢ On Point 3 *('establishing a [management] entity')*: Park Rangers are expected to be operational in the Forest park in 2023. ➢ On point 9 ('*Close down illegal restaurants'),* point 12 ('*protect the beaches from light pollution')* and point 13 (' *Revisit the local development plan of the Polis Gialia [..] to ensure […] that it will not affect the integrity of the nesting habitats'):* No updates since last report.
Complainant's report August 2022	The complainant regrettably notes that for another year the Republic of Cyprus has <u>not yet implemented the 13 points of the Recommendation</u> and that for some there seems to be no intention to implement them. **Akamas** ➢ The complaint recalls that the current Natura 2000 boundaries decreased compared to what was proposed in 2003 (10.163 ha vs 17.690 ha) and the whole Akamas Peninsula was not given an international protected status. ➢ The complainant recalls that the management of the Peninsula and its Natura 2000 sites is fragmented between two Local Plans, despite the strong opposition from different stakeholders and despite being in contract with the reports of the on-the-spot appraisal of 2016. The Local Plan for the

	Akamas' Communities is expected to be published soon. Additionally, the protection and management of the Natura 2000 sites is fragmented as the government is proposing a "lighter" protection and management regime in the privately-owned Natura 2000 sites, in opposition to Point 2 of Recommendation No.191 (2016). ➢ The Proposed Local Plan for the Akamas' Communities foresees several developments outside the local communities' boundaries which are spread across the Peninsula and are threatening the unique environment of the Peninsula and the Natura 2000. These developments include: farmstead within accommodation and overnight infrastructures, sport facilities, Theme Parks, higher education institutions, secialized medical centers, housing, quarries etc. ➢ The complainant continues report that the Government has not yet put into force any appropriate legally binding management measures and that there is not an effective management body in place. Infractions continue to take place as in previous years, new tourist facilities have been built in the National Forest Park of Akamas and close to Natura 2000 sites. ➢ An MoU was signed between the Department of Fisheries and Marine Research (DFMR) and Terra Cypria for the recruitment, managing, training and guidance groups of volunteers who will be patrolling every day, during the nesting period, the turtle nesting beaches and will conduct awareness raising and education activities targeting the general public and the visitors at the nesting beaches. All actions will be approved and monitored by the DFMR.. ***Limni Area*** ➢ The government gave the authorisation to private investors to build two golf courses and associated development, including housing, a hotel, tourist and commercial facilities. To proceed with the constructions, licenses have to be bought. ➢ The EU closed the infrigment case against Cyprus over the Limni bay.
Bureau meeting September 2022	➢ The Bureau welcomed the signing of the MoU between the Department of Fisheries and Marine Research and the complainant to recruit and train volunteers to patrol the area, and hoped that patrolling volunteers could collaborate with relevant enforcing authorities to impose fines on illegal activities. ➢ The Bureau took note of the information provided by the complainant that the EU had closed the infringement case against Cyprus over Limni bay. ➢ The Bureau expressed its concerns regarding the possible construction of golf courses. The Bureau requested the authorities to provide clear updates concerning the project on the improvement of the road network, the proposed expansion and creation of quarries in Akamas and the existing management rules in Akamas and Limni. Further, more information was requested concerning the authorisation to build golf courses in Limni. ➢ The Bureau also asked the complainant to inform whether it considered that some points of Recommendation No. 191 (2016) had been fulfilled. ➢ The file remains open and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of Recommendation No. 191 (2016).

Complainant's report October 2022	➢ As in 2021, the complainant reports that the Republic of Cyprus is not willing to accept Points 1, 3 and 11 of the Recommendation and renews its concern that some provisions of the the new Akamas Local Plan allow for various developments outside the current local communities' boundaries. ➢ Point 9 of the Recommendation is implemented through prosecutions in courts, given the length of prosecution, the complainant demands an early response mechanism to stop illegal activities in a timely manner. ➢ The complainant stresses the need to enforce existing legislation, although it recalls that yet there is no adequate management, patrolling and/or protection of the Natura 2000 sites (Akamas Peninsula and Polis-Gialia) nor mechanism and/or relevant body ensuring integrated management and conservation of the area. ➢ The complainant reports that due to illegal earthworks, an artificial beach was created within the significant biotope of the Mediterranean Monk Seal (*Monachus monachus*) in Pegeia Sea Caves (Kafizis area), listed as a Terrestrial Zone of High Nature Protection in the Akamas Natura 2000 area. ➢ The Department of Forestry has conceived a Management Plan, covering the Akamas National Forest Park only. The complainant considers this plan to be more of a management of visitors rather than a conservation management plan for the protection of the area. ***Akamas Peninsula*** ➢ The complainant recalls the European Commission infringement procedures o for the insufficient designation of the broader Natura 2000 Network in Cyprus; o for failing to ensure that plans or projects appropriately assessed their implications on the Natura 2000 sites their integrity; o for failing to either to set any conservation objectives for SACs or to set appropriate conservation objectives that fulfil the requirements of the Habitats Directive. ➢ The complainant reports that the Natura 2000 Management Plans did not receive Ministerial approval to become legal management instruments. Instead, some of the proposals in the text were included in a new, separate proposal to the Council of Ministers for yet another set of decisions about Akamas. ➢ The 2022 Government's latest report states that the legal procedures for the Ministerial Decree for the Protection and Management of the area have commenced and are expected to be completed in the second trimester of 2022. ➢ Although the provisions of the draft Local Plan allowing unsustainable developments within the Natura 2000 area were cancelled by the final environmental decision, the complainant reports a lot of pressure from various local stakeholders to change the decision and allow unsustainable developments, even within the current Natura 2000 area. ➢ The complainant reports that due to an infringement procedure opened by the European Commission against the Republic of Cyprus, a grazing capacity management plan has been prepared for Akamas Natura 2000 area but not yet implemented.

	Limni Area ➢ The complainant recalls that, as reported in autumn 2022, the government gave the authorisation to build two golf courses and associated development, including housing, a hotel, tourist and commercial facilities. The buffer zone between the shore and the proposed will vary between 150 to 280 meters (from the north-west to the north-east of the development project). The reports traces back how the government has arrived to such decision and stress that there was no proper assessment of the cumulative effects of the project on the area ➢ The complainant recalls the last Local Development Plan for Chrysochou Bay (including the area of Polis-Gialia), which was revised in August 2021, has not been subject to either a Strategic Environmental Assessment (SEA) or an Appropriate Assessment ➢ The complainant informs the Standing Committee that the Ministerial Decree for the Protection and Management of the area has not bee completed yet (despite the timeframe of second trimester of 2022 given by the government). As in 2021, the Complainant reiterates its call for the Cypriot authorities to implement Rec 191 (2016) and specifically to: ➢ expand the boundaries of the Natura 2000 site in line with those proposed by LIFE project 'Special Areas of Conservation in Cyprus' (1998-2002); ➢ declare the whole of the Akamas Peninsula a national park, a biosphere reserve or a protected area with comparable international protected status; ➢ prohibit any future infrastructure for overnight and dining accommodation, outside the boundaries of the designated Development Areas of Akamas villages; ➢ reinstate the Department of Environment's original decision to provide an area of at least 475m from the shore free of all development at Limni, and reduce the overall residential capacity of the project; ➢ (for both Limni and Akamas) establish and enforce a Management Plan and existing legislation for the protection of marine turtles, and to allocate funding towards its implementation and the careful monitoring and patrolling of the area.
Standing Committee November 2022	➢ The Standing Committee took note that the European Commission had continued the dialogue with the Cypriot authorities in the framework of the infringement procedure for failing 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. ➢ The Standing Committee noted progress in certain areas, such as the patrol of the area by park rangers. ➢ Notwithstanding, the Committee 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 concerns over the licensing for a development project to create two golf courses in the Polis-Gialia area. ➢ The Standing Committee urged the Cypriot authorities to step up efforts to implement all points of the Recommendation. ➢ The Standing Committee encouraged the Cypriot authorities to foresee no-building zones in nesting beaches and limit the tourism in the area. ➢ The Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative.
Respondent's letter 15 December 2022	➢ In a letter addressed to the Secretariat, the Cypriot authorities expressed their reservation as to its context and to laid down the following:

	• According to the official reports submitted each year, the Cypriot authorities consider that Points 4, 5, 6, 7, 8, 10, 11 and 12 of the Recommendation (8 out of the 13) have been implemented. • Declaring the whole of the peninsula as a protected area is not a feasible option in the foreseeable future. The designated Natura 2000 area, along with the National Forest Park (enclosing 80% of the Natura 2000 site) is adequate for achieving goals towards protecting the area. • The progress achieved in the matters of the Akamas peninsula and its protection since 2016 (when the Recommendation was issued) was quite significant, especially considering the long history and the difficulties the authorities had to face over the years. ➢ Given the above points, the Cypriot authorities requested for an amendment of the third paragraph of the statement of the Standing Committee to reflect the progress made regarding the implementation of the majority of the points of the Recommendation and suggested the following text: "The Committee remarked that further progress in the implementation of the remaining points of Recommendation No. 191 (2016) is anticipated. In particular, the complainant renewed its appeal to designate the entire Akamas Peninsula as a protected area however the Cypriot authorities consider that the area designated as a Natura 2000 site is adequate for achieving sufficient protection."
Secretariat response 15 December 2022	➢ The quoted text in the letter of the Secretariat dated December 6 is the adopted decision of the 42nd Standing Committee on the case file 1995/6. ➢ The wording of the decisions of the 42nd Standing Committee was jointly discussed and adopted by the Committee during its meeting. Members of the Committee had the opportunity to present their views during the meeting. Adopted decisions of the 42nd Standing Committee cannot be changed at this stage.
Complainant's report July 2023	The complainant believed that for another year the Republic of Cyprus has not yet implemented the 13 points of the Recommendation and that for some there seems to be no intention to implement them and for others it is not well organised to implement them fully and in accordance with the Recommendation. **Akamas** ➢ The complaint recalled that the current Natura 2000 boundaries decreased compared to what was proposed in 2003 (10.163 ha vs 17.690 ha) and the whole Akamas Peninsula was not given an international protected status. ➢ The complainant recalled that the management of the Peninsula and its Natura 2000 sites is fragmented between two Local Plans, despite the strong opposition from different stakeholders and despite being in contradiction with the report of the on-the-spot appraisal of 2016. The Local Plan for the Akamas' Communities was published in February 2023 and the Pegeia Local Plan is under preparation. Additionally, the protection and management of the Natura 2000 sites seemed to be treated by the Government as to different types of Natura 2000 areas, one being within the state forest and the second type being all the other areas outside the state forest, mostly privately-owned, in opposition to Point 2 of Recommendation No.191 (2016). ➢ The complainant continued to report that the Government had not yet put into force any appropriate legally binding management measures and that there is not an effective management body in place. There is no management body in place or an entity, with scientific staff and wardens, and no monitoring mechanism to react promptly to and stop any illegal activities that take place within the peninsula. Infractions continue to take place as in previous years.

	➢ Memorandum of Understanding (MoU) that was signed between the Department of Fisheries and Marine Research (DFMR) and Terra Cypria last year was put in a trial start this summer. Under this MoU, Terra Cypria is to be actively involved in the protection of marine turtles in Cyprus by recruiting, managing, training and guiding groups of volunteers who will be patrolling every day, during the nesting period, the turtle nesting beaches to locate possible nests and inform the monitoring team, they will be running informational and educational actions to sensitize the general public and the visitors at the nesting beaches, and assist in conservation actions. All actions were approved and monitored by DFMR. ➢ The complainant noted that umbrellas, tents and sunbeds were still seen at the nesting beaches. Since last year, rangers hired by the DFMR, patrolled the nesting beaches of Lara-Toxeftra and Polis-Gialia and were authorised to issue fines on the spot and to discourage this illegal activity. The complainant considered that the number of rangers can't be considered adequate to cover the needs of all beaches. Additionally, the complainant requested that a sea patrolling be put in place urgently since several boats approach too close to the nesting coasts. ➢ The complainant also noted that the Government didn't close down or removed the illegal restaurants and beach bars within and adjacent to the Lara turtle nesting beaches. ➢ The complainant highlighted that, through the National Forest Park of Akamas, official proposals foresaw several upgrades of the road network and the creation of several new refreshment kiosks, snack bars and souvenir shops and parking lots throughout the Natura 2000 sites, including two kiosks within and adjacent to the Lara–Toxeftra Marine Protected Area (MPA). ➢ Quad bikes and cars have been seen on the sand dunes and turtle nesting sites. ➢ The Local Plan for the Akamas' Communities was published in February 2023. The initially proposed local Plan was altered (for good) and adjusted in the final Local Plan. It was given a 6-month period to be put into force, and within that period the government would investigate and suggest reimbursement options for the private landowners in Akamas, as a way to resolve the strong reactions of the locals for losing their development rights within the N2K areas. The 6 months have come to an end and no measures have been proposed yet, leaving the Local Plan of Akamas exposed and the locals not trusting the procedures. The Akamas' Local plan needs to be monitored since the objections on it by the private landowners remain. The new Quarry Zone has not been approved at this stage by the Akamas local Plan but the Plan accepted that following be studied during the coming three years: • To what extent is the need to create a new quarry Zone of aggregates, in the area of Androlikou is imperative compared to available alternative placements. • The conservation status of the area's species in relation to quarrying activities. Upon completion of the above, it will be decided whether the creation of a new Quarry Zone in the specific area will be further discussed. The Complainant considered that despite the above this can't be considered satisfactory for the protection of priority species since the option of a new quarry zone in the area still remains an option. ***Limni Area*** ➢ No changes since last report: private investors have been authorised by the Government to build two golf courses and associated development, including housing, a hotel, tourist and commercial facilities. To proceed with the constructions, licenses have to be bought, which did not seem to be the case yet.
Respondent's report	➢ The Republic considers that Points 4, 5, 6, 7, 8, 10 and 11 of the Recommendation are fully implemented.

8 September 2023	**Point 1:** No real change since last report: ➢ The state forest area of the Akamas peninsula (consisting of almost 80% of the Natura 2000 area), along with most of the state land, has been declared as a National Forest Park. Additionally, an action plan with measures for the protection of the whole Natura 2000 site is currently being implemented. The declaration of the state forest land as a National Forest Park is considered as an adequate tool to facilitate the protection of the whole peninsula. ➢ A sustainable development plan for the National Forest Park has been prepared and its implementation has commenced, with conservation actions and the environmental and planning approvals that are currently being issued for the first phase of the road improvement as directed by the Appropriate Assessment Report. ➢ The sustainable development plan's budget has been approved by the Council of Ministers for the improvement of the road network, the construction of the nodes and the hiring of personnel for the management of the park. ➢ Meanwhile refinement of other key aspects of the park are ongoing including operational rules, other conservation actions, local community involvement as well as surveillance and monitoring of species and habitats. **Point 2:** ➢ No change since last report: An Environmental Impact Assessment was conducted on the Local Development Plan (LDP). The assessment resulted in conditions prohibiting scattered development and promoting development near the community cores to avoid to negatively affect environmentally important areas. ➢ Update since last report: The LDP was published with a delayed implementation, and as of September 1st, the LDP is the Development plan used going forward. **Point 3:** ➢ No change since last report: A separate entity is neither needed nor will it provide any added value to the protection regime. Park Rangers are expected to be operational in the National Forest park in 2023. **Point 9:** ➢ The issue is being monitored. The offenders have been prosecuted and the issue is now in the courts. The Standing Committee will be informed on the outcome when available. **Point 12:** ➢ A thick barrier will ensure that no direct lighting will reach the nesting beach from the road connecting the golf development with the existing coastal road. ➢ The protection of the nesting beaches of the entire coastal length of the Natura 2000 site "Periochi Polis-Gialia-CY4000001" from light pollution will be regulated via the Ministerial Decree for the Protection and Management of the area. The legal procedures for the Decree have commenced and are expected to be completed in the second trimester of 2022. ➢ The proponent has sold their rights (permit and land) to a local bank to eliminate debts. No further building permits or requests for construction commencement have been submitted up to now. No construction or other works have commenced.

	Point 13: ➢ The last local development plan for Chrysochou Bay (including the area of Polis-Gialia) has been in place since 2015. Any future amendments will be assessed according to national and EU legislation. No final decision has been reached for this issue yet. The Standin Committee will be kept informed.
Bureau September 2023	➢ remarked that the government report had arrived very late after the deadline. It requested that the government respect the deadlines issued by the Secretariat in the future, in order to allow for a timely processing and adequate time for the Bureau to assess the reports. ➢ expressed concern at the slow progress of the authorities in relation to several points of the Recommendation and urged them to step up efforts, in particular as regards addressing the illegal activities mentioned by the complainant such as off-road quad bikes and cars. ➢ regretted that the management of the Peninsula and its Natura 2000 sites was fragmented between two Local Plans and noted that the Local Plan for the Akamas' Communities had been published in February 2023 and the Pegeia Local Plan was under preparation. ➢ welcomed that the MoU signed between the DFMR and the complainant had been trialled at the beginning of the summer and that the complainant is to be actively involved in the protection of marine turtles in Cyprus. This would involve recruiting, managing, training and guiding groups of volunteers who will be patrolling turtle nesting beaches every day during the nesting period to locate possible nests and inform the monitoring team, running informational and educational actions to raise awareness of the general public and visitors at the nesting beaches, and assisting in conservation actions. ➢ also noted that the owners of the illegal restaurants had been prosecuted and that the issue was now in the courts. ➢ expressed serious concern that after so many years the Bern Convention recommendations were still not fully followed-up by the authorities and that according to interested actors the main threats remain. It urged the national authorities to attend the 43rd meeting of the Standing Committee and asked both parties to make a brief presentation, focusing on any recent updates. ➢ Finally, the Bureau referred to its decision on Item 4.4 and encouraged both parties to continue working on the marine turtles' initiative.

2012/9: TÜRKIYE: PRESUMED DEGRADATION OF NESTING BEACHES IN FETHIYE AND PATARA SPAS

Date submitted	09/2012
Submitted by (Complainant)	MEDASSET
Respondent State (Respondent)	Türkiye
Specie/s or habitat/s affected	*Caretta caretta* (Appendix II) - nesting areas at the Fethiye SPA
Background to complaint	➢ At the Bureau meeting in September 2012 the Secretariat informed that MEDASSET submitted an updated report regarding the implementation by Türkiye of Recommendation No. 66 (1998). In 2011 some valuable steps were made to protect the nesting areas; however the complainant was concerned by the fact that several of these measures were not sustained in 2012.
Standing Committee 32nd meeting	➢ Delegate of Türkiye informed on the measures undertaken to protect the nests in the area, including caging, tagging of animals, awareness raising and monitoring. ➢ Representative of MEDASSET stated that despite some efforts from the authorities, lack of guarding and of information signs, litter and light pollution, plantation of introduced species, unregulated motorised water sports and presence of people and vehicles on nesting beaches at night. In 2012, one new wooden hut with a concrete patio was installed on the nesting beach, and a hotel was built on the beachfront, destroying the last section of the remaining wetland while Recommendation No. 66 (1998) specifically states that remaining unbuilt beach plots should be secured against development. ➢ MEDASSET proposed that a file should be open regarding Fethiye SPA, and concluded by calling upon Turkish government to inform on the neutralisation and removal of the toxic waste as well as sea turtle conservation efforts in Kazanli. ➢ The delegate of Türkiye acknowledged that the images presenting the situation in Fethiye were "uncomfortable" and stated that he expected matters to improve, as certain organisational issues related to the management of the beaches were to be resolved soon. ➢ File to be dealt with as a possible file.
Complainant's report 2013	➢ Urged the Secretariat to consider the complaints lodged for Fethiye SPA and Patara SPA as distinct. the complaint and the subsequent update reports submitted to the Secretariat referring to Fethiye SPA highlighted the lack of implementation of conservation and management measures, as well as the construction of new hotels and other buildings on the nesting beaches; on the other hand, the problems put forward in the complaint referring to Patara SPA focused on large scale construction projects taking place within the protected area and failure of the land use and management plan to secure adequate protection status to the SPA at both the ecological and archaeological heritage management level. MEDASSET offered to invite an expert on land use and heritage site management to further inform the Standing Committee, if requested by the Bureau. ➢ Regarding Fethiye SPA, and noting the continued decline of nest numbers in the area possibly due to poor management and protection of the habitat, MEDASSET requested a detailed report by the Turkish authorities with an account of conservation and management measures to be applied in Fethiye SPA before and during the 2013 nesting season.

	➢ Concerning Kazanli, MEDASSET requested that the issue be dealt with as a follow up to Case File No. 2000/1, which the Bureau dismissed in 2009 in order to consider the complaint under the general monitoring of the implementation of Recommendation No. 66 (1998). However, MEDASSET asked that Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanli be put on the agenda of the 33rd Standing Committee meeting since there had been no news or report on progress for the safe disposal of the 1.5 million tons of highly toxic solid waste located right next to Kazanli's most important green turtle nesting site, posing a threat to the environment and human health.
Bureau Meeting April 2013	➢ Agreed to monitor the implementation of Recommendation No. 95 (2002) at next Standing Committee meeting. ➢ Considered the conservation and management issues related to Fethiye and Patara SPA as interlinked and decided to address in conjunction.
Respondent's report April 2013	➢ Following the restructuring of the Ministry of Environment, the General Directorate for the Protection of Natural Assets had been appointed as the body for the Special Environmental Protection Areas (SEPAs). The latter can be subject to urban developments, provided that these are foreseen in the so-called Master Plans, which fixes the conditions for land use and density of developments in the respective areas. ➢ More specifically regarding Patara, the report informed about the legal status of the area, stressing that the zone where the villas are constructed is a 3rd Degree Archaelogical Site (DAS). Moreover, the construction plans related to Patara 1st DAS had been approved by decree. In addition, the report summarised the measures taken for ensuring sea turtle conservation in the period between May and September 2012, and provided some date collected as a result of monitoring studies carried out in the same timeframe (i.e. number of nests, tracks, predation, accidents, etc.) ➢ Concerning Fethiye SEPA, the report provided the same kind of data, and further informed on more specific conservation actions, like for example the caging of nests against human activities and predators, a measure which concerned 11.23 % of the nests. Public awareness actions were also implemented at night at the "Caretta Info Desk" on Çalış beach, targeting for instance local and foreign tourists.
Secretariats action April 2013	➢ Invited authorities to complete the report submitted with more detailed information on some of the issues raised in the Secretariat's correspondence, for instance the measures and actions whose implementation was foreseen that year, as well as the steps towards the removal of illegal or unauthorised constructions in both Fethiye and Patara SPAs.
Complainant's report 9 September 2013	➢ Regarding Fethiye, the report listed the impact of the main threats to the nesting population, in 2013 there was no improvement to the protection and effective management of the nesting beaches, with the exception of beach furniture management in a small area and some new signage which remained insufficient. The main threats continued to be the lack of effective signage, the presence of beach furniture, beach access at night, light pollution, plantation, and illegal tourism infrastructure. A list of recommendations, namely regarding the need of reinforcing guarding on the beaches, continuing programmes of scientific monitoring and nest protection, the need of appropriately managing beach furniture, preventing the access to the beaches at night, removing the plantations and securing the remaining undeveloped beach area against developments. ➢ Regarding Patara, the building of 27 villas to be inhabited by summer 2014 had been completed. The whole construction project concerns the building of around 400-750 villas in total and stressed the need of urgently reconsidering the scale of the project. Signage was insufficient and apparently no guarding was foreseen to enforce conservation rules on the nesting beaches, unlike previous years. The complainant reiterated its proposal to bring an expert on land use and heritage site management to further inform the Standing Committee, if requested by the Bureau.
Bureau Meeting September 2013	➢ Authorities to provide the Standing Committee with an updated report, including more recent information related to, among others, the breeding season.

33rd Standing Committee Meeting	➢ For Patara the complainant requested the re-evaluation of the scale of the tourism development project in the 3rd Degree Archaeological Area, the implementation of an Environmental Impact Assessment, and the elaboration of an updated SPA management plan to manage visitor flows prior to the 2014 tourist season. ➢ Regarding Fethiye, the complainant showed pictures taken during the summer season in 2013 clearly showing the lack of effective signage and guarding, lack of management of the beach furniture, beach access at night and consequent light pollution, creation of parking spaces, wooden pavilions, temporary discos, and even a new road. ➢ The delegate of Türkiye explained that the authorities are aware of the situation and committed to revert it. In fact, the process of re-organisation of the competencies within the bodies responsible for nature conservation had an impact on the efficiency of the response of the government, but some measures were already envisaged to ensure that the effective management of both areas is done in compliance with the recommendations of the Standing Committee. ➢ The Committee decided to open the file to encourage the relevant bodies at national level to work towards greater accountability, co-operation, and responsibility. ➢ Committee instructed the Secretariat to promptly approach Turkish authorities with a detailed reporting request, and mandated the Chair of the Standing Committee to convey the Committee's concern to the responsible national authorities, together with the relevant proposals of assistance.
Secretariat action	➢ Addressed a letter to Turkish authorities already in January 2014, conveying the worries of the Committee as well as the proposal of assistance, and requesting an updated report on the progress towards the management of the area. Due to a communication problem, the delegate requested an extension of the deadlines fixed by the Secretariat until the 28th March.
Complainant's report	➢ Regarding Fethiye SPA, MEDASSET denounced the lack of preparatory actions by the authorities to improve the management and conservation of sea turtle nesting beaches. In addition, the complainant alerted on the promotion by the authorities of a "public interest decision" allowing for the relocation and construction of a shipyard/drydock on Akgöl nesting beach. The latter is an "old" project regularly denounced by MEDASSET since its construction could undermine conservation efforts in the area and have a severe impact on a pristine habitat. ➢ Addressed a series of requests to Turkish authorities, including the preparation of a SPA management plan for both the land and marine areas, the urgent implementation of a comprehensive action plan ensuring proper management and adequate protection of the SPA, and the allocation of the necessary financial and human resources for the enforcement of regulations. Furthermore, the complainant requested to the government to reject the plans for the construction of the drydock in Akgöl. ➢ Requested the Bureau to consider the possibility of an on-the-spot assessment as a way forward in case no relevant information is communicated by the national authorities on the complaint, as well as to request an official update on the status of the shipyard construction project. ➢ Regarding Patara, MEDASSET informed that the construction of another 300 villas inside the protected area had been documented in several press articles since January 2014. According to the complainant the summer house construction project is incompatible with the Bern Convention's related recommendations. ➢ Complainant requested the national authorities to take a clear position on the matter, to re-evaluate the scale of the construction project, to revise the SPA management plan and ensure its implementation through the necessary human and financial resources before May 2014. As for Fethiye,

	the complainant concluded by requesting that the Bureau consider the possibility of an on-the-spot assessment in case of lack of reporting by the Turkish authorities.
Respondent's response	➢ Recognised the lack of a local management unit, as well as of physical points of entry/exits at Fethiye-Göcek SEPA. ➢ Although the control of the area was not adequately maintained, the report informed about the results of the studies carried out during the 2013 nesting season, with data on the number of emergencies, of nests caged against predation and human activities, and hatching. Regarding the latter, only 1.92 % of the nests did not produce any hatchlings and, after considering the unfertilized eggs and the death in shell, the hatching success was calculated at 91.99 %. The report further contained pictures documenting some public awareness activities, namely with hotel owners, personnel and guests, as well as the installation of three info signs at the main entrance to the beach at Çalış, Yanıklar and Akgöl sections. ➢ Concerning Patara, the area where the villas were to be constructed is about 2 km away from the beach. The Implementation Plans for the construction project received all necessary authorisations and were prepared by the Ministry of Culture and Tourism and endorsed by the Antalya Culture and Natural Heritage Protection Regional Council. Moreover, the scale of the initial plans had been already reduced of approximately 75 %. ➢ Regarding sea turtle protection activities, the results of the studies conducted between May and September 2013, showing a high percentage of eggs suffering from predation, mainly by foxes. However, around 90 % of hatched turtles managed to reach the sea. Some awareness activities, similar to those carried out in Fethiye, were also organised in Patara.
Bureau Request	➢ Requested to receive more detailed information from the authorities on the plans for the forthcoming tourism season, as well as on the measures to be implemented for ensuring the proper conservation of the areas in the future. It also requested the official position of the authorities with regards to the possible relocation and construction of the shipyard on Akgöl.
Secretariats action	➢ Secretariat addressed a specific reporting request to the authorities at the beginning of May, followed by several reminders. However, no new information was submitted by the authorities on time for the second Bureau meeting.
Complainant's Summer 2014	➢ Contrary to the authorities report, the summer house developments were considered to be nearer the core nesting area than what affirmed by the authorities. In addition, the NGO reported about some press articles informing that 122 houses would be built on the land belonging to the HITIT Housing Cooperative, within the protected area. ➢ Detailed some other persisting conservation problems, such as the lack of signage, inadequate beach furniture management, discard of pesticide bottles onto the beach and into the sea, use of fishing nets close to the shore during the nesting and hatching season, the construction of a new road and the establishment of a new beach bar in Çayağzı beach.

Bureau Meeting September 2014	➢ Regretted the lack of updated information from Türkiye and decided to keep the case-file open. ➢ Standing Committee to ensure its follow-up, including by considering the possibility of an on-the-spot appraisal depending on the information submitted and provided there is agreement of the Party.
34th Standing Committee Meeting 2014	➢ The delegate of Türkiye made an oral statement reiterating that, in Patara, the construction of the villas is taking place outside the nesting beaches, in compliance with national legislation. As for Fethiye, he recognised some problems related to the management and control of the area, due to high tourism pressure. ➢ He further provided information on the measures taken to improve awareness, as well as the results of the last nest conservation activities. He concluded by reaffirming the commitment of his authorities for solving the existing problems by making nature conservation compatible with human exploitation of the areas. ➢ Standing Committee emphasised the need for a positive response to the reporting requests. Considered the report presented by the complainant, confirming that the management of the beaches is still inadequate, and informing about new construction and about further construction projects already planned. ➢ At the proposal of the Chair, and following the agreement of the concerned Party, the Standing Committee, with the agreement of the Party, decided to keep the case-file open and to conduct an on-the-spot appraisal to the relevant sites in view of identifying a set of recommended actions to be submitted for consideration of the Committee at its next meeting.
On the spot visit 28-31 July 2015	➢ Dr Paolo Casale, research fellow at the University of Rome "La Sapienza", scientific coordinator of the sea turtle project carried out by WWF Italy and Member of the IUCN SSC Marine Turtle Specialist Group carried out the visit. The aim of the visit was to identify a set of recommended actions that – if implemented – would avoid Türkiye being in breach of the Convention. The visit included day and night assessments of both Specially Protected Areas, as well as four separate meetings with the authorities and with the stakeholders of both Antalya and Mugla provinces. The mission was observed by scientists of the IUCN and the WWF Türkiye. ➢ According to the expert's report, common major problems for both areas seem to be: the lack of adequate management of the beaches; the lack of education and public awareness on the needs of marine turtles and the intrinsic value of nature; and the degradation of the system of protection for all the areas classified as Specially Protected Areas (SPAs) that passed in 2012 from the responsibility of the Ministry of Water Affairs and Forestry to the one of the Ministry of Environment. The legislative environmental framework of the latter seems inadequate to ensure the necessary protection of outstanding areas like those which make the object of the present complaint.
35th Meeting of Standing Committee December 2015	➢ After considering the expert report from the OSA and the opinion of both the Government and the NGOs, the Standing Committee adopted two Recommendations (No. 182 (2015) on the conservation of *Caretta caretta* and its habitat at Patara Nesting Beach and No. 183 (2015) on the conservation, management and restoration of Fethiye Nesting Beaches). ➢ Noted that while Patara nesting beach is still relatively pristine, the impact of further tourism development and the lack of proper enforcement of the measures - already recommended - may compromise its high natural value. ➢ Concerning Fethiye, the Committee expressed concerns for the conclusions of the expert's report regarding the severe habitat degradation already occurred, but took further note of the commitment of Türkiye to properly addressing the ecological and management problems identified.

Respondent's report July 2016	➢ Submitted two separate reports on the progress in the implementation of the two abovementioned recommendation. ➢ Regarding Patara, the authorities informed on a special budget put aside by the DG for the protection of Natural Assets under the Ministry of Environment and Urbanization which was used for various conservation and monitoring activities between May and August 2016: scientific activities, educational activities, posting warning signs at the beginning of the season, cages to be used for nest protection, lodge on the beach to serve as information desk, dissemination of leaflets in Turkish and English, Instagram account created to share photos and raise awareness on the issue, involvement of volunteer tourists in conservation activities, etc. ➢ Regarding Fethiye, the national authorities report on the conservation and monitoring activities which took place in the same period (May-August 2016): conservation studies on spotting new nests, caging and relocating nests, education activities for managers and employees of hotels and cafeterias, the installation of an information booth in Fethiye Calis beach, use of turtle friendly lights, changes made to the landscape design of the access to Calis beach, in order to prevent access by vehicles, and on the commitments made by several companies working in the area in order to receive a Turtle Friendly Enterprise Certificate at the end of the season.
Complainant's report August 2016 and update October 2016	➢ Reports in detail for both areas on the remaining conservation issues: lack of staff for monitoring and management, lack of clear zoning of the area, no control over vehicle access, near shore fishing, horse riding, poor management of beach furniture, etc. ➢ Specifically on Patara, there is no progress in improving the conservation status of the nesting beaches as proscribed in point 1 of Recommendation No. 182 (2015) and a small project, only limited to season 2016, was entrusted to Adnan Menderes University with a small team with only two experienced volunteers, monitoring only the southern part of the beach and conducting irregular nightshifts and starting their morning shifts only at 8am. They recognised some efforts on litter management, also by local communities as well as the installation of a few information signs placed near the beaches, but these only inform about basic regulations and not on the ecological value of the area. ➢ Specifically on Fethiye, there is continuing coastal development with a new Coffee place at the Calis beach, additional pavilions and sunbeds, new sport facilities, etc. They explain a monitoring and conservation of the turtle nests was carried out by Pamukkale University and started in June 2016 while the nesting began in May. The contract is again short-term for only one season.
36th Meeting of Standing Committee November 2016	➢ Welcomed commitment shown by authorities through the different actions implemented in 2016 in response to the Recommendations of the Convention. However, also noted the complainant arguments that most of the operational recommendations have remained unanswered so far. ➢ The case-file should remain open and urged the Turkish authorities to step up their current efforts and ensure that both Bern Convention Recommendations [No. 182 (2015) and No. 183 (2015)] are fully implemented in 2017. Authorities to report back on the actions planned and implemented in 2017 to the Bureau and the upcoming 37th Standing Committee meeting.
Complainant's email update 24 May 2017	➢ Request deadline extension of the date for submission of an updated report to 18 August. The deadline of 14th of July 2017 excludes some important periods related to sea turtle conservation, i.e. the peak of their nesting period. The human activities that threaten the success of nesting also intensify during the tourist season and reach their peak during July and August. Therefore the report will not depict the actual conditions that threaten the viability of the nesting efforts of sea turtles in Fethiye, Patara and Kiparissia.

Complainant's report 31 August 2017	**Patara** ➢ No improvement in Patara's legal protection or management. Regarding Letoon beach former SPA facilities have been left to decay and old pipes are still supplied with water. ➢ No zoning or delimitation of the nesting zone exist, with the exception of the Patara main beach area. At Patara main beach, the number of furniture provided for rent has significantly increased. Furniture and obstacles are placed partly inside the nesting zones because zooning is inaccurate. ➢ Vehicle tracks from been observed all along the beach. At Patara main beach no guard or barrier is present at night. ➢ Near shore fishing activity has been observed around Esen river. ➢ There is no local management team present. The only personnel present are the nest monitoring team from the Adnan Menderes University. The monitoring team consists of three experienced volunteers and are only contracted for one season. To the complainant's knowledge the local community is not actively involved in the conservation or management of the protected area; best efforts to involve them have received very little response. ➢ No new construction work for the summer house village area was observed. ➢ Predation of eggs and emerging hatchlings still takes place. Predation cages buried in the sand may be ineffective as they do not prevent animals from digging into nests. ➢ Some nests in Patara main beach are still only marked with sticks. The few information signs on the beach only inform about basic regulations and there is lack of information on the ecological value of the area. There are no new information signs. **Fethiye** ➢ At the beach of Çalış Section B, new beach bars are under construction and a concrete platform still remains. No new information regarding the government plan to construct a shipyard on the nesting beaches. ➢ The Complainant states that a large number of structures have not been removed from sand zones. A detailed list of structures and location has been provided. ➢ In Akgöl there is no evidence of sand extraction. In Karatas beach, there is regular sand movement next to the Barut TUI Sensatori Resort and daily flattening of the sand. Regular sand movement was also evident in Yaniklar and in Çalış Section B. No further planted vegetation was witnessed with the exception of Çalış beach Section B, where new plantations were observed at the My Beach Restaurant. ➢ No information on the recommended mapping and zoning action has been received. Furthermore, there is no zoning or demarcation of nesting zones. It seems there is no restriction, supervision or management regarding the location and density of the furniture, which occupies the nesting zone and is not removed correctly at night. ➢ Regarding Akgöl beach sandy nesting areas are occupied by 14 pavilion, showers are used at the back end of the beach, camping and bonfires have also been observed. However, a decrease in beach furniture and some limited beach furniture management was witnessed, and the sports facilities have been also removed.

	➢ Light pollution is severe on all beaches and there were no apparent new efforts to mitigate the problem. ➢ Vehicles were observed on all beaches, due to the lack of barriers or guards. There is uncontrolled visitor access at night. ➢ In Karatas, maritime traffic still very active; BARUT TUI Sensatory Resort provides several new motorized water sport boats. In Yaniklar and Çalış, less water sport activities were observed. ➢ Monitoring and conservation was carried out by Pamukkale University, starting in early June, though nesting began in May. The contract is for one season only. No information about recommended assessments. ➢ In Çalış Section A and Yaniklar litter has been effectively collected. No similar efforts were taken in the other nesting beach sections. ➢ No local management unit, no apparent increase of management & control resources allocated. No apparent enforcement of rules. ➢ Signage remains mainly unchanged compared to 2016. There is lack of information in most nesting beaches and the public is largely unaware of regulations and the protected status of the beaches ➢ Incidents of nest predation by foxes and dogs was observed in Yaniklar and Çalış. In Yaniklar all discovered nests were protected with predation cages.
Bureau meeting September 2017	➢ The Bureau expressed its concern that national authorities have not made progress in the development of a management plan or legal protection of the areas, in particular Patara. ➢ The Bureau invited the national authorities to provide a report to the Standing Committee meeting on the 5th to 8th December 2017 detailing a plan to remedy these concerns. This report should provide a Timeline which clearly shows when the planned measures will be implemented, ultimately aiming to fully meet the terms of Recommendations No. 182 (2015) and No.183 (2015).
37th meeting Standing Committee December 2017	➢ The Standing Committee thanked the national authorities for the efforts made in past year for improving the protection of both areas, while noting with concern the many challenges still facing them. ➢ The Committee decided to keep the file open and requested the Turkish authorities to provide, if possible by the Bureau meeting on 19 March 2018, a detailed Action Plan and a Timetable for the thorough implementation of all operational parts of the Recommendations, including describing the challenges they face and measures planned for responding to these.
Respondent's report June 2018	➢ A timetable is prepared for the ongoing and planned conservation actions and presented as follows, **on Patara**; 1. Establishment of a local office of the Ministry of Environment and Urbanization, General Directorate for of Natural Assets was established in 2017 in Kaş City (Patara) and 4 experienced staff was entrusted in the local office. 2. Patara Beach is being monitored by the university's research team during the nesting season. Sea turtle monitoring and conservation project was funded by the Ministry. The monitoring and conservation studies were commenced by the 1st of May 2018. The team will be on site until the end of September 2018. This monitoring studies has been executed incessantly in the last 20 years. In addition, monitoring team and experts from the Kaş City directorate are keeping the beach under close monitoring between May and September. 3. Vehicle access was restricted and/or prohibited during the breeding season and illegal activities will be deterred during the nesting season 2018.

	4. Development of permanent structures is not allowed on the nesting zone of the beach. Seasonal prefabricated structures are built behind the nesting zone. Beach furniture is only allowed on particular areas during the day. Beach furniture is collected by the tourism facilities during the night. The visitors are informed by the staff of Ministry and research team during the months May, June, July and August. 5. The Kaş and Seydikemer municipalities are the main responsible bodies for cleaning beach. Cleaning of the beaches is controlled by the staff of Ministry and Municipality. 6. The Ministry approved the 1/5000 and 1/1000 Implementation Plans that were prepared by the Ministry of Culture and Tourism and endorsed by the Antalya Culture and Natural Heritage Protection Regional Council and with the condition that protection and use balance to be considered and in line with the 1/25000 scale Patara Environmental Master plan that was approved in 1991. ➢ The large-scale holiday house construction project area is within Gelemiş settlement border and in consistent with 1/1000 scale Implementation Plan. Of all plans approved previously were reduced approximately 75% - from 106.000 m2 to 28.000 m2 and holiday houses construction was confined according to this. There is no new settlement buildings other than given in this plan. ➢ Sea turtle research and monitoring project has been incessantly carried out on Patara nesting beach by different university members since 1990. ➢ The beach is monitored by permanent personnel and volunteers during the breeding season, to ensure all legal measures are taken to protecte the natural structure of Patara. Sea turtle nests have been located and protected by grid cages against predation (crab and fox) and by prism cages for informing visitors to be cautious on the beach. The nests under high predation pressure are transported in the appropriate zones. ➢ As far as possible, nests are carried to appropriate places where human densities are low or does not exist. The rest are protected by surface cages and warning plates. In addition, permanent and voluntary staff is engaged in information activities on the beach. They are conducting informative activities twice a week and at certain hours during the breeding season. ➢ Informative signboards are placed at the entrance and appropriate locations on the beach. They are renewed every year. ➢ Information about the beach is communicated to the permanent Turkish Sea Turtle Committee Members every year. In addition, this information is shared in the Sea Turtle Symposium, is held every two years. During the season, daily information is also shared with relevant members via the WhatsApp communication network and email. ➢ A timetable is prepared for the ongoing and planned conservation actions and presented as follows, regarding **Fethiye**: 1. A local office of the Ministry of Environment and Urbanization, General Directorate for the Protection of Natural Assets has been established in 2017 in Fethiye. 16 permanent personnel were entrusted in the office. All the conservation measures will be controlled by the Ministry staff. The financial support for monitoring and conservation studies is provided by the Ministry as well. 2. Development of permanent structures is not allowed on the nesting zone of the beach. Seasonal prefabricated structures are built behind the nesting zone. The visitors of the beach and seasonal enterprises will be informed by the conservation team during the months May, June and July. 3. Sand extraction is forbidden and subject to fines.

	4. Beach furniture is only allowed on particular areas during the day time. Beach furniture are collected by the tourism facility areas during the night. 5. Permanent barriers were built, and vehicle access is restricted and/or prohibited during the breeding season. 6. Camping and bonfire is prohibited on the nesting beaches. Educational programs will be carried out during June, July, and August. Screening and/or changing lights to low pressure sodium lamps will be offered to the cafes and restaurants during 2018 season. Implementation of this conservation measure will be achieved during spring 2019. 7. Plantation areas will be determined by the end of July 2018. Actions decided will be declared during the meeting in September 2018. 8. The detailed map of the nesting zone including 2018 nest data will be prepared by the second week of August 2018. 9. Maritime traffic will be monitored during June and July. A maritime traffic map and a plan will be prepared by the end of August 2018. 10. Sea turtle monitoring and conservation projects are funded by the Ministry and the project have been conducting by sea turtle researchers from universities. The monitoring and conservation studies started by the 1st of May 2018. The team will be on site until the end of September 2018. Conservation and monitoring studies have been conducted continuously for the last 20 years. 11. The municipality is the main responsible body for cleaning beach and cleaning bins on the beach. Beaches are cleaned regularly. The main problem is daily visitors. Hotels and touristic businesses are also responsible for cleaning the beach. The litter found on the beach is exceptional and removed in a day by responsible parties. 12. Fethiye Beaches are being monitored by a team from Sea Turtle Research, Rescue and Rehabilitation Center (DEKAMER) during the nesting season. The Coast Guard is also helping protect the bays around Fethiye. In addition, local branches of the Ministry Forestry and Water Affairs, The Ministry of Environment and Urbanization, and DEKAMER extend the monitoring area towards Göcek. Any illegal operation (eg. sand extraction) or stranded sea turtle is reported by local networks to the related authority. 13. Public awareness activities have been continuing in the area by the research team with our ministry's support during the monitoring and conservation project. Research team started "Turtle Friendly Enterprise" certification program in Fethiye in 2016. These studies will be developed, and education programs will be carried out between June and September for the next four years by Research team in Fethiye. The program includes training programs at hotels, cafes and bars, beach business and in the schools. ➢ Sea turtle nests have been located and protected by grid cages against predation. and by prism cages for informing beach users to be cautious on the beach. ➢ Nests under inundation risk were relocated to the safer location on the beach. ➢ The researchers and volunteers implemented the sea turtle awareness activities. Tourism staff facilities, e.g. hotels, restaurants, cafes, locals and tourists was started to be informed about sea turtle biology and conservation. ➢ Informative signboards were placed on the beach. In addition, a total of 20 small sized informative signboards were placed in the entrances of the beach. ➢ The road extending to Çalış Hill from the minibus station was closed to vehicle traffic throughout the year.

	➢ An info-desk is open every day from 21:00 to 23:00. ➢ The studies, started in 2016 for reducing light pollution on and around the nesting beaches, still continue. The research team and volunteers will make one to one interview with tourism facilities from June to September around Çalış Beach for extensification of red-light use. A new lighting post was proposed to the municipality and tourism facilities. Negotiations are still ongoing. ➢ In order to prevent the entrance of vehicles to the beach in the Çalış Beach, beach entrances were closed with landscaping work in cooperation with the related NGO's. Predation rate at Yanıklar subsection is high in comparison with other sections. Using grid cages against predation is not enough to protect the nests. Therefore, side cages were placed around the top grid cage for increased protection of nests. ➢ A representative from a local NGO (Çalış-Der) is informing people to avoid entering to the beach after 20:00. Personal belongings, vehicles and equipment (tent, umbrella, boat) are not allowed to be used on the nesting beaches. ➢ Water connections of shower cabins that heavily wet the nesting beach were cut and those cabins have been used as dressing cabin. ➢ Marine vehicles of watersports on the beach is another problem for Fethiye Beach. The situation was discussed with watersport managers to reevaluate the use of these vehicles. Watersports were forced to relocate the vehicles to the upper part of the beach at night.
Complainant's report August 2018	➢ MEDASSET visited Patara beaches in summer 2018 to assess and document the conservation situation on the nesting beaches and reports point-by-point on progress in the implementation of the Recommendation on Patara: ➢ No local management unit was present to enforce regulations and fines in the protected area. ➢ No improvement in Patara's legal protection or management. In contrast, in the framework of an ongoing process to re-determine the SPA's zoning, a very small part of Patara's sand dunes are included in the new "Strictly Protected Zone", according to the maps available for the SPA section belonging to the Antalya region (section south of Esen river). Maps of the new zoning of the SPA section under Mugla region's jurisdiction are not available. ➢ Report problem with the zoning of the 12km long beach and therefore issues with beach furniture placement by individuals, although some progress can be reported on beach bar sun bed management at night. ➢ Vehicle access is a severe problem and vehicle tracks were observed along all beach sections ➢ No information about fines for non-compliance with beach regulations ➢ There is no local management team present to control the protected area and enforce regulations. The only personnel present is the nest monitoring team which does not have the responsibility or authority to charge fines or enforce measures. The day-time guard controlling the road barrier and entry fee for the Patara archaeological site does not seem to have any responsibility for the nesting beach. In a recent press article, the leader of the monitoring team highlights the need for a guard who will control vehicle and visitor access and who could be locally employed in order to benefit the local community. ➢ Between Patara main beach and the dune entry point, which is regularly patrolled by the scientific team, half the nests were not fenced and were simply marked with wooden stick

	➢ The monitoring team from Adnan Menderes University consisted of only three volunteers. Such a small team cannot monitor the entire 12 km beach and hence only part of the southern beach is systematically monitored for nesting. The team was not observed on the beach before 7.30 meaning the manpower is insufficient for both night and day patrols. ➢ In 2018, there was no considerable improvement in the conservation status of the nesting beaches and conservation problems remain: lack of management staff and insufficient nest monitoring personnel, lack of zoning and information signs, severe vehicle access problems, camping, litter, nest predation, derelict facilities on beaches, etc. There were no signs of new efforts or conservation activities, with the exception of sunbed stacking at night and removal of derelict toilets and shower water supply. The SPA remains unmanaged and inadequately protected. To date none of the actions prescribed by Recommendation No. 182 (2015) have been implemented. ➢ At the same time, construction of the 300-312 summer house development in the 3rd Degree Archaeological site of the SPA continues and once completed the summer population will increase by at least 120% (current population during the summer being ca. 1000). It is evident that the pressures and disturbances presently occurring will increase likewise. ➢ MEDASSET visited **Fethiye SPA** in summer 2018 to assess and document the conservation situation on the nesting beaches and reports point-by-point on progress in the implementation of the Recommendation on Fethiye: ➢ Occupation and transformation of the sandy area continues, with existing businesses have further expanded ➢ No new information or official news has been received on the final decision regarding the government plan to construct a shipyard on the nesting beaches. ➢ There is no apparent restoration effort; instead, permanently fixed and structures have increased on the nesting beaches. MEDASSET provides clear information on structures and businesses on each important nesting beach. ➢ Sand extraction was evident next to Barut TUI Sensatori Resort. There was regular sand movement with heavy machines around bars and canals at the west end of Calis beach. ➢ No information on the recommended mapping and zoning action has been received. There is no zoning or demarcation of nesting zones. It should be noted that in several beach sections, nests are laid on the entire width of the sandy beach zones. ➢ There was an increase in beach furniture and sunbeds are not collected at night on 6.5 km of the 8 km nesting beaches. In the 1,5 km nesting beach in Çalış beach Section A, sunbed collection at sunset was irregular. ➢ Akgöl beach has the largest sandy area suitable for nesting in the area. In the last years the sandy area has been severely damaged due to touristic development. The west end of the beach is still occupied by pavilions and a shower remains on the beach (Fig.51). At the rear of the west end of the beach, the area next to river bed is flattened due to its usage as parking area in the last years (Fig. 52). At the east end of the beach, Karaot Buffet maintains sunbeds that are placed in the sandy nesting zone of the beach and are not removed at night. It offers toilets, showers and camping tents, hence there is night-time beach use and human presence. Nesting in Akgöl is under severe pressure due to human activity. There are beach sections which consist of cobbles and stones, not suitable for nesting that could instead be used by beach business following SPA guidelines. ➢ Light pollution is severe on all beaches and there were no apparent new efforts to mitigate the problem. Beach businesses operate at night with lights and loud music, and have made no adjustments to reduce light pollution; many of them close at midnight and turn off lights. ➢ Vehicles and vehicle tracks were observed on all beaches, due to the lack of barriers or guards.

	➢ Monitoring and conservation of the sea turtle nests were carried out by Pamukkale University (as per 2016-2017), starting in early June, though nesting began in May. The contract was short-term, for one season only. It seemed that monitoring and protection of nests was conducted irregularly due to inadequate manpower. ➢ No local management unit, no apparent increase of management & control resources. No apparent rules enforcement or fining for noncompliance. No guards or rangers were present. In Çalış Section A, Çalış Tourism and Promotion Association personnel are present to manage beach furniture, but they do not have the capacity or competence to raise awareness and/or control beach access. The nest monitoring team does not have the capacity or the authority to enforce regulations. ➢ In 2018, there was no improvement and the conservation status of the nesting beaches has deteriorated: lack of beach furniture management on the largest part of the nesting beaches, no zoning and lack of information, no vehicle access control, more fixed structures, severe light pollution, camping and human presence at night, litter, etc. Habitat destruction continues, businesses expand on the sandy sections of the nesting beaches, further reducing available habitat and increasing disturbances, in complete disregard of the Bern Convention's Recommendations. There were no signs of new conservation or management activities. The only exception was litter collection and irregular beach furniture management in 1.5 of 8 km of the nesting beaches. The SPA remains unmanaged and inadequately protected. To date the majority of measures under Recommendation No. 183 (2015) have not been implemented.
Bureau meeting September 2018	➢ Noted the progress demonstrated by the national authorities in their updated report submitted for the Bureau. It invited the authorities to attend the 38th meeting of the Standing Committee to the Convention and to provide further details on their plans for the implementation of the Recommendations and most importantly, to give a feedback on the information contained in the NGO's report on the same case.
Standing Committee December 2018	➢ The Standing Committee took note of the updated information provided by the Turkish authorities and acknowledged the efforts made for implementing the Recommendations during the last nesting season. ➢ The Committee noted the pending issues and challenges still faced and presented by the NGO, before a full implementation of Recommendations No. 182 (2015) and No. 183 (2015) is achieved. ➢ The Standing Committee decided to keep the file open and requested the Turkish authorities to provide an updated report on the planned activities for the upcoming nesting season by the first Bureau meeting of 2019, aimed at ensuring a thorough and timely implementation of all operational parts of the Recommendations.
Respondent's report March 2019	➢ Marine turtle conservation and monitoring studies which have been started to achieve the targets both Recommendations will continue in 2019 nesting period. ➢ Nest density on nesting beaches, nest distribution in terms of space and time will be determined, the negative factors affecting the nests, eggs and hatchlings will be monitored in each part of the nesting beaches, the nesting beaches will be scanned in regular intervals to obtain necessary information. If possible, adult individuals will be marked. ➢ Various components of the studies will be done within the frame of monitoring of Caretta caretta and Chelonia mydas (if found any), such as time and location of adult female turtle's coming out to lay eggs by GPS, nesting regions of the individuals on digital maps with appropriate scale, rate of emergence of adult turtles with or without nests, rate of and their distribution in months, rate of hatchlings, rate of dead/alive hatchlings on the way to the sea / reaching to sea , comparison of nest densities with previous years (nest/km), number of newly marked individuals, etc.

	➢ Population dynamics of last five years (numbers of adults and hatchlings) will be given in tables and if there is increase or decrease, causes and precautionary actions will be discussed in the final report. ➢ The factors deteriorating the presence of turtles, nests, eggs and hatchlings will be determined, to increase the chance of survival of hatchlings, nests will be protected by cages buried underneath the sand. The contribution of caging to the protection of the nests will be measured numerically. ➢ To minimise the possible damages for the nests, those nests which are at high risk of human disturbance on highly populated beaches will be protected via high cages that will be visible from a distance. In case of finding any injured/damaged/sick turtles, those cases will be immediately informed to the rehabilitation center in Iztuzu beach by the local staff of each beach. ➢ The technical team which will take part during this project will be trained by the project manager about all the field work necessary for the conservation and monitoring of turtles, prior to the starting of new nesting season. ➢ In view of reaching out to public and raising awareness through local units, Public will be in personal contact in information offices that will be set on each beach and local people and national or international tourists will be informed about sea turtles in those offices. There will be a seminar on sea turtle conservation for tourism managers and for personal at the beginning of the season. ➢ There will be presentations at the sea turtle offices, about the conservation of sea turtles. The presentations will be made to tourists in sea turtle information offices regularly. ➢ These studies, which were provided in our 2018 action plan will be accomplished in 2019 nesting season.
Bureau meeting March 2019	➢ The Bureau thanked the national authorities of Türkiye for their short report and welcomed the actions planned for implementing the two relevant Recommendations and for ensuring a successful and undisturbed 2019 nesting season. The Bureau noted however that most of the activities planned concern research, monitoring and conservation studies and are limited to the upcoming nesting season. ➢ The Bureau reminded the Turkish authorities that finding and implementing a long-lasting solution to all issues dealt with in both Recommendations would require strategic planning. It proposed that the authorities prepare a detailed action plan on the implementation of the Recommendations and submits a draft version for comments and advise by the Bureau, at its second annual meeting in September 2019, together with a detailed report on the implementation of the actions planned for this nesting season. The final version of the action plan would then have to be finalised for the upcoming 39th Standing Committee to the Convention
Complainant's report August 2019	**Regarding Patara SPA** ➢ On Point 1 of Recommendation 182 (2015): No local management unit, such as guards or rangers, were present to enforce regulations and fines in the protected area. There was no improvement in Patara's legal protection or management. ➢ On Point 2: At Letoon Beach, unused and derelict SPA facilities are still present. Visitors who bring their own beach umbrellas can insert them in the nesting area, as zoning or delimitation of the nesting zone does not exist along the 12 km beach, with the exception of the area surrounding the beach bar at Patara main beach area. Vehicle access has not been restricted and vehicles or tracks were observed along most beach sections. At Patara main beach, one street lamp in the parking area was visible from top of the nesting beach though no evidence of hatchling disorientation was witnessed. Between Patara main beach and the dunes entry point, it is likely that once the summer house village is completed, light pollution may increase. At Çayağzı and Letoon, seine fishing from the beach was observed. At Özden, though the campsite is contained, 3 campervans were seen

	on the other side of the river, set up with a volley ball court. Horse-riding was observed on the dunes and on Patara main beach. Vehicle tracks (cars, motorbikes, scooter, tractor) were recorded along the beaches. ➢ On Point 3: No local management unit or guards were present to enforce regulations and fines in the protected area. The nest monitoring team does not have the responsibility or authority to charge fines or enforce measures. ➢ On Point 4: No new constructions behind the beach were observed. In the cooperatives' land inside the 3rd Degree Archaeological area, construction work for the summer house village continues. ➢ On Point 5: At Patara main beach, there are large bins in the car park, bins are also spread out throughout the sunbed area and small pots are available next to the sunbeds. ➢ On Point 6: At Patara main beach, some predation was recorded at the south end of the beach. Six nests were caged within the main tourist area. ➢ On Point 7: Nests in Patara main beach around the sunbeds were caged, whereas nests in other areas were mainly marked with sticks or simple nest markers. Some nests were protected from predation but it was not systematic. ➢ On Point 8: Only the south beach (Patara main beach till Esen river) seems to be monitored with the one of the morning patrol members having finished their section by ~7am. The North beach (Letoon and Özden section) does not seem to be monitored. ➢ On Point 9: As an improvement compared to previous years, a sign indicating restrictions that apply on the nesting beach has been placed at Çayağzı beach entrance. No information is provided at the Letoon beach entrance and at the Patara dunes access point. **Regarding Fethiye SPA** ➢ On Point 1 of Recommendation 183 (2015): The Çalış section in Fethiye SPA is highly developed with dense distribution of businesses along the beach, with mobile and fixed structures along the beach. Jetties/docks and concrete platforms have not been removed. ➢ On Point 2: There is no evidence of any restoration, nor mitigation of the impacts of the development in the area. Permanently fixed structures are found on all nesting beaches with some areas nearly completely covered in beach furniture. No effort is made to clear the beach at night. ➢ On Point 3: There was no evidence of sand mining; however, there was evidence of digging and sand/gravel moving around the river mouth between Yanıklar and Akgöl. ➢ On Point 4: Bushes, trees and grass planted on the nesting beaches in previous years have not been removed and continue to expand onto the nesting beach and transform the natural profile of the beach. ➢ On Point 5: There was no evidence of any zoning. Beach furniture is not moved or stacked at night along 6.5 km of the 8 km of the nesting beaches. Çalış A and "Deniz Incisi Buffet" on Karatas are the only locations where furniture is stacked at night. ➢ On Point 6: Akgöl beach has the largest sandy zone suitable for nesting in the area. The sandy area has been severely damaged due to touristic development.

	➢ On Point 7: Light pollution is severe on all beaches and there were no apparent new efforts to mitigate the problem. Beach businesses operate at night, many of them till midnight, with lights and loud music, and have made no adjustments to reduce light pollution. ➢ On Point 8: Vehicles tracks were seen on all beaches except Çalış A due to unrestricted vehicle access: in Çalış B, access is possible via the northern end; at Karatas access is now available through the cleared wetland; at Yanıklar, access points are available in various points areas; at Akgöl, access is available onto all sections of the beach. ➢ On Point 9: There are multiple outlets for motorized water sport activities though little activity was recorded nearshore, however this was a limited in time survey. All available evidence suggests nothing is in place to regulate boat traffic. Floating ropes are in place to delimit swimming areas. ➢ On Point 10: Monitoring and conservation of the sea turtle nests were carried out by Pamukkale University. A team of three members was seen, the information desk was not staffed and the project seemed understaffed, with inadequate manpower. ➢ On Point 11: There is uncontrolled visitor access to all beaches at night. Fires and barbecues were observed on all beaches. Camping was recorded on Karatas, Akgöl and Çalış B.There is no night time restriction for the operation of the beach businesses hence lights, music and people disturb nesting and hatching. ➢ On Point 12: In Çalış A, bins are available along the promenade and emptied daily. In Çalış B, some bins are available at the back of the beach and along the road. At Karatas, no bins seemed to be available though hotel staff were seen litter picking. At Yanıklar, rubbish seems to be piled up in specific areas but not in closed bins. At Akgöl, large bins are available in the parking area though some litter was observed at the back of the beach. ➢ On Point 14: There was no local management unit, guards or similar personnel present in the SPA and no apparent increase of management & control resources. ➢ On Point 15: Signage remains mainly unchanged compared to 2015, and is insufficient, unclear and poorly displayed, hence the public is largely unaware of regulations and the protected status of the beaches. More signs are required at each entry point and more information needs to be presented to visitors. ➢ On Point 16: Nests are caged in areas with dense touristic activities, and have predation cages (protective grills) in more remote places. Screening against light pollution is ineffective, but more light management is required as the extent and intensity is considerable.
Bureau meeting 9-10 September 2019	➢ The Bureau thanked the complainant for the updated and very detailed report after the recent nesting season but noted the lack of a report from the authorities on how they have implemented the planned activities for the 2019 summer period. ➢ It regretted that besides its several requests for the submission of a detailed and time bound Action Plan on how the recommendations are going to be implemented, the authorities are yet to provide one. It warned that the national authorities of Türkiye need to be more proactive and urged them to be present at the 39th meeting of the Standing Committee and to present the long awaited detailed, year by year Action Plan for the implementation of the Recommendations.
Standing Committee December 2019	➢ Acknowledged the efforts made for monitoring the turtle nests and improving scientific knowledge; ➢ Expressed again its concern regarding the numerous measures set in Recommendations No. 182 (2015) and No. 183 (2015) which remain unaddressed as pointed out by the complainant;

	➢ Requested again that the Turkish authorities develop and provide a detailed and timebound action plan for complying with the provisions of the above Recommendations, elaborated in close liaison with relevant actors, including civil society organisations.
Respondent's report February 2020 *(C-P from 06.18)*	**Regarding Patara SPA** ➢ On Point 1: No changes since last report. ➢ Point 2: No changes since last report. Reiterates that monitoring and conservation studies are continuously executed incessantly from 1st May to end September, to deter any illegal activities such as sand extraction, fishing with nets in front of the beach, camping on beach and riversides, horse riding and 4x4 or quad safaris on the nesting beach, vehicle access, beach furniture during the night, development of permanent structures, etc. ➢ Point 3: No changes since last report. ➢ Point 4: No changes- sea turtle nests are located and all the nests that are detected are protected by grid cages against predation (crab and fox). ➢ Point 5: No changes- the nests detected are protected by prism cages for informing visitors to be cautious on the beach. The nests under high predation pressure are transported to the appropriate zones. ➢ Point 6: No changes- Sea turtle research and monitoring project continue and are monitored by a professional permanent research team during the nesting season. ➢ Point 7: No changes. ➢ Point 8: The local community, as well as the visitors are informed by the staff of Ministry and research team during the months May, June, July and August. ➢ Point 9: Annual reports are presented to the Standing Committee every year. **Regarding Fethiye SPA** ➢ Point 1: No changes since last report. ➢ Point 2: The wooden structures blocking the passage of sea turtles on the beach were removed. ➢ Point 3: No changes since last report. ➢ Point 4: No changes- plantation areas are determined by the end of July. Actions decided are declared in September. ➢ Point 5: The detailed map of the nesting zone including 2020 nest data will be prepared by the second week of August. ➢ Point 6: No changes since last report. ➢ Point 7: Screening and/or changing lights to low pressure sodium lamps will be offered to the cafes and restaurants during the 2020 season. Implementation of this conservation measure will be achieved during spring 2021. ➢ Point 8: No changes since last report. ➢ Point 9: No changes- maritime traffic is monitored during June and July. A maritime traffic map and a plan will be prepared by the end of August.

	➢ Point 10: No changes- monitoring continues from May to September every year. ➢ Point 11/12: No changes- any illegal operation (eg. sand extraction) or stranded sea turtle is reported by local networks to the related authority. ➢ Point 13: No changes- education programs will continue in 2020. ➢ Point 14: No changes- all turtle nests are protected with cages during the implementation of monitoring and conservation projects. ➢ Point 15: The Standing Committee is regularly informed about the implementation.
Bureau meeting 7-8 April 2020	➢ The Bureau thanked the authorities for the report, but regretted that few updates had been mentioned following on from previous reports on the implementation of Recommendations No. 182 (2015) and No. 183 (2015). Nor had a detailed and timebound action plan been provided. ➢ The Bureau asked the authorities again to urgently provide a detailed and timebound year-by-year action plan for complying with the provisions of the above Recommendations, elaborated in close liaison with relevant actors, including civil society organisations, together with a detailed report on the implementation of the actions planned for the 2020 nesting season. A list of main obstacles and effective solutions elaborated in cooperation with NGOs should also be included. ➢ It also urged the authorities to undertake as many proactive mitigation measures as possible before the summer nesting period including removal of planted trees on the beach, of light pollution and others listed in the recommendations. It suggested that the authorities collaborate with NGOs and volunteers as a low-cost solution for some of these activities in particular as a way to raise awareness of local communities and tourists alike on the importance of conservation, and urged them to use existing visibility and information materials. ➢ The Bureau requested reports from both the authorities and the complainant for its next meeting in September. The file is kept open.
Respondent report August 2020	➢ According to the authorities, the number of turtle nests has increased: Once around 100-200 nests, the number of nests on Dalyan Iztuzu Beach, which is inside Koycegiz – Dalyan SPA has risen to 660 in 2020. The number of nests keep increasing as the monitoring studies are continuing. In 2019 nesting period, there were 99 and 224 nests on Fethiye Gocek and Patara SPAs respectively, which resulted in the emergence of more than 1500 hatchlings in Fethiye and 1660 hatchlings in Patara. This number is around 660 nests on Iztuzu Beach, but the highest number is on Belek Beach, with around 2000 nests yearly. The nest and hatching numbers will be higher as a result of the decreased tourism due to the pandemic. ➢ With the current monitoring projects conducted: - All the nests are caged by surface and underground cages. - Human activities on the beaches are restricted considerably after 8:00 pm. - Injured sea turtles are sent to Sea Turtle Research Rescue and Rehabilitation Center in Dalyan for medical help. If any dead sea turtles are found, they are recorded by the local branches of the ministries and the reason of death is also detected. - Foraging sites of sea turtles in certain regions under the sea are also monitored in regular intervals by professional divers. - By means of brochures, posters, stickers and informative meetings, personnel from touristic enterprises, daily tourists and picnickers, local administrations and local people are educated about the life cycle of sea turtles.

	➢ In order to learn more about the turtles' migration routes, a new project has been launched to monitor these areas via satellite transmitter; so far, on sea turtle on Iztuzu beach has been tagged with a transmitter. In 2020, this study will continue with the tagging of 8 other adult sea turtles, 3 from Patara, 2 from Belek, 2 from Göksu Delta and 1 from Iztuzu beach.
Complainant report August 2020	LOGGERHEAD SEA TURTLE (CARETTA CARETTA) CONSERVATION MONITORING IN PATARA SPA: ➢ MEDASSET visited Patara SPA in July 2020 to assess and document the conservation situation on the nesting beaches. Due to the global COVID-19 pandemic, the "normal" extreme touristic pressures are not presented this year and cannot entirely be reflected in our 2020 assessment. ➢ In 2020, there was no considerable improvement in the conservation status of the nesting beaches and conservation problems remain: lack of management staff and insufficient nest monitoring, lack of zoning and information signs, vehicle access, horse-riding, camping, litter, derelict facilities on beaches, etc. There were no signs of new efforts or conservation activities, with the exception of sunbed stacking at night and installation of a new sign. The SPA remains unmanaged and inadequately protected. To date, Recommendation No. 182 (2015) has not been implemented. ➢ Construction of the 300-312 summer house development in the 3rd Degree Archaeological site of the SPA continues, and another 20 buildings seem to have been built without permission in the SPA, benefiting from a recent construction law. Once completed, the summer population will increase by at least 120% (current population during the summer being ca. 1000). Pressures and disturbances presently occurring will increase likewise. ➢ Calls upon the Turkish authorities to: - Urgently implement Recommendation No. 182 (2015). Revise the SPA management plan and implement a comprehensive and updated action plan before May 2021 that: • will allocate necessary financial and human resources for sea turtle monitoring of the entire beach and for the SPA management and rules enforcement, • and include measures aiming to solve the documented conservation problems on the nesting beaches and sand dunes, strengthen management and rules enforcement, and ensure adequate protection of the natural and archaeological site. - Address the concerns raised in MEDASSET's complaint regarding the summer house construction project, its scale, the associated impacts, the lack of an EIA and of a carrying capacity study. Provide detailed information on the additional houses constructed outside the summer house construction project. - provide an update on the ongoing redetermination of the SPA's zoning and ensure that the entire nesting beach (north and south sections), the nearshore areas and the entire sand dune areas are appropriately zoned and protected. ➢ Calls upon the Bern Convention Standing Committee to: - Discuss the case file at the 40th Meeting of the Standing Committee. - Encourage Turkish authorities to provide further information on the case as requested above - Urge Turkish authorities to implement Recommendation No. 182 (2015) before May 2021.

	LOGGERHEAD SEA TURTLE (CARETTA CARETTA) CONSERVATION MONITORING IN FETHIYE SPA ➢ MEDASSET visited Fethiye SPA in July 2020 to assess and document the conservation situation on the nesting beaches. ➢ It is important to note, Recommendations referring to extreme tourism may be underrepresented during the 2020 assessment, as for the Patara assessment, due to travel restrictions related to the global COVID-19 pandemic. ➢ In 2020, there was no improvement and the conservation status of the nesting beaches has deteriorated: lack of beach furniture management, no zoning and lack of information, no vehicle access control, more fixed structures, severe light pollution, camping and human presence at night, etc. Habitat destruction continues as businesses expand on the sandy sections of the nesting beaches, further reducing available habitat and increasing disturbances. New hotels are to be constructed behind one of the last remaining pristine nesting areas, in complete disregard of the Bern Convention's Recommendations. There were no signs of new conservation or management activities. The only exception was litter collection and irregular beach furniture management in 1.5 of 8 km of the nesting beaches. The SPA remains unmanaged and inadequately protected. To date the majority of measures under Recommendation No. 183 (2015) have not been implemented. ➢ Without urgent conservation action and effective management, the recorded negative nesting trend will not be reversed and the few remaining areas in Fethiye SPA that have not been damaged will continue to be encroached upon by unplanned and unsustainable development. ➢ Calls upon the Turkish authorities to: - Urgently implement Recommendation No. 183 (2015) and implement a comprehensive and updated action plan before May 2021 - Revise/produce a SPA management plan that will cover both the land and marine areas, and will include a clear description of permitted land uses and activities. Allocate the necessary financial and human resources that will ensure enforcement of regulations and measures by authorities. - Cancel plans for new hotel development and cancel the construction of a shipyard, drydock or marina, near or on Fethiye nesting beaches. ➢ Calls upon the Bern Convention Standing Committee to: - Follow-up and keep the case file open at the 40th Meeting of the Standing Committee. - Encourage Turkish authorities to provide further information on the case. Request an official update on the new hotel development and the status of the shipyard construction project. - Urge Turkish authorities to implement Recommendation No. 183 (2015) before May 2021. Encourage and assist Turkish authorities to implement management and conservation measures.
Bureau meeting 15-16 September 2020	➢ The Bureau thanked both the authorities and complainant for their timely and detailed reports. ➢ The Bureau noted the information of the authorities on improved turtle nest numbers, as well as certain monitoring and conservation practices. However, it took note of the information provided by the complainant pointing to the construction of new hotels and a shipyard, drydock or marina near or on Fethiye nesting beaches, as well as to the construction of additional houses in Patara SPA. ➢ The Bureau acknowledged the proactive attitude of the authorities but was concerned with the lack of inter-ministerial and cross-sector cohesion. It also stressed that any development of houses, hotels, etc. must be subject to a comprehensive and transparent Environmental Impact Assessment (EIA) and requested that the management plan in preparation encompasses these outcomes of the assessment.

	➢ The authorities were asked to provide information on the new hotel development and status of the shipyard construction project near or on Fethiye nesting beaches, as well as information on additional houses built outside the summer house construction project and the ongoing redetermination of the SPA's zoning in Patara, especially regarding an EIA in all cases. ➢ Further, they are encouraged to continue awareness-raising activities, and to impose penalties on illegal activities. ➢ The file is kept open and both parties are invited to present on the concrete situation at the 40th Standing Committee.
Government report October 2020	➢ Marine turtle conservation and monitoring studies and informative and awareness raising studies by scientists on Patara and Fethiye-Göcek SPAs started in May 2020. ➢ 8 adult individuals were tagged in 2020 to monitor them. ➢ Awareness raising studies were done by using affiches, brochures, stickers, signposts as well as informative meetings to touristic enterprise employees, daily visitors, local managers and local people. Volunteers were trained about the protection studies, working principles and the concept of the protection project were given by seminars and meetings. ➢ All nests are caged against predators. Caging studies were conducted during night under red light, as soon as the nest is detected. Cages are 1x1 m2; the corners are supported by pegging posts on them; they are also supported by putting 15 cm depth side cages next to them. If the nests are in a place with intense human activity, then they are also supported by prism-shaped above-ground cages. A new project also began to sign the nesting zones, with the aim to totally prevent illegal usage of the beaches. ➢ Underwater research has been conducted to determine the population dynamics of the whole sea turtle population in Türkiye, which is undergoing changes due to global warming. ➢ Human activities are not allowed between 8:00 pm – 8:00 am, especially on Fethiye-Göcek and Patara SPAs. All the beach furniture is gathered on a site for the night to give room for the sea turtles. ➢ Marine turtle nesting beaches start to be cleaned with the beginning of nesting season, that is, as of May, and have been cleaned regularly during the season. Besides, to prevent light pollution, changing of artificial light sources to light safe curtains are still being continued. ➢ Injured sea turtles are in Sea Turtle Research, Rescue and Rehabilitation Center (DEKAMER) in Dalyan. Sea turtles which were found dead are also recorded, the reason of death and special information is also recorded. ➢ In 2020 nesting season, which took about five months, the number of sea turtles reaching the sea increased by almost 20-25% compared with previous years.
Standing Committee December 2020	➢ The Standing Committee positively noted the progressive actions of the authorities, such as turtle monitoring exercises, awareness raising activities and trainings, protective caging and signing of nests, cleaning of beaches and rehabilitation of injured turtles. It also noted that turtle numbers have increased this year, and that the Government requests that the case-file be closed. ➢ However, it acknowledged the complainant's ongoing concerns that the conservation status of the nesting beaches has deteriorated, very few new conservation or management activities have taken place, and illegal activities continue. A strong concern was expressed in relation to the commercial and residential development projects in Fethiye and Patara, which are against several provisions of Recommendations 182 and 183 (2015).

	➢ The European Commission recalled that, as a candidate EU country, Türkiye was expected to fully transpose and implement the EU acquis, including in this case on environmental processes such as the Habitats and Birds Directives and the EIA and SEA Directives. ➢ The Committee urged the Turkish authorities to reconsider such developments and reiterated the Bureau's remark that any such developments must be subject to a comprehensive and transparent Environmental Impact Assessment. It requested more information from the authorities on these projects, and any other planned developments which could affect the nesting beaches. ➢ The Committee also urged the authorities to elaborate and implement management plans for the land and marine areas, in order to ensure better protection, and to continue implementing all other provisions of Recommendations 182 and 183 (2015). ➢ It asked for an updated report from the authorities for its next Spring Bureau meeting, including the above-requested information, as well as a plan for the Summer 2021 nesting season mitigation measures. ➢ The Committee also recalled the Action Plan for the Conservation of Marine Turtles which was in development.
Government report March 2021	Regular monitoring studies conducted on all nesting beaches identified in Türkiye, revealed that sea turtle population is increasing at a steady rate. **Regarding Patara SPA** ➢ On Point 1: With the participation of NGOs, universities, local communities and other stakeholders, a **management plan** has been prepared. ➢ Point 2: Reiterates that existing constructions were built according to the zoning permits issued before the area was declared a SPA. **74 illegal buildings identified in 2020 started to be demolished**, the government expects that other illegal structures will be demolished in the near future. The ban of sand extraction was enforced, and penalties have been applied. Other measures continue to be applied: as in previous years removal of beach furniture at night, regulated waste management of showers and toilets, evacuation of people on the beach after 8PM, prohibition of vehicles' entry (including horse riding and 4x4 or quad safaris) as well as camping and fishing activities. In 2021 piles delimiting the nesting boundaries will be renewed. ➢ Point 3: No changes since last report. ➢ Point 4: New buildings are not allowed to be constructed save those which were already zoned before the area was protected. Archaeological excavations continue at the back of the beach but have no negative effects on sea turtle conservation and monitoring studies. ➢ Point 5: Litter is removed regularly from the beach and dunes. ➢ Point 6: No changes, the government reports that due to nest protection activities the predation rate of nests has been reduced by 15-30%. ➢ Points 7, 8 and 9: Activities continue as in previous years. ➢ Point 10: Awareness activities target locals using the beach, but also tourists, local businesses and hotels and schools. ➢ Point 11: Annual reports are presented to the Standing Committee every year. **Regarding Fethiye SPA**

	➢ Point 1: The government **rejected the request for the construction of shipyards and piers** around Akgöl. No new buildings are permitted in the area. ➢ Points 2 and 4: When the first zoning (settlement) plans were made, 1/3 of the beach located in the center of Fethiye was mistakenly included in the title deeds of private landowners. This issue was subject of complaints in previous years. A **juditial procedure** has been started **to remove this portion of the beach from the land registry records**; once this procedure will be completed, wooden structures blocking the passage of sea turtles on this part of the beach and planted vegatation will be removed and landscaping arrangements will be made in these beach areas. ➢ Point 3: No changes since last report. ➢ Point 5: Beach furniture is allowed only in areas with narrow nesting zones. ➢ Point 6: Small-scale businesses in Akgöl beach employ security personnel to control access to the area, therefore are necessary to control activities in the area. Crumbling structures on the beach will be removed. ➢ Point 7: Businesses with buildings parallel to the coast are encouraged to use red lights, however these measures remain voluntary and are not enfored by authorities. Lighting on the public beach will be fixed soon. ➢ Points 8, 9, 10, 11, 12: No changes since last report. Barriers prevent vehicle access to the beach, water sports are prohibited within 1 mile from the coast, sea vehicles that needs to enter this area needs to follow the speed limit of 8 miles/hour. Conservation and monitoring studies continue to be implemented as in previous years. Camps and campfires are forbidden, litter is removed regularly. ➢ Point 13: The Environmental Law No. 2872, the "Circular on the Protection of Sea Turtles" No. 2009/10, and the international conventions all remain applicable and are enforced. ➢ Point 14: The government continues to allocate budgetary and human resources for the protection of biodiversity, including sea turtles protection and research activities . ➢ Point 15: Awareness activities target locals using the beach, but also tourists, local businesses, hotels and schools. Posters displaying information about the sea turtles and the rules for the sustainable use of the beach will be increased in 2021. ➢ Point 16: No changes- all turtle nests are protected with cages during the implementation of monitoring and conservation projects. ➢ Point 17: The Standing Committee is regularly informed about the implementation.
Bureau meeting 14-15 April 2020	➢ The Bureau recalled that only the authorities had been requested to send an update, and thanked them for the detailed report. The Bureau welcomed the information on the preparation of the management plan and the destruction of illegal buildings in Patara as well as of the judicial proceeding aimed at regulating land registry records in Fethiye, which were all considered important steps toward a greater protection of the area.

	➢ The Bureau requested the authorities to share more information regarding the management plan prepared for Patara, specifying its content and clarifying whether this has already been adopted. It also reminded the authorities to provide information on the new hotel development in Fethiye and the additional houses built outside the summer house construction project in Patara, as reported by the complainant in August 2020, and include information on Environmental Impact Assessments in all cases. Additional clarifications were also required regarding the ongoing redetermination of the SPA's zoning in Patara. A timeline on the completion of the judicial proceeding aimed at regulating land registry records in Fethiye was also requested as well as a timeline for the demolition of illegal buildings. ➢ The Bureau also recalled the Bern Convention action plan for the conservation of marine turtles. ➢ The authorities were again urged to ensure strict mitigation measures ahead of the Summer 2021 tourism season.
Complainant's report August 2021	**Regarding Patara SPA** ➢ The complainant informs the Bureau that the redetermination of Patara SPA's borders and zoning is ongoing, and, as no final maps are available online, it is unclear if the entire nesting beach (north and south section), the nearshore marine areas and the entire sand dune areas are appropriately zoned and protected against any further development. ➢ Further, the complainant reports that conservation problems previously reported are still unresolved. Particularly, the complaint highlights the illegal sand extraction and the continuation of construction works of the 300-312 summer house development in the 3rd Degree Archaeological site of the SPA **Regarding Fethiye SPA** ➢ The complainant reports the construction of new business facilities directly on or behind the nesting beaches and expanded onto the nesting zone, further reducing available habitat and increasing disturbances. ➢ The complainant writes that there was no indication of structures being removed or of any form of restoration of the nesting beaches and that the number of fixed structures and beach furniture on the nesting beaches, not removed at night, further increased in 2021; as a result, over half of the nesting beach area is completely occupied, while some of the remaining structure-free sections are naturally unsuitable for nesting. ➢ The complainant continues to stress that there was no improvement in management and enforcement and that that conservation problems previously reported are still unresolved. However, the complainant recognises improvements due to the absence of playgrounds, reduced number of volleyball courts and litter, efforts to reduce light pollution through street light adjustments and red/orange light use in a few businesses. ➢ The complainant considers the SPA to be inadequately protected and claims that the majority of measures under Recommendation No. 183 (2015) have not been implemented. Calls upon the Turkish authorities to: - Urgently implement Recommendation No. 182 (2015) and No. 183 (2015); - Since the current law (Circular) only provides general guidelines, produce SPA management plans for both sites that include zoning and that cover both the land and marine areas, including clear descriptions of permitted land uses and activities.

	- In relation to Fethiye, provide an official a map of the beach and adjacent land area that are under dispute, and of the areas that have been permitted for development. - In relation to Patara, provide an update on the ongoing redetermination of Patara SPA's zoning and ensure that the entire nesting beach (north and south sections), the nearshore areas and the entire sand dune areas are appropriately zoned and protected against any further development. - Address the concerns raised in MEDASSET's complaint regarding the Patara summer house construction project, its scale, the associated impacts, the lack of an EIA and of a carrying capacity study. Provide detailed information on the additional houses constructed outside the summer house construction project.
Respondent's report August 2021	**Regarding Patara SPA** ➢ On Point 1: Government agencies, with the participation of non-governmental organizations, universities, different stakeholders such as local communities, have prepared management plans specific to the area; ➢ Point 2: No new information regarding the demolition if the 74 illegal buildings identified in 2020, the government just mentions the removal of rubble and piles remaining from the illegal building of an enterprise. The authorities add that trees planted in the past by villagers to prevent the sand from being transported to the agricultural lands by the wind, have been removed by the villagers. Other measures continue to be applied: as in previous years removal of beach furniture at night (picture annexed to the report), regulated waste management of showers and toilets, evacuation of people on the beach after 8PM, prohibition of vehicles' entry as well as camping and fishing activities. Wooden piles delimitating nesting areas will be renewed in 2021, barriers and warning signs will be built on the beach vehicle entry points and parking area and shore arrangement works will be carried out. ➢ Points 3, 4, 5, 6, 7, 8, 9 and 10: No changes since last report, activities continue as in previous years. ➢ Point 11: authorities provided data on the % of predated eggs, hatching success rates, number of nests in the period 2010-2020. The trends are all positive, especially the number of nests registered in Patara in 2020 increased significantly compared to 2019. The authorities inform the Bureau that a more detailed report at the end of this breeding season to be presented to the Standing Committee **Regarding Fethiye SPA** ➢ Point 1: No new buildings are permitted in the area. Awareness activities were conducted by the conservation team during May, June and July, targeting beach users and seasonal enterprises. ➢ Point 2: no updates were provided in reference to the regulation of land registry records in Fethiye. ➢ Points 3 and 4: No changes since last report. ➢ Point 5: the authorities stress the coordination with local stakeholders for the identification and protection of new nests.

	➢ Point 6: Small-scale businesses in Akgöl beach do not constitute a threat to marine turtles, every year approximately 20 nests are identified and protected with cages. ➢ Point 7: the lighting on the public beach was renewed by the Municipiality of Fethiye; these lights have now adjustable directions with curtains behind. The government also informs the Bureau that an active collaboration is in place with all stakeholders to renew private lighting (instal red lights). ➢ Points 8, 9, 10, 11, 12, 13, 14 and 15: No changes since last report, activities continue as in previous years. ➢ Point 16: authorities provided data on the annual nest count in Fethiye. ➢ Point 17: a more detailed report at the end of this breeding season to be presented to the Standing Committee .
Bureau meeting 15-16 September 2021	➢ The Bureau welcomed the information on the preparation of the renewal of lighting on the public beach of Fethiye as well as the continuous efforts to work with local stakeholders for the conservation of marine turtles. ➢ The Bureau renewed its request to the authorities to share more information regarding the management plan prepared for Patara, outlining its content and clarifying whether this has already been adopted. ➢ Despite the increase in nesting activities, the Bureau also noted that issues of illegal buildings have not been resolved and reminded the authorities to provide information on the new hotel development in Fethiye as well as the additional houses built outside the summer house construction project in Patara, as reported by the complainant in August 2020, and the new business facilities in Fethiye, as reported by the complainant in August 2021. ➢ Additional clarifications were also requested regarding the ongoing redetermination of the SPA's zoning in Patara. A timeline on the completion of the judicial proceeding aimed at regulating land registry records in Fethiye was also requested as well as a timeline for the demolition of illegal buildings. ➢ The authorities were further encouraged to develop and implement management plans for Fethiye. ➢ The Bureau also thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative. ➢ The file is kept open and both parties are invited to make a brief presentation at the 41st Standing Committee meeting, focusing on the issues above.
Respondent's report November 2021	**Regarding Fethiye SPA** ➢ The juditial proceeding aimed at regulating land registry records in Fethiye is a long procedure which involves registries of more than 100 individuals' properties. ➢ Monitoring of nesting activities in Fethiye in 2021 revealed 110 nests with a total of 4,154 hatchlings. Two turtles were also stated to be tracked via satellite tags from Fethiye this summer. ➢ The action plan prepared for Fethiye doesn't allow any construction in the nesting beach (plans to build shipyard were abandoned) and will mandate to remove all the present structures during the evenings. Moreover, stakeholders are advised to filter the lights visible from the beach and change them to red lights. Planted trees in the nesting zones were removed and the vehicle entrances to the beach were blocked by wood posts and big blocks of cements.

	➢ There is a long term monitoring programme for turtles on the beach and this year authorities included the satellite monitoring of two loggerhead turtles from Fethiye beach. ➢ Activities such as caging nests visible by public and awareness raising activities continued. **Regarding Patara SPA** ➢ Monitoring of nesting activities in Patara in 2021 revealed loggerhead turtle nests and a total of 17,154 hatchlings. ➢ The management plan for Patara has been adopted. Key remarks of the management plan: - Patara Special Environment Protection Area and sand dunes are under protection by law and the action plan for the conservation of both sea turtles and natural habitats were protected by legislations. - The planted trees are now a barrier between the historical sites and beach sand dunes. Sand extraction in this area is illegal. - The beach umbrellas and desk chairs are not placed in the nesting zone of turtles. They were piled up in the evenings. - The redetermination of the SPA's zoning in Patara, placement and renewal of the wood posts to make the border of nesting zones in all Specially Protected areas will be renewed between the end of 2021 and the beginning of 2022, before the new nesting season. - These wood barriers were also placed at the locations where vehicle entrance to the beach was possible. - Fishing activity with fishing nets are forbidden. - The garbage were collected by Municipality staff regularly. - The beach monitoring team caged the nests for fox predation and also placed the top cages visible by public at the public beach area. There were also other signs to inform to the visitors that this beach nesting place for loggerhead turtles and information about their life cycle.
Standing Committee 2021	➢ The Standing Committee 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.
Respondent's report March 2022	➢ Nesting zones in Fethiye and Patara were determined by using the coordinates of the nests on the Fethiye beach in line with approximately 20 years of data; human activities are restricted (no sunbathing, digging sand etc.) and beach furniture (including sunbeds, umbrellas, pavilions) are not allowed in the nesting zone. ➢ At the beginning of 2022, new warning and awareness signs were placed on both beaches. 60 more signboards are being built for Fethie and 20 for Patara. ➢ New Grid cages (against Predation) and prism cages (for raising awareness) were made and will be used as in previous years in both beaches.

	➢ Sea Turtle Monitoring and Conservation Studies continue to be funded in both beaches, budget has been allocated for 2022 activities (point 10 of Recommendation No. 183 (2015) and point 8 of Recommendation No. 182 (2015)). **Fethiye Special Environmental Protection Area** ➢ Fethiye has been declared as Special Environmental Protection Area. The elaboration of site-specific conservation management plans initiated in 2022 with the participation of different stakeholders such as official institutions, non-governmental organizations, universities and local people. ➢ The judicial proceeding aimed at regulating land registry records in Fethiye was completed, private property rights in 1/3 of the beach were cancelled. Local public intuitions received instructions on the enforcement of this decision. This will ensure the application of point 2 and 4 of Recommendation No. 183 (2015). ➢ Inspections against sand extraction continue as in previous years (addressing point 3 of Recommendation No. 183 (2015)); ➢ Concerning light pollution, the government reports that all street lightings through Fethiye beach were replaced and are now screened and not directly reflected on the beach (point 7 of Recommendation No. 183 (2015)); ➢ Permanent Barriers to Prevent Vehicle Entry to the Beach were built in previous years (point 8 of Recommendation No. 183 (2015)); ➢ Marine traffic is regulated as reported in previous reports (point 9 of Recommendation No. 183 (2015)); ➢ The beach is kept cleen as per the measures reported in previous reports (point 12 of Recommendation No. 183 (2015)). **Patara Special Environmental Protection Area** ➢ Before the 2021 breeding season, barriers and warning signs to prevent vehicle entry were put at vehicle entry points, including the sand dunes; and additional barriers and signs will be built in 2022; ➢ Concerning light pollultion, in 2021, a special light screening system was installed for the use of security-related lights. Since the Patara beach is very far from the residential areas, human-induced light does not reach the beach; ➢ Buildings are present 1,4km from the beach, as construction permits were issued before the area was declared protected.
Complainant's report March 2022	**Fethiye Special Environmental Protection Area** ➢ There have been no improvements since the last report, the situation remains unchanged, with buildings still present directly on or behind the nesting beaches. ➢ The complainant reports rumours that the Ministry of Environment, Urbanization and Climate Change is planning to re-assign/zone SPA's for construction permit, mainly for energy investments, before the elections next year. The rumours were denied by the Ministry, but the complaint reports unlicensed construction attempts in areas of Fethiye which are not the nesting beach. ➢ The complainant informs the Bureau that the Ministry and Municipality had meeting with tourism facilities in January 2022, on the Ministry's new projects in Fethiye, on how to protect sea turtle nesting habitats. No further details were available at the moment. **Patara Special Environmental Protection Area** ➢ the redetermination of Patara SPA's borders and zoning is still ongoing, conservation problems previously reported are still unresolved.

	MEDASSET awaits the response of the Turkish government to the Bern convention requests of 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.
Bureau April 2022	➢ The Bureau welcomed the information that the preparation of the judicial proceeding aimed at regulating land registry records in Fethiye had been completed and asked the Ministry to share more details on their plan for enforcement of the judicial decision, indicating a timeline for restoration. ➢ The Bureau also found it very positive and interesting that the Ministry and Municipality had had meetings with tourism stakeholders in January 2022 and asked the authorities to share further details in their next report. ➢ The Bureau renewed its request to the authorities that the next Government report include an action plan for implementation and enforcement of all points of Recommendations No. 182 and 183, including a detailed timeframe for the implementation of all points of the Recommendations as well as an indication of how to measure the success of the actions identified. ➢ The file remains open and both parties were invited to report to the Bureau in Autumn 2022. Depending on progress achieved, the Bureau could propose to the Standing Committee to reduce the File to an annual monitoring
Respondent's report September 2022	➢ The borders of the nesting zone were drawn with wooden posts on the whole beach of Fethiye. ➢ Sea Turtle Monitoring and Conservation Studies continue to be funded in both beaches, including awareness raising and nest protection activities. **Fethiye Special Environmental Protection Area** ➢ The elaboration of site-specific conservation management plans is being launched, with a first meeting with stakeholders planned in September, where site-specific studies will be discussed. ➢ No new information concerning the judicial proceeding aimed at regulating land registry records in Fethiye completed in 2021. ➢ Concerning other issues, no updates were reported since the last report. **Patara Special Environmental Protection Area** ➢ studies on site-specific conservation management plans were initiated in 2022 with the participation of different stakeholders. The study aims at identifying problems and propose solutions. ➢ In 2022 no vehicle entrance was found on the beach. ➢ Buildings are present 1,4km from the beach, as construction permits were issued before the area was declared protected.
Complainant's report August 2022	**Fethiye Special Environmental Protection Area** ➢ Construction of new buildings observed in 2022. ➢ Improvements in the management and enforcement of regulations were observed in 2022 (better marking the nesting zone border, facilities moved behind nesting zones, cleaner beaches, better monitoring) although some issues remain unresolved (incorrect zoning, camping, bonfires, severe light pollution, lack of vehicle access control, and human presence at night).

	Patara Special Environmental Protection Area ➢ No confirmation of the redetermination of Patara SPA's borders and zoning, Current zoning defined by the complainant to be problematic. ➢ new legislation prohibiting entrance to the beach from 20:00 to sunrise issued, but not enforced. ➢ insufficient nest monitoring and protection from trampling or predation due to lack of resources, poor beach furniture management, light pollution. ➢ Construction of the 300+ summer house development in the 3rd Degree Archaeological site of the SPA, in close proximity to the dunes and the nesting beach is largely completed, will increase summer population by 120%. MEDASSET calls upon the Turkish authorities to (for full list, see original report): • Urgently implement Recommendations No. 182 & 183 (2015) through a comprehensive and updated action plan as soon as possible to implement all measures. • Produce SPA management plans for both sites that include zoning as well as a clear descriptions of permitted land uses and activities. • In relation to Fethiye, provide an official map of the beach and adjacent land area that are under dispute, and of the areas that have been permitted for development and declare a building moratorium to prevent any further development. • In relation to Patara, provide an update on the ongoing redetermination of Patara SPA's zoning making sure relevant areas are protected against any further development. • Address the concerns raised regarding the Patara summer house construction project, its scale, the associated impacts, the lack of an EIA and of a carrying capacity study. Provide detailed information on the additional houses constructed outside the summer house construction project.
Bureau meeting September 2022	➢ The Bureau welcomed the improvements in the management and enforcement of regulations in Fethiye and the new legislation prohibiting entrance to the beach from 8pm to sunrise, but expressed its concern on the construction of summer houses in Patara. The government was asked to report on mitigation measures to minimise the potential negative effects related to these houses. ➢ The Bureau stressed the importance of raising awareness of existing regulations among tourists. ➢ The Bureau noted that some of the elements requested in previous decision were lacking and renewed its requests to the Ministry to share more details on their plan for enforcement of the judicial decision regulating land registry records, indicating a timeline for restoration. It further requested authorities to include an action plan for implementation and enforcement of Recommendations No. 182 and 183, including a detailed timeframe for the implementation of all points of the Recommendations as well as an indication of how to measure the success of the actions identified. ➢ The Bureau asked the authorities to keep the Bureau updated on the elaboration of site-specific conservation management plans and clarify whether this concerns only Fethiye. ➢ Concerning the zoning in Patara, the Bureau encouraged the complainant and national authorities to exchange information and data in order to address the information gap reported by the complainant.

	➢ The file remains open and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of Recommendations No. 182 and 183. ➢ The Bureau decided to recommend to the Standing Committee to reduce the file to an annual monitoring.
Standing Committee December 2022	➢ The Standing Committee noted progress by the authorities in the management and enforcement of regulations in Fethiye, but noted that additional efforts were needed to adequately protect the area. ➢ The Committee welcomed the initiative launched by the Turkish authorities to promote marine turtles-friendly businesses and hoped that this approach would have a positive impact on the species' protection. ➢ The Committee acknowledged the complainant's ongoing concerns on the construction of summer houses in Patara. Acknowledging the progresses achieved throughout the year on the development of a Management Plan for Fethiye, the Committee urged the Turkish authorities to step up their efforts to adopt Management Plans both for Fethiye and Patara as soon as possible. ➢ Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative.
Respondent's report August 2023	**Fethiye Special Environmental Protection Area** ➢ Site-specific conservation management plan studies are being carried out and are aimed to be completed by the end of 2023. ➢ In line with the judicial decision of 2021 which cancelled the property rights on the beach, instructions were given in 2023 to local public institutions to remove all occupations in the Fethiye beach area, including trees. ➢ Concerning light pollution, it is planned to carry out a pilot application to change the lighting poles visible from the beach to red light in Fethiye nesting beaches during the 2023 nesting season. ➢ Concerning other issues, the protection of the nesting areas is pursued as in previous years. **Patara Special Environmental Protection Area** ➢ No updates were reported since the last report.
Complainant's report August 2023	**Fethiye Special Environmental Protection Area** ➢ Ongoing construction of a new permanent structure. ➢ Hoses installed at the entrance of the Çalış B section of the beach, leaking onto the nesting beach. ➢ No improvements observed in 2023 with some issues unresolved (incorrect zoning or no zoning at all, umbrellas fixed in the sand with no control on placement, walkways over the nesting beach extending until the wet sand, sport equipment placed close to the waterline at all times, camping, bonfires, planting on the nesting beaches, severe light pollution, lack of vehicle access control, and human presence at night). **Patara Special Environmental Protection Area** ➢ The SPA borders have still to be confirmed and no final maps are available online. It is unclear if the entire nesting beach (North and South section), the nearshore marine areas and the entire sand dune areas are appropriately zoned and protected against any further development. ➢ Access to the beach at night was enforced more effectively, however human presence was still observed on the sand dunes and vehicle tracks were present in the northern part of the South Beach and several locations of the North Beach. ➢ Insufficient nest monitoring in the North Beach and protection from trampling or predation due to lack of resources. Poor beach furniture management was observed at the SPA's single beach facility, which is located within the nesting hotspot. ➢ Construction of the 300+ summer house development in the 3rd Degree Archaeological site of the SPA, in close proximity to the dunes and the nesting beach, is completed.

	The complainant calls upon the Turkish authorities to (for full list, see original report): • Urgently fully implement Recommendations No. 182 & 183 (2015) through a comprehensive and updated action plan. • Produce SPA management plans for both sites that include zoning and that cover both the land and marine areas, including clear descriptions of permitted land uses and activities. • In relation to Fethiye, provide an official map of the beach and adjacent land area that are under dispute, and of the areas that have been permitted for development and declare a building moratorium to prevent any further development. • Provide the necessary resources for the effective protection of the beach (guards, vehicle barriers etc.). • In relation to Patara, confirm Patara SPA's zoning, publicize the maps and ensure that the entire nesting beach (North and South sections), the nearshore areas and the entire sand dune areas are appropriately zoned and protected against any further development. • Address the concerns raised regarding the Patara completed summer house construction project, its scale, the associated impacts, the lack of an EIA and of a carrying capacity study. Provide detailed information on the additional houses constructed outside the summer house construction project.
Bureau September 2023	➢ noted progress in the management and enforcement of regulations in Fethiye, such as improvement in the implementation of the prohibition of access to the beach at night, but regretted that no new progress had occurred in Patara. The Bureau urged the authorities to complete the MP for Fethiye rapidly and to step up their efforts to adopt the MP for Patara as soon as possible. It also requested from the Turkish authorities to provide the necessary resources for the effective protection of the nesting beaches. ➢ also regretted that the government hadn't reported on mitigation measures that would be implemented to minimise the potential negative effects related to the construction of summer houses in Patara. It urged the Turkish authorities to do so in its next report. ➢ renewed its requests to the authorities that the next report should include a comprehensive and updated action plan for implementation and enforcement of Recs 182 (2015) and 183 (2015) including a detailed timeframe for the implementation. ➢ Concerning the SPA borders and the zoning in Patara, the Bureau renewed its encouragements to the complainant, national and local authorities to exchange information and data in order to address the information gap reported by the complainant. ➢ Recalled the importance of raising awareness of existing regulations among tourists, and referred to its decision on Item 4.4 and encouraged both parties to continue working on the marine turtles' initiative.

2013/1: NORTH MACEDONIA: HYDRO POWER DEVELOPMENT WITHIN THE TERRITORY OF MAVROVO NATIONAL PARK

Date submitted	March 2013
Submitted by (Complainant)	Eco-svest - Center for environmental research and information
Respondent State (Respondent)	North Macedonia
Specie/s or habitat/s affected	Mavrovo National Park, Emerald candidate site since 2011 *Lynx lynx balcanicus*
Background to complaint	➢ The construction of several hydro-power plants and supporting infrastructures (roads, bridges and transmission lines) will result in the direct destruction of forests, severe disturbance of water sources and fragmentation of wildlife habitats – the home of numerous strictly protected species of plants, mammals, birds, amphibians and reptiles listed in Appendices I and II of the Bern Convention. The complainant emphasised that some of these species, namely the *Lynx lynx balcanicus*, might be critically endangered if the projects are implemented.
Secretariat reporting request	➢ Recommendation No. 162 (2012) of the Standing Committee, on the conservation of large carnivore populations in Europe – Respondent to assess the environmental impact on the lynx population of dams in the Mavrovo National Park - a site identified as a candidate for the Emerald Network - and consider abandoning the project if the dam poses a risk of endangering the lynx population. ➢ Recommendation No. 157 (2011) of the Standing Committee, on the status of candidate Emerald sites and guidelines on the criteria for their nomination, national authorities should "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.
Respondent's report September 2013	➢ Environmental Impact Assessment Study for the hydropower plant project Boshkov Most was prepared by GEING Skopje, North Macedonia based engineering company operating in the Balkan area. ➢ 4-seasons biodiversity monitoring had been carried out by a team of experts on invertebrate and vertebrate species. This concluded that according to EIAS and monitoring study, the hydropower plant project Boshkov Most satisfied entirely the requirements of national legislation and that a decision authorising the development of the project had been already issued. The report did not provide conclusions from the EIAS or monitoring study allowing a judgment to be made about possible impacts of the project on the species and their habitat, referred to by the complainant. The report further informed that the Ministry of Environment and Physical Planning (MEPP) instructed the ELEM to implement an Environmental Impact Assessment Study for the hydropower plant project Lukovo. ➢ The company BRL from France selected to develop the EIA Study by engaging international and national experts. When accomplished, the ELEM would send the Study to the independent expert committee established by MEPP, for review.
Bureau meeting September 2013	➢ Complaint on stand-by pending the authorities' reply ➢ Secretariat request information regarding impacts of the hydropower project implementation in Mavrovo National Park on species and habitats.

Complainant's report January 2014	➢ Lawsuit was pending before the Administrative Court against the decision of the MEPP to approve an incomplete EIA study for the hydropower plant project Boshkov Most. The complainant underlined that the irregularities on the EIA study were confirmed by an EBRD compliance review report (January 2014) which concluded that the EIA was "not sufficiently comprehensive and conclusive".
Respondent's report March 2014	➢ EIA for the Hydropower plant Boshkov Most was concluded, and that the results of the biodiversity monitoring implemented were taken into account in the final EIA report. EIA for the Hydropower Plant Lukovo Pole was under preparation. ➢ No mention of pending lawsuit.
Bureau meeting April 2014	➢ Regretted the lack of informative reports on behalf of the national authorities. ➢ Secretariat to contact Respondent for more detailed and comprehensive information on what was added to the EIAs study further to the biodiversity monitoring, what was already implemented on the site and under which conditions, as well as on the pending lawsuit.
Respondent's email September 2014	➢ EIA report for HPP Lukovo Pole expected end of December 2014.
Complainant's report September 2014	➢ Boshkov Most HPP project, two pending lawsuits – ➢ The Ministry approved the EIA report based on insufficient data (supported by a compliance report of an independent experts charged by EBRD) ➢ On denied access to the expert's reports on Mavrovo HPP projects ➢ Civil society organisations were supposed to participate to the bio-monitoring mentioned by the national authorities, but their comments and proposals were not included in the final EIA report. ➢ Comments on the insufficient data used for the bio-monitoring report were also made by the Vice-Chair of the IUCN World Commission on Protected Areas and other IUCN committees, as well as by Birdlife and national/international experts.
Bureau meeting September 2014	➢ National authorities did not submit a report, claimed that they didn't receive the reporting request sent by the Secretariat. ➢ Forward the complaint as a possible file to the Standing Committee, inviting the national authorities to attend and to report in detail on the state of implementation of the projects, as well as on the pending lawsuits.
Standing Committee December 2014	➢ Noted the importance of the area as key biodiversity hotspot, its status of National Park, and the concerns expressed by a number of international organisations and delegates over the negative impact of hydropower developments on the biodiversity of the area. ➢ Noted the pending adoption of a Management Plan for the Park, the pending lawsuit on the Environmental Impact Assessment for one of the hydro power plant's projects as well as the expected finalisation of the assessment for the second one. ➢ Open a case file ➢ Secretariat to seek the agreement of the Party for the organisation of an on-the-spot appraisal to the area in 2015, with the objective of collecting more information and data for the preparation of a draft recommendation to be submitted to the next Standing Committee meeting.

On the spot visit 24/25 June 2015	➢ The European Union, the IUCN and WCPA requested to participate in the appraisal as Observers. The European Bank for Reconstruction and Development (EBRD), financing the project, has also been invited to join. An independent expert was charged with the mission. ➢ Meetings held with the Minister of the Environment and Physical Planning, Mr Nurhan Izairy, as well as with the representatives of the company ELEM which is the project developer, the Director of the Mavrovo National Park managing authority, representatives of civil society organisations, including the complainant, representatives of the European Bank for Reconstruction and Development and various local stakeholders. ➢ Delegation visited the main localities of the two big hydro power projects, as well as an additional small HPP plant already implemented. ➢ The Bureau noted that the development of the energy project might raise problems of compliance with the Convention and a possible incompatibility with the status of the area. It therefore instructed the Secretariat to forward the report of the independent expert to the investors and financing bodies, with a request to take it into consideration for a more holistic approach to the matter, in view of finding a balance between energy developments needs and nature protection.
Standing Committee December 2015	➢ Adopted Recommendation No. 184 (2015) on the planned hydropower plants on the territory of the Mavrovo National Park, inviting North Macedonia to suspend the implementation of the hydropower plants foreseen and related infrastructure until a Strategic Environmental Assessment will be completed and to keep the Standing Committee regularly informed about the progress in the implementation of this Recommendation.
Complainant's report February 2016	➢ World Bank dropped the Lukovo Pole project ➢ Boskov Most HPP, the report informed that the European Bank for Reconstruction and Development pledged to comply with the recommendation and put the project on stay until the Strategic Environmental Assessment is completed. ➢ Informs of the construction of four new small hydropower plants funded privately. ➢ Requests the bodies of the Convention to address with the authorities specific points, in particular to: a) ask the government to suspend the construction of the small hydropower plants in the park; b) postpone the adoption of the Law on re-proclamation of the Mavrovo NP; c) provide guidelines on the implementation of the recommendation to all stakeholders; d) ask that the Strategic Environmental Assessment is transparent and involves all stakeholders; e) remind the stakeholders of the importance to conduct activities setting within the Balkan lynx (*Lynx lynx balcanicus*) recovery programme.
Respondent's report 21st March 2016	➢ Working on the implementation of Recommendation No. 184 (2015), in particular by launching a national programme for monitoring and recovery of the Balkan lynx and promised to keep the Secretariat updated on the progress.
Bureau meeting March 2016	➢ The building of small plants is in line with the recommendation adopted by the Standing Committee ➢ Secretariat to ask by the end of June 2016 for reports from the authorities and the complainant

Complainant's report May 2016	➢ The number of conceded small hydropower projects had increased to 6. Construction work was expected to start in the spring. ➢ Complainant sent an official letter to the Ministry of Environment requesting the suspension of the concession for the 6 hydropower plants that were in project. The Water Department replied that the small hydropower projects were either conceded to a private investor or to the Municipality of Mavrovo Rostuse with public private partnership, and as such the Recommendation No. 184 (2015) did not apply. ➢ The complainant had been granted access to the Elaborate for Environmental Protection (EEP) study and permits for the 4 conceded hydropower projects. The complainant identified problems with the quality of the elaborate and the conflict of the projects with the proposed zoning of the park. A complaint has therefore been submitted against the EEP permit to the Ministry of Environment. ➢ Concerning the adoption of the EIA permit for Boskov Most, the Administrative Court ruled in favour of the complainant, considering that there was no proof that the Law on environment had been respected and the EIA study was complete. The Court cancelled the decision of the State Commission which refused the complaint of the NGO against the Ministry of Environment decision granting EIA permit for Boskov Most. ➢ The complainant has not yet been involved in the preparation of the Strategic Environmental Assessment.
Complainant's report July 2016	➢ The number of approval or plans to grant concessions to private investors of small hydro power plants increased to 17. ➢ At the date of the report, 2 were already built and 2 were under construction. ➢ Almost all of the small hydro power plants are in remote, inaccessible areas of high natural value.
Respondent's report July 2016	➢ The implementation of all the foreseen government projects (big and small) in the NP have been suspended until a SEA is completed, as recommended in Recommendation No. 184 (2015). ➢ The implementation of privately funded small/micro hydro plants in development before December 2015 are not subject to the Recommendation, however, concessioning for the remaining planned small/micro plants within the territory of the NP are suspended. ➢ Expected that the management plan of Mavrovo NP will be completed once the Law for the Re-Proclamation of the NP is adopted in Parliament. The outcomes of the SEA should be reflected in the Management Plan. Regarding the timeframe, the authorities could not provide a firm date, but explained that they are making efforts to complete this before the Standing Committee meeting in November 2016. ➢ Refuted the allegations by the complainant regarding the impacts of the construction of several hydro-power plants and supporting infrastructures. ➢ Initiated the establishment of a national program for the recovery of the Balkan lynx for the implementation of which the Government was looking for financial support. The concept paper of the project was also sent.
Standing Committee November 2016	➢ Case-file should remain open. ➢ Respondent should speed up the process of development of the SEA. ➢ The process of SEA should be realised according to national legislation and international standards/European SEA Directive with which the Respondent indicated that its legislation already complies, comprising inclusion of all stakeholders.

Secretariat action January 2017	➢ A new reporting request sent to the Respondent, calling for any new information considered useful, in particular on progress in the finalisation of the SEA and the process leading to its development.
Respondent's report 10 March 2017	➢ No progress on the Recommendation to be reported since the previous report ➢ Emphasised that the relevant North Macedonian institutions including MoEPP and PIMNP have not received verified and convincing scientific evidence that implementation of the projects will have unmitigatable impacts to the natural values of the park, including the Balkan Lynx. ➢ Additional consultation was conducted by the Government with several competent national and international NGOs, including Euronatur, Macedonian Ecological Society, IUCN, Pronatur. Euronatur did not respond. Further consultations are being carried out with the Macedonian Ecological Society. IUCN's response was a general comment on the case file and did not provide any commentary on the specific issues in question. Pronatur was unable to provide a response. ➢ The issues where discussed at the EC Subcommittee for Transport, Energy, Environment and Regional Development in February 2017. ➢ Complainant has continued to exploit the lynx issue in the North Macedonian and international media. This attitude is not helpful and does not contribute to resolving the issues in this complaint. ➢ The Government requested the Secretariat in October 2016 to seek further information from the complainant on the impact of the hydro projects, particularly Boshkov Most and Lukovo Pole, on the direct destruction of forests, fragmentation of wildlife habitats, and severe disturbance of water sources. Specific explanation of how the *Lynx lynx balcanicus* and other large mammals will be endangered was also requested as part of the additional information to be provided by the complainant. The Secretariat had decided not to act on this request and ignored follow up requests by the Government, while avoiding to inform the Government of such decision. ➢ The SC must adhere to the prescribed case file follow-up process and refrain from suggesting or accepting modifications of Recommendations.
Chair of the Standing Committee letter to Respondent 21 April 2017	➢ The Secretariat's duty is to follow exclusively the instructions and requests from the Council of Europe Committees and hierarchy, not from individual Member States. Request of documents and relevant information by the Secretariat to Parties and Observers has been done only on instructions of the Standing Committee and the Bureau. ➢ Responsibility on the accuracy of data provided by governments or observers lies in the authors of such reports. ➢ Regarding the discussion on case-file 2013/1 at its 36th meeting in November 2016, the Standing Committee did not adopt any changes to the original Recommendation No. 184 (2015) on the planned hydropower plants on the territory of the Mavrovo National Park. ➢ Secretariat of the Convention and the Bureau are ready to offer their support to the the implementation of Recommendation No. 184 (2015).

Complainant's report 18 May 2017	➢ No new development regarding the Strategic Environmental Impact study on the cumulative effects of the planned development activities in the park as provisioned in point 1 of the Recommendation No. 184 (2015). No public disclosure of documents (if prepared) demonstrating/proving application of environmental legislation in case of developing hydropower plans, in particular with regard to EIA, SEA, WFD and EU nature directives. ➢ In February 2017 we received Administrative Court Decision regarding the SEA procedure for the National Action Plan for Renewable Energy. This Plan provisions the hydropower development in North Macedonia including the hydropower projects in Mavrovo National Park. According to the Decision this plan will not be a subject to SEA procedure although according to the Law on environment the National Action Plan for Renewable Energy must be a subject to SEA procedure. Having this in mind the SEA study as provisioned by point 1 of the Recommendation is crucial for addressing the cumulative impact of the hydropower projects in Mavrovo. ➢ Law on re-proclamation of Mavrovo National Park and the Management Plan for the park is still pending. There is no feedback on the comments submitted in 2015 with regard to the draft Law. ➢ Access to individual expert reports prepared for the valorisation of the natural values of the "Mavrovo" National Park has still not been enabled. ➢ 24th January 2017 we received the Decision for annulling the Environmental Impact Assessment (EIA) permit for HPP Boskov Most after Decision by the Administrative Court in 2016. Additionally, in January 2017, EBRD cancelled the loan for the project. ➢ EIA procedure for HPP Lukovo Pole accumulation project continued. The decision on the scope of the EIA study was subject to an Administrative Complaint to the State Commission. In February 2017 we received a Decision from the State Commission rejecting our Complaint. This decision is a subject to lawsuit in the Administrative Court, which was filed on 27th February 2017. ➢ Under the auspices of the European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR), a Regional Strategy for Sustainable Hydropower in the Western Balkans is under preparation. The "Draft Background Report No. 4 Transboundary Issues" was published in March 2017. It states "Finally, it can be concluded that project Lukovo Pole would transfer an additional quantity of less than 2 m3/s to the existing quantity which has been transferred all these years without significant adverse effect" – page 55 from the draft report. This is not in line with the Recommendation adopted by the Standing Committee in 2015 especially having in mind that preparation of the SEA study for the cumulative effects of all proposed projects is still lacking. ➢ Plans for additional 17 low performing (non-governmental) HPP projects need to be suspended prior to SEA study and official opinion of the Bern Convention Secretariat requested. ➢ Permit for surveying and monitoring of the Balkan lynx inside Mavrovo National Park was granted on 17 May 2016 with a validity from 15 April 2016 to 1 April 2019. The permit however, excludes Mavrovo NP, where the MES is not allowed to work, under the justification that a Memorandum of cooperation between the Park authorities and the MES is not signed; and that the park will implement Monitoring plan on its own. According to the Law on nature such memorandum is not provisioned as a condition for granting permit. Additionally, research work done by the park's authority does not stipulate contradiction with the MES monitoring activities. Therefore, in our opinion, there is no legal justification on the excluding Mavrovo NP from the permit.

Bureau meeting September 2017	➢ The Bureau reminded that both the Bureau to the Convention and the Secretariat are ready to support the authorities in the implementation of Recommendation No. 184 (2015). It expressed a hope that it will soon be clarified who is the new Focal Point for North Macedonia before the Bern Convention and communication with the authorities will be re-established. ➢ Invited the authorities to attend the 37th Standing Committee meeting and to provide a status update on the file and respond specifically on measures taken to meet Recommendation No. 184 (2015) on the planned hydropower plants on the territory of the Mavrovo National Park.
37th meeting Standing Committee December 2017	➢ Expressed its concern with the continued development of low-performing hydro power plants in the area of the National Park and reminded that the development of an SEA on the cumulative impact of all planned activities on the territory of the Park, as recommended, should be developed prior to the construction of new facilities, which will inevitably have an effect on biodiversity. ➢ Noted that a written report has been provided by the authorities on the day before the opening of the Standing Committee meeting and thanked the authorities for their efforts to submit it. Taking into account that the report arrived too late for allowing its publication among the working documents for the meeting, it instructed the Bureau to assess it at its upcoming meeting on 19 March 2018.
Respondent's report 5 December 2017	➢ The first condition for the development of an SEA is the adoption of the Law for re-proclamation of the National park Mavrovo for protected area. Due to the long period of elections in North Macedonia the Ministry of Environment and Physical Planning was unable to initiate a procedure with a proposal for a new Law on Re-proclamation of the National Park for Protected Area. ➢ After the adoption of the new Law, it will be necessary to adopt a new Management Plan for the Mavrovo National Park as a prerequisite for the implementation of the Strategic Environmental Assessment Study. ➢ Until this date, no progress has been made in relation to the Strategic Environmental Assessment Study on the cumulative effects of the planned development activities in the park, as provided for in point 1 of Recommendation No. 184 (2015). ➢ Implementation and all planed project development activities of Government of North Macedonia within the territory of the Mavrovo National Park, particularly foreseen hydropower plants and related infrastructure are suspended until a Strategic Environmental Assessment is prepared. ➢ Concessions for water usage for production of electricity for small and micro power plants. The Ministry has taken into consideration the decisions of the Government to stop activities in the area of Mavrovo National Park which led to exclusion of further promotion of possible concessions of small and micro HPP which are recognized within the Mavrovo National park, until the Recommendations No. 184 (2015) are fulfilled.
Bureau meeting March 2018	➢ Thanked the national authorities for their report and acknowledged the restored communication between the Secretariat of the Convention and the new national focal point to the Convention. ➢ Reminded that the Balkan lynx has been officially listed in Appendix II of the Bern Convention since 8 March 2018. ➢ Recognised that although both publicly funded large HPPs on the territory of the Park were suspended, the cumulative impact of the smaller HPPs currently under construction or planned for construction does not appear to be taken into consideration. It reminded that, according to Recommendation No. 184 (2015) the development of a Strategic Environmental Assessment for the area should put "specific emphasis on cumulative effects of all planned development activities on the territory of the Park….". ➢ Instructed the Secretariat to request the national authorities to provide clear information and a strict timetable on when the development of the SEA for the Park is foreseen and on the overall progress of compliance with the Recommendation.

Respondent's report August/September 2018	➢ The Government remains at its positions to fulfill the activities within the Recommendations. ➢ The first condition for the development of the SEA is adoption of the Law for re-proclamation of the National park Mavrovo for protected area. The Ministry of Environment and Physical Planning is in phase of inter-institutional coordination with relevant institutions with a goal to start the procedure of drafting the new Law for re-proclamation of the National park as protected area. ➢ After the adoption of the new Law, it will be necessary to adopt a new Management Plan for the Mavrovo National Park as a prerequisite for the implementation of the Strategic Environmental Assessment Study. ➢ No significant progress has been made in relation to the Strategic Environmental Assessment Study on the cumulative effects of the planned development activities in the park, as provided for in point 1 of Recommendation no. 184 (2015). ➢ Provides update on the Small Hydro power plants (SHPP) within the Mavrovo National Park ➢ The Concession contracts for the SMPP are monitored by the Commission for Supervision of the Ministry of Environment and Physical Planning, which informs the Government of the Republic of North Macedonia on all issues regarding the fulfilment of the obligations by the concessionaires. ➢ The Commission for Supervision did not find a violation of the provisions of the Concession Agreements, which would be grounds for termination of the concession contracts. ➢ Extension of the deadlines was requested, and since the request was supported by adequate evidence that the concessionaires have no fault for the delay, the same has been accepted. ➢ For SHPP Tresonechka and Galichka, Concession Agreements have been concluded through the Ministry of Economy, Water permits have been issued in 2011, they have been built and put into operation. ➢ The Ministry of Environment and Physical Planning is in charge for promotion of granting concessions for water usage for production of electricity for small and micro power plants. The Ministry has taken into consideration the decisions of the Government to stop activities in the area of Mavrovo National Park which led to exclusion of further promotion of possible concessions of small and micro HPP which are recognised within the Mavrovo National park, until the Recommendations 184/2015 are fulfilled. ➢ Expects the Secretariat of the Bern Convention and the Standing Committee to recognize and understand the Government's approach at the next meeting of the Standing Committee (November 2018), as well as to indicate to the non-governmental organizations the need to terminate providing and disseminating incomplete and untrue information related to the open case - Development of hydropower facilities on the territory of the National Park Mavrovo. ➢ Expects the Standing Committee of the Bern Convention to abide by the prescribed procedures for monitoring the case and refrain from proposing or accepting changes to the Recommendations related to the case. ➢ Connections and lobbying that are inherent to the Bern Convention and beyond in the field of environment and through which support is provided to the Complainant and from other entities should be within the material truth of the matter and should not be harm to any party.
Bureau meeting September 2018	➢ Thanked the national authorities for their commitment and efforts to accelerate the process of drafting the new Law for re-proclamation of the National park as protected area, ahead of the realisation of the SEA, as recommended in the Bern recommendation.

	➢ Invited the national authorities to attend the 38th meeting of the Standing Committee to the Convention and to provide further details on their plans for the implementation of the Recommendation.
Letter from respondent to Secretariat October 2018	➢ Approaching the Secretariat and requesting expert support from the Convention for finalising the draft Law on the re-proclamation of the National Park, including the zoning of the Park. ➢ The adoption of the law for the re-proclamation of the park is a pre-requisite for the development of the SEA, as recommended by the Bern Convention Recommendation.
Complainant's report October 2018	➢ Provides update regarding the low performing HPPs ➢ As previously informed, there are 19 low performing hydro power plant (LPHPP) projects planned in Mavrovo National Park out of which 4 LPHPPs are already built and operational and the others are in different stages of preparation and planning. ➢ At its 37th meeting, the Standing Committee "*expressed its concern with the continued development of low-performing hydro power plants in the area of the National Park and reminded that the development of an SEA on the cumulative impact of all planned activities on the territory of the Park, as recommended, should be developed prior to the construction of new facilities, which will inevitably have an effect on biodiversity.*" ➢ Government has still not suspended the 15 LHPPs. We are very concerned with the ongoing activities for the upcoming construction of the following 4 LPHPPs: Zirovnicka 1 (ref. No. 5); Zirovnicka 2 (re. No. 6); Ribnicka (ref. No. 7); Jadovska (re. No. 9). ➢ The concession agreements for these LPHPPs were signed in the period of May/June 2015. According to the concession agreement the investor has a maximum of 3 years to finalise the activities and put the LPHPPs into operation. As these LHPPs were not constructed within the above-mentioned deadline, the concession agreement should have been terminated in May/June 2018. ➢ In contrast to the Bern Convention Recommendation No. 184 (2015), in January 2018 the Government signed an Annex to the concession agreements and extended the deadline until the 07.05.2019 for LPHPP Ribnicka and until 03.01.2020 for LPHPPs Zirovnicka 1 and 2. According to their written response, for LPHPP Jadovska the Government plans to publish a new public call for concession. ➢ The justification for this step is bound to changes of the locations of the intakes and the power house. Extension of the deadline and changing the locations raise the following additional issues/questions, i.e. on the impact of the new location, the need to have an environmental study, how realistic deadlines are, etc. ➢ According national legislation, all LPHPPs are subject to an approved Elaborate for Environmental Protection (EEP). Changing the location and including more supporting infrastructure means that the impact on nature as well as prescribed measures differs from the originally approved plan. To our knowledge, there is no newly approved EEP for the revised location of the LPHPPs which is a breach of the national Law on environment. ➢ Is the deadline realistic? The short period available for construction leaves a possibility that mitigation measures are not implemented/respected fully during the construction phase. This is especially the case with respecting winter/spring season for the breeding of specific species. We have witnessed that the lack of implementing mitigation measures was a practice in the construction of the already built and operational LPHPP within the Park; ➢ Mid-October 2018, were approached by the local community of village of Zirovnica. Zirovnica village is the second largest village within the park with 1.608 inhabitants. The village water supply comes for the Zirovnica river.

	➢ The local community strongly opposes the construction of the LPHPPs on Zirovnicka river as it will directly impact the water supply of the village as well as the village landscape. At the moment, the community is facing serious pressure from the investor to allow the start of preparatory activities for the construction of LPHPP Zirovnica 1 and Zirovnica 2. ➢ Held meetings with the National park Authority and the Deputy Minister for environment and physical planning, Mr. Jani Makraduli and discussed the possible next steps with the Law on Mavrovo national Park proclamation. The conclusion was that the new Law is the first step for a permanent and sustainable solution for the national park protection. Therefore, we jointly agreed with the Deputy Minister that the Draft Law needs to be revised in line with the Recommendation No. 182 (2015) as well as IUCN guidelines for category II protected area – National park. We strongly support the Ministry in seeking expert help for this revision process and we remain at the disposal of the Ministry in the following steps of the process, such as consultations and public hearing. ➢ Have been building a constructive relationship with both the Ministry of environment as well as the National park authority over the past year, we were surprised to read the Government's report submitted to the Bern Convention Secretariat (September 18 2018) where the Government stated that "The Government's position has continuously been that the claims in the Complaint were exaggerated, contain inaccurate and often misleading information put forward by the complainant." ➢ Eko-svest, through their member in the Council for cooperation between the Government and CSOs raised this particular issue and demanded that the Government corrects its report, excluding this type of non-constructive criticism addressing the work of civil society organizations. We strongly believe that by joint efforts and constructive cooperation, both parties can contribute to the successful resolution of the issue and closing of the case file.
Standing Committee December 2018	➢ The Standing Committee welcomed the positive statement made by the national authorities and noted that the development of both large HPPs subject of the complaint are stopped, while the Government ceased further promotion of concessions of small and micro HPPs in the area. ➢ It further noted that the complainant presented evidence of the ineffective deferment of 4 low-performing hydro power plants in the area of the National Park, but confirmed the initiation of positive cooperation between them and the Government aimed at ensuring the full implementation of Recommendation No. 184 (2015). The complainant also asked the Committee to raise the issue at a higher political level in the country. ➢ The Committee further welcomed the letter sent by the national authorities to the Secretariat, requesting advise and support in the implementation of the Recommendation and in particular the finalisation of the Law for the re-proclamation of the National Park, which is a prerequisite for the development of the SEA. ➢ The Standing Committee decided to keep the file open and to mandate the Secretariat to seek the best possible avenues, including entrusting the task to an expert, to provide advice and guidance to the national authorities which will efficiently facilitate and accelerate the implementation of Recommendation No. 184 (2015).
Secretariat action December 2018	➢ Letter sent to propose the organization of an expert visit (2 days) in late spring/early summer 2019. The expert mission could be comprised of a representative of the Bern Convention (Secretariat or Bureau to the Convention) and an expert in protected areas' management and zoning. The participation of an expert in the planning and implementation of SEAs could also be foreseen. ➢ Response still expected by national authorities

Bureau meeting March 2019	➢ The Bureau thanked again the national authorities of North Macedonia for their letter sent in November 2018 and requesting advise and support in the implementation of the Recommendation and in particular the finalisation of the Law for the re-proclamation of the National Park, which is a prerequisite for the development of the SEA. ➢ The Bureau also noted that the Secretariat had, on instruction of the Committee, proposed the organisation of an expert visit (2 days) to the country and Mavrovo NP are in late spring/early summer 2019 and composed of a representative of the Bern Convention, an expert in protected areas' management and zoning and possibly of an expert in the planning and implementation of SEAs could also be foreseen. ➢ The Bureau regretted that a response from the authorities on this offer is still pending, instructed the Secretariat to reiterate the offer and hoped that progress could be quickly achieved and progress presented at its upcoming second annual meeting for 2019 in September.
August 2019	➢ National authorities contacted the Secretariat to request clarification on the terms of reference for the potential expert advisory mission.
Bureau meeting 9-10 September 2019	➢ The Bureau noted the lack of reports of both the authorities and the complainant. It further noted that the national authorities have contacted the Secretariat with a request for clarifications regarding the possible terms of reference of the expert advice mission which the Convention proposed. It instructed the Secretariat to respond to the authorities and to seek the organisation of the mission in 2020. It advised that the issue of the management and conservation of the Balkan Lynx is also included in the Terms of reference of the mission. ➢ Eventually, it instructed the Secretariat to prepare the draft Terms of reference and submit these for discussion at the upcoming 39th meeting of the Standing Committee.
November 2019	➢ In line with the decision of the Bureau in September 2019, a draft terms of reference proposed for a Bern Convention advisory mission to 3 areas of North Macedonia which have ongoing case files (Open case-file - Complaint No. 2013/1 - Mavrovo National Park, Complaint on stand-by No. 2015/2 – Bogdanci, and Complaint on stand-by No. 2017/2 - Lake Ohrid and Galichica National Park) will be submitted for consideration by the Standing Committee in December 2019.
Complainant's report November 2019	**1. Suspension of the hydropower projects in the Mavrovo National Park** ➢ The development of the large hydropower projects has not continued. The draft of the newly developed Energy Strategy is under public consultations. It states that the Strategy is not going to elaborate hydropower projects planned in protected areas such as the Boskov most and Lukovo Pole. At the same time, the draft document proposes 230 MW of installed capacity in low performing hydro power plants, which inevitably means the further development of these projects in protected areas (around 50 projects are being proposed). **2. Progress with the SEA and Law on Mavrovo** ➢ There has been no progress on the preparation of the Law on the protection of Mavrovo National Park, its Management Plan, nor the development of the Strategic Environmental Assessment for the planned infrastructure activities on it's territory. ➢ On 30.05.2019, partner CSO Front 21/42 submitted an Administrative complaint to the Ministry of environment and physical planning for the Law on re-proclamation of Mavrovo National park. ➢ On 31.10.2019 the Decision from the Ministry stated "In the procedure of re- proclaiming Mavrovo as national park, the Public Enterprise National Park Mavrovo, failed to inform or notify the Department of Nature that an official letter was issued by the park authority on 24.04.2015 giving

	positive opinion for small low-performing hydropower projects on the territory of the Mavrovo National Park, which do not comply with the protection regime contained in the already submitted Valorization Study on the basis on which the re-proclamation procedure was initiated". ➢ In the official positive opinion regarding the LPHPs Zirovnicka 5, Zirovnicka 6, Ribnicka and Jadovska issued by the NP Mavrovo authorities, it is noted that the projects are in conflict with the protection zone where no infrastructure activities are allowed. ➢ The local municipality of Mavrovo and Rostushe recently abolished two construction permits. ➢ In addition, local inhabitants in Mavrovo organized protests against the construction of Zhirovnica LPHPs since the plant will compromise access to their drinking water supply. The local community has never been consulted about the construction of this project. This plant was also subject to an inspection and lost its construction permit. The environmental study approval is also found to be deficient. The annex contract for this project prolongs the construction to January 2020. **3. Bern Convention mission to North Macedonia** ➢ For the purpose of this case and the request from the Bern Convention Secretariat for access to relevant legislation and documents before their upcoming mission to North Macedonia, we have prepared and compiled all necessary files and documents (Draft law on Mavrovo NP, Study on the revalorization of the values of Mavrovo NP, SEA procedure according the law, individual expert reports for the Mavrovo NP) and made is available to the authorities. If the Secretariat wishes so, we shall send these documents in electronic format.
Standing Committee December 2019	➢ Acknowledged the complainant organisation's concerns about the newly developed Energy Strategy in the country which could affect Mavrovo and other Emerald Network sites; ➢ Agreed that the draft terms of reference for the expert mission should be extended to allow collection of information on all Emerald network and case-file sites. It instructed the Secretariat to seek the agreement of the national authorities for the mission, which should ideally take place in the spring/summer 2020; ➢ Urges the Government of North Macedonia to suspend all developments, concession and permitting processes for new hydropower projects until the expert mission delivers its recommendations.
February/March 2020	➢ The draft terms of reference for the on the spot appraisal are discussed between the secretariat and North Macedonian authorities. They will be presented to the Bureau in April for possible comments/modifications and approval.
Bureau meeting 7-8 April 2020	➢ The Bureau took note of the draft Terms of Reference for an on-the-spot appraisal visit to North Macedonia that had been considered and amended in liaison with the North Macedonian authorities. The Bureau particularly thanked the North Macedonian authorities for their willingness to collaborate and seek guidance from the Bern Convention's monitoring tools. ➢ It advised that more than one expert may need to be contracted, due to the complexity of the visit, especially regarding SEA/EIA assessment, the conservation of the lynx and the management of Emerald Network sites in the face of wind energy development projects. ➢ The on-the-spot appraisal should mainly focus on Mavrovo National Park and on Lake Ohrid and Galichica National Park candidate Emerald Sites. However, the recommendations resulting from the on-the-spot appraisal should also be useful for the other candidate Emerald Network sites in the country, in particular those targeted by complaints under the case-file system. Therefore, the Bureau advised to consider Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites when drafting the conclusions of the evaluation.

	➢ Furthermore, due to the ongoing Covid-19 pandemic, the visit was postponed until the 2nd half of the year if the situation allows but more likely could take place in Spring 2021. ➢ The Bureau approved the Terms of Reference with several modifications, and mandated the Secretariat to share them with the North Macedonian authorities, and to begin the process of identifying possible independent experts. The Bureau should be kept updated on possible dates of the visit, and if it will be postponed until 2021.
Extraordinary Bureau meeting 22 June 2020	➢ The Bureau requested that the authorities respond to the revised Terms of Reference as soon as possible, in order to allow the Secretariat to elaborate the practicalities of the visit, which could still take place this year or in the first half of 2021, depending on the sanitary situation.
August 2020	➢ Feedback from national authorities to revised ToR pending
Bureau meeting 15-16 September 2020	➢ The Bureau took note that preparations for an on-the-spot appraisal (OSA) had not been initiated due to a lack of feedback from the North Macedonian authorities on the revised draft Terms of Reference following the Bureau decision in April, as well as ongoing travel restrictions due to the Covid-19 pandemic. ➢ The Bureau mandated the Secretariat to once again follow up with the North Macedonian authorities for comments on the revised draft Terms of Reference for the OSA, to hopefully take place in the first half of 2021. The authorities are asked to comment on time for the 40th Standing Committee. ➢ Both parties are invited to report on the general situation at the 40th Standing Committee. ➢ The file remains open.
Complainant's report October 2020	➢ There has been no progress regarding the development of an SEA study that would incorporate a cumulative impact assessment of planned infrastructure in the Park. Moreover, in spite of several requests from the Ministry of environment, the Park authority has not submitted the necessary documentation (proposal for zoning), so the process for the adoption Law on re-proclamation of Mavrovo NP is also halted. ➢ Although new construction of small HPPs has not been registered, there are ongoing processes for development of large touristic zones and residential complexes. Therefore, the cumulative impact assessment is more than needed and should be carried out in the upcoming process of re-proclamation of the protected area. ➢ Although there has been no new construction of small HPPs in the Park, concession contracts are being extended and local communities are being pressured by investors. ➢ The new Government has published its 4 year programme stating planned abolition of small HPPs in PAs, however it is feared that already issued concessions and signed contracts will not be abolished. Further, the green scenario of the Energy Strategy does plan for an additional hydro capacity (both from large and small HPPs) but does not clearly indicate the locations of the planned capacities. ➢ As a conventional OSA could still be severely delayed in 2021, Eko-Svest proposes to coordinate and carry out online consultative sessions and meetings with all relevant stakeholders and prepare a report based on these consultations. A futher delay of an OSA could be dire for the situation and slow down the improvements in legislation and conservation activities.
Authority's report 26 November 2020	Concerning **2013/1 Mavrovo:**

	➢ Recommendation 184 (2015) refers to the preparation of an SEA Study of the Management Plan of the Mavrovo National Park, which will cover the cumulative impacts of the hydropower facilities provided in the Mavrovo NP. For the preparation of this, it is necessary to adopt the Study for revaluation of NP Mavrovo, in which the protection zones of the park will be defined. Based on the Study, the Law on re-announcement of NP Mavrovo for protected area should be prepared, and then the Management Plan of NP Mavrovo should be prepared, followed by preparation of the Strategic Assessment Study. ➢ The activities in fulfilling the Recommendation are at a standstill and in anticipation of the OSA mission of the Bern Convention. ➢ Concerning the OSA and having in mind the current situation with the Covid crisis and the unpredictability of the development of the situation, the authorities believe that in cooperation with the Secretariat of the Bern Convention, it is necessary to carry out the planned activities in the scope of the mission with a phased approach. The phased fulfillment would mean that all those administrative activities would take place online, in anticipation of the opening of the possibility for field activities, which would take place possibly in 2021. ➢ Accordingly, it is necessary to make an appropriate change in the Terms of reference of the mission. Concerning **2015/2 Bats in Bogdanci Wind Park (complaint on s-b):** ➢ Refers to previous report sent, and request that the process to close the case begins. Concerning **2017/2 Lake Ohrid (complaint on s-b):** ➢ During the Session of the Government of the Republic of North Macedonia from 17.11.2020 the following decisions were made: ➢ Nomination of Lake Ohrid and Studencishko Blato to the World Ramsar List and submission of the application file to the Secretariat of Ramsar Convention no later than December 2020; ➢ Decision on the acceptability of the proposal for declaring the site Studencishko Blato a protected area in the category. ➢ Within the current GEF / UNEP project: "Achieving biodiversity protection through the creation and efficient management of protected areas and integrating biodiversity into land use planning", in July 2020 activities were launched for preparation of a Valorization Study and a Draft Management Plan for the Lake Ohrid Nature Monument. The activity will be conducted by the Regional Office of the IUCN for Eastern Europe and Central Asia in cooperation with the MoEPP and UNEP, with the participation of international and national experts. IUCN ECARO will apply best international standards for protected areas, including its own best practice guidelines. ➢ The Republic of North Macedonia regularly submits reports on the progress in fulfilling the UNESCO recommendations for the Ohrid region. ➢ Having in mind the scope and levels of protection in the Ohrid region, at the moment the progress of activities in the process of implementation of the Plan for management of the world natural and cultural heritage of the Ohrid region is being prepared and adopted.
Standing Committee December 2020	➢ The Committee took note of the updated information of the national authorities, who were still strongly in favour of the consultative OSA and stressed that progress had been low this year as they were awaiting expert assistance from the Bern Convention. ➢ took note of the information of the complainant, expressing its concern that although no actual construction has begun, development processes continue yet there has been no progress on a SEA for the HPPs. It also noted that the new government plans to abolish small HPPs in Protected areas, but it is unclear whether already existing contracts will be revoked.

	➢ The EC recalled that North Macedonia is a candidate EU country and is thus expected to fully transpose and start implementing the relevant EU acquis. The application and implementation of SEA and Environmental Impact Assessment (EIA) legislation, as well as of the Habitats and Birds directive will be closely examined in the upcoming screening process in the context of accession negotiations. The Commission also expressed its support of the advisory OSA in this context. ➢ The Committee expressed its appreciation of the initiative shown by both parties as well as the spirit of cooperation shown by the national authorities to actively involve civil society. It mandated the Secretariat and Bureau to consider the idea to replace the traditional OSA with online consulative sessions with stakeholders, should the former remain unfeasible in the course of 2021. ➢ The Committee again urged the national authorities to suspend all developments, concession and permitting processes for new HPP projects, to ensure comprehensive and transparent SEAs. ➢ Progress on the case should be evaluated at the first Bureau meeting in 2021.
Secretariat action Dec 2020 – April 2021	➢ The Secretariat, in line with the 40th SC decision, revised the draft ToR and shared them with the national authorities. Following consultations with them and the complainant, the **draft ToR were agreed to on 24 March.** ➢ The Secretariat, in consultation with the authorities and complainant, **identified 2 independent experts** (protected areas/hydrology and large carnivores) who would be charged with undertaking the advisory mission. Furthermore, it was decided to **initiate desk research and several online meetings** with stakeholders starting in May 2021. Lists of stakeholders were being elaborated. The feasibility to hold a physical visit later was continuing to be assessed.
Bureau meeting 14-15 April 2021	➢ The Bureau took note of developments in terms of preparations of the on-the-spot appraisal of which the mandate had been reiterated at the 40th Standing Committee. It also recalled that the Committee had urged that the mission should take place as soon as possible, ➢ The ToR had been approved and allowed for virtual meetings with stakeholders and online desk research. This virtual aspect was scheduled to take place in May/June, and meanwhile the opportunity to hold the on-site part of the mission later in the year was being constantly reviewed. ➢ The Bureau appreciated the good progress in organisation of the mission in spite of the pandemic restrictions, and particularly commended the national authorities and complainant for their excellent ongoing cooperation with the Bern Convention Secretariat. It supported the proposal to draft recommendations for the national authorities and for the Standing Committee's possible adoption even if the on-site aspect of the mission cannot take place.
Online advisory mission May 2021	➢ Meetings were held between all concerned stakeholders and the two independent experts. The experts have sent a request of follow-up questions to the national authorities, and will work on the draft report and draft recommendations by September.
Bureau meeting 15-16 September 2021	➢ Thanked both parties and all involved stakeholders for their excellent cooperation during the OSA, and asked them for a continuing engagement with the Secretariat and experts until the process has been finalised. ➢ Looked forward to hearing presentations from both parties and the independent experts on the mission and consulting the draft recommendation during the Standing Committee. If any progress would already be achieved by then, it would be a most welcome update for the Standing Committee.

Standing Committee Nov/Dec 2021	➢ 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 ToR 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 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). ➢ 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.
Complainant's report February 2022	**1. On Point 1 of Rec 211 (2021):** On concessions, no concrete updates, although the Govt announced that they expect cancellation of some of the projects in Shar Mountain NP. **2.** Re: prohibition of hydropower plants in World Heritage Sites, no particular progress. **3.** During the 2nd half of 2021 the Ministry was proactively engaging with CSOs who prepared a set of comments and recommendations for amendments of the Water Law. These comments were in general taken on board by the Ministry when preparing the new version of the Water Law, which was recently published for public consultation. The newly proposed law introduces the definition of environmental flow and addresses other important issues around the use of water sources for electricity production. **4.** With the new establishment of the Public Entity National Park Shar Mountain, the Govt has ensured budget funding for this PA. However, to our knowledge, no budgetary support has been enabled for other PAs. The Nature protection programme for 2022 has not been published yet. **5.** Re: EIA standards, no particular progress. **6.** The relevant institutions have met to discuss the next steps around the valorisation study, but there has not been any actual acceleration of the process. **7.** The Law on the determination of the legal status of illegal objects has reached Parliament, however it was taken off the agenda with the intention to organize a supervisory hearing on the implementation of the previous such law. The rationale for this is the uncertainty of the actual number of objects in question and their exact location in relevance to the zoning in protected areas moreover, lack of data about the implementation of the previous law could lead to inefficient legal solutions. The process should be initiated in the next month and the process would be finalized within 6 months ideally.

	8. Re: management of PAs, no particular progress. **9.** Although there was initial progress with the spatial planning process, to our knowledge, no CSOs have been invited to take part in the working group established by the Ministry. The Law on urbanization was not properly consulted with public and after the reaction from CSOs, the State Anti-Corruption Commission organized a public debate on the draft law. However, the law has regretfully not taken on board the need to harmonise with nature protection and environmental legislation. It is expected that the law will go through a public consultation process. In the last few months, plans for development of large infrastructure projects in various PAs (ski resorts, highways, roads and tunnels) were publicly promoted by state authorities. **10.** Re: legislation framework related to spatial and urban planning, no progress (see above point). **11.** Re: Conservation Action Plan for Balkan Lynx, no progress. **12.** Re cooperation between NPs, no progress. The work around the identification of two pilot corridors within the ecological network conducted in 2021 by the Ministry was a good start but there has been no update on the next steps of this project since summer 2021. **13.** WWF Adria through the work of Eko-svest in the country has initiated several workshops in the last quarter of 2021 to establish cooperation among various institutions and stakeholders and joint development of positions around the management and financing of protected areas. We are happy to share with you the outcomes of these workshops as agreed statements from the participants.
Bureau meeting April 2022	➢ The Bureau thanked the complainant for the update report and noted the lack of a governmental report, while recalling that it had been a short amount of time since the adoption of Rec 211 (2021) on conservation measures within national parks in North Macedonia. ➢ Was concerned about the ongoing threat of development of large infrastructure projects in various PAs across the country, and asked for further clarification on the status of the law on legal objects. It, however, welcomed some signs of progress in implementation of the Rec, and in particular acknowledged some better collaboration between stakeholders, but encouraged even more, for example in the spatial planning process. ➢ The Bureau requested that the authorities send a report for the next meeting highlighting progress since Rec 211 (2021) was adopted and reacting to the complainant report. Subject to reception of a governmental report and depending on the progress achieved, the Bureau could consider proposing to the Standing Committee to reduce the File to an annual monitoring.
Authorities report Aug 2022 ***(Mavrovo & Ohrid)***	On Rec 211 (2021) ➢ **Point 1**: For all infrastructure projects in PAs, Emerald and outside them, according to national legislation that is harmonised with the EU, a procedure for an SEA and EIA is conducted which determines the impact on the environment and recommends measures to reduce the impact on the environment. A project has been launched by the EEA, the DG – ENV and the CoE, which in cooperation, as an obligation of the Bern Convention, will support the progress in establishing the Emerald Network in the countries of the Western Balkans. ➢ **2**: The adoption of a new Law on Nature is in process, which is approximated by the Birds and Habitats Directive, and introduces the possibility of implementing a procedure for proper assessment on nature, which is an obligation from Article 6 of the Habitats Directive. ➢ **3**: Pursuant to Article 120 of the Law on Water in 2018, a Proposed Methodology for determining the minimum acceptable water flow and groundwater level was developed, where a minimum water flow and groundwater level is maintained in each surface water body, that is, a body of underground water. The purpose is to ensure the protection of public health and safety, preservation of the natural balance of aquatic and terrestrial ecosystems, preservation of landscape characteristics and support of the chemical, physical and ecological condition of water bodies.

	➢ **4**: For the new NP Shar Mountain, €100,000 has been provided from the state budget for the initial functioning of the national park. A determination of the state of the ecosystems at the national level has been carried out, with special emphasis on PAs. A report has been prepared for the assessment and mapping of ecosystem services at local level for the Monument of Nature – Vevcanski Springs. Stakeholder trainings were conducted on issues related to ecosystem services. Legislation to establish a payment for ecosystem services is being improved. 50% funding was provided for several PAs for activities from their management plans. ➢ **5:** The Ministry is in communication with the ECT in order to find the fastest applicable solution for the transposition of directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment in the national legislation. Opinions are regularly given on EIA procedures from the aspect of nature protection. ➢ **6:** MOEPP is intensively seeking financial resources for the preparation of a new study or revision of the existing study for the valorization of NP Mavrovo. ➢ **7:** The law on the legalization of illegally constructed buildings is in parliamentary procedure. the Proposal was adopted by the Government at the proposal of the Ministry of Transport, with the aim of finalizing the illegal constructions used for housing, as a socio-economic measure. At the request of the Ministry, the scope of this law is limited only to buffer zones and zones for sustainable use in protected areas, where infrastructure is permitted according to the Law on Nature Protection. In that sense, at the request of the MOEPP, in the draft-law that has been accepted, it was also stipulated that any legalization in the above-mentioned zones will be carried out after obtaining the consent from the MOEPP, for which an assessment will be made on a case-by-case basis, whether a certain facility meets the criteria (type of housing), whether it affects natural values and whether it is in compliance with other planning documents, before its legalization is approved. Legalization of objects in active management and strict protection zones is not allowed. ➢ **8:** The EU/UNDP Project "Improving the Management of Protected Areas" was implemented, and aimed to improve nature protection and promote sustainable use of natural resources, while increasing the capacity of managers, local authorities and NGOs to manage and promote PAs. 25 project applications for PAs and potential Natura 2000 sites were selected. The EBRD project supporting the "Biodiversity Capacity Building Program" was implemented. The aim of the project is to promote good international practices in the country and support state institutions, state enterprises responsible for development, design, construction and/or operational infrastructure, civil society, biodiversity consultants and academic institutions in order to build capacities for assessment and management of biodiversity and protected areas. Trainings were held with stakeholders. A special module of the training program was held, specifically designed according to the management needs in PAs, designed as a training for 30 Rangers. ➢ **9:** The new spatial plan of North Macedonia is being prepared, which will include all programs, strategies and other strategic documents that were prepared for all separate fields. Also, as a planning document of the highest rank, it will provide guidelines for the further development and adoption of planning documents of a lower level, such as spatial plans for PAs and other planning-urban plans of a lower level. ➢ **10:** With the preparation of the new spatial plan of the state, the new Law on Spatial Planning will be prepared in parallel. ➢ **11:** Great progress has been made with the preparation of the National Red List for mammals according to the IUCN methodology, including the RL for Lynx lynx balcanicus. Work is also being done on the ecological corridors of the Balkan lynx: Bukovikj (Sretkovo) and Bukovikj (Kolari) as a continuation of the cross-border ecological corridor Mavrovo (MK) – Korab Koritnik (AL) – Munela mountain (AL) as well as the ecological corridors of the bear, the wolf, and propably also the Balkan lynx: Selecka Mountain, Dren – Vitoliste and Kozjak (Pletvar) as part of the larger ecological corridor Nidze – Kozuf – Jakupica.

	➢ **12:** At the moment, the activity for the Transnational exchange platform for the management of large carnivores in the Dinaric region is being realized. The main goal of this project is to establish an international platform for the management of large carnivores with representatives from eight countries of the Dinaric region. ➢ **13:** A regional EU project is being implemented: the EPPA for the Western Balkans and Turkey. Representatives participate in regional workshops for the exchange of information and best practices for managing illegal logging and timber trade, IAS and green infrastructure and ecological connectivity and for the implementation of the EU Trade Regulation with wild plants and animals and for the EU Pollinators initiative. We are actively involved in the Regional Biodiversity Working Group. The Green Agenda for the Western Balkans has been developed, where in cooperation with DG NEAR and DG ENV, the regional approach and improvement with biodiversity management at the regional level will be actively worked on. Transboundary cooperation with Albania and Greece for nature protection is being promoted within the gramework of the Prespa-Ohrid Nature Fund (PONT), which included PAs. ➢ According to the above report on the progress of activities, the Government of North Macedonia requests that the recommendations be considered and changed, as follows: Regarding recommendation no.1, please find our proposed changes to the recommendation: To prevent the implementation of the disputed planned hydropower plants and related infrastructure on the territory of the National Park Mavrovo, until the realization of the advisory mission from the Bern Convention with physical presence and revaluation and re-proclamation of the National Park Mavrovo. ➢ the Government of North Macedonia welcomes the realization of an advisory mission from the Bern Convention with a physical presence in Lake Ohrid and NP Galicica
Complainant's report August 2022	On Rec 211 (2021) ➢ **Point 1**: In progress. Negotiations with investors are still ongoing with some potential positive outlook for cancellation of contracts for several sHPPs in Mavrovo NP and Shar Mountain NP. No new concessions have been issued. ➢ **2**: No progress. ➢ **3**: In progress. The Ministry of environment organized a public hearing for the draft Law on Waters. The draft Law published has not yet been adopted. ➢ **4 & 5**: No new progress. ➢ **6:** In early phase of implementation. Eko-svest organized a coordination meeting for the Ministry of environment and the NP Mavrovo authority to discuss the details on the new/updated valorization study. The Ministry has informed that they have secured funding to support the process for the preparation of the new study and the new Management plan. However, no action has started yet. There seems to be clarity on the process from both sides. The funding comes from the Government of Italy, but a contract has not been signed yet. ➢ **7:** During the coordination between institutions on the process of reproclamation of Mavrovo, the option for a temporary moratorium of new construction activities was discussed. However, the Ministry will need to prepare a legal provision or a mechanism for this to be effective. The draft Law on regulating the status of illegal objects has not been adopted yet, Parliament has announced that a supervisory hearing will be organized to address the gaps in data and to help them in finalizing the Law. ➢ **8-13:** No particular progress to our knowledge.

Bureau meeting September 2022	➢ welcomed the generally good progress highlighted in the government report and their apparent willingness to follow the Recommendation, and it called for even more urgent action as regards some of the most critical aspects: cancelling small hydropower plant concessions, Balkan lynx, National Park funding, cross-border collaboration, and continuing cooperation with civil society. ➢ On this last point, the Bureau noted that the complainant had not referred to several of the activities highlighted by the government, and had reported on other aspects which the government had not, and so the Bureau wondered if this meant that there was not a good communication between both parties- it asked for clarification. ➢ In response to the government request to modify the recommendation until an on-site appraisal has been made, the Bureau recalled that it is not the practice of the Standing Committee to alter Recommendations without a strong reasoning. It further recalled the lengthy discussions at the 41st Standing Committee and decision not to recommend a further on-site visit. ➢ The Bureau, while acknowledging that some of the aspects of Recommendation 211 (2021) relate also to the open case-file of Lake Ohrid and Galichica National Park, asked that the government of North Macedonia send two distinct reports for these two case-files in the future. ➢ The Bureau appreciated the efforts of the government to implementing the Recommendation and decided to recommend to the Standing Committee to reduce the file to an annual monitoring. ➢ The file remains open and both parties would be invited to present progress in the implementation of Recommendation 211 (2021) as well as any other relevant updates on the case at the 42nd Standing Committee.
Complainant's report November 2022	On Rec 211 (2021) ➢ **Point 1**: The Government of North Macedonia recently revoked 7 concessions for small hydropower plants in the newly proclaimed Shar Mountain National Park. No new concessions have been issued. No ban on new projects has been adopted. SHHPs have received water permits and concessions based only on a so called Environmental study, which are not subject to public hearing or to any public consultations. Moreover, one third of all issued concessions for small hydro power plants are in protected areas ➢ **2**: No progress. In response to govt report: the new draft version of the Law on nature has been prepared since 2018. If the Law prescribes the ban of HPPs in PAs and implementation of new international standards for their prohibition including the due diligence for PA, the draft articles should be shared with the Complainant and the Bern Convention. ➢ **3**: The MoE organized a public hearing for the draft Law on Waters but it has not yet been adopted. The draft version of the Law includes a definition of the ecological flow. No bylaws have been prepared to define the methodology for determining the ecological flow. ➢ **4:** With the exception of the newly proclaimed national park Shar Mountain, none of the other protected areas receive budget funding. Moreover, some protected area managers who apply to receive budget funding from the Ministry of environment's investment programme are refused funding. ➢ **5**: No new progress. ➢ **6:** At the time of the preparation of the previous report we were informed that funding had been secured. However, the information that we have at the moment is that the funding is not yet secured. The amount estimated for this activity is EUR 200 000. ➢ **7:** A change in the construction law was recently adopted with a shortened procedure, enabling non-polluting industry to receive construction permits (or legalization of objects) if they invest in renewable energy projects (solar rooftops). It is unclear if this provision is also valid for protected areas and if so if there are any additional provisions taking into consideration the Bern Convention recommendation.

	➢ **8:** In some PAs there has been a visible progress with staffing, in others there has been no particular progress. Shar Mountain NP recently employed expert staff (forest engineers). In most PAs (except national parks) there are no certified rangers in place. PA managers (municipalities) have limited funding and no permission for new employments or creation of new departments responsible for nature protection and monitoring. ➢ **9:** The preparation of the spatial plan is ongoing, however no public information is available on the process to date. ➢ **10:** no progress. ➢ **11:** The Balkan Lynx Conservation Action plan has not been updated and adopted. No state funding is available. ➢ **12:** Several ongoing CSO-led projects to facilitate cross border cooperation between North Macedonia, Albania and Kosovo are contributing to the improved cooperation among protected areas. ➢ **13:** There was a meeting between the State authorities (Working group for the Bern Convention) and Complainant CSOs held on 7.11.2022 regarding both open case files for North Macedonia. However, at the meeting the progress for each of the recommendations was not discussed, nor further information was shared about the status by the State authorities. Eko-svest proposed that regular meetings (at least once a quarter) are held to update both parties on the progress and status for each point of the recommendations. ➢ **Complainant urges to:** Cancel the remaining three concessions in Mavrovo NP, Accelerate the adoption of the new Law on nature, immediately start the process of reproclamation of Mavrovo NP by initiating public consultations and desktop analysis of existing documentation, start the process of update of the Balkan Lynx Conservation Action Plan, start the process of preparation of the methodology for determination of ecological flow in cooperation with civil society organisations, and establish regular coordination and consultation between State authorities and CSO Complainants.
43rd Standing Committee 2022	➢ Took note of activities of the Government such as efforts to ensure a budget for adoption of the Study for the Revalorisation of the Mavrovo Protected Area; termination of seven concession agreements for small HPPs in Shar Mountain NP; establishment of a WG for Bern Convention issues; ongoing adoption procedure of a new Law on Nature; and initiatives for large carnivores especially the Balkan lynx and Brown bear. ➢ Took note of information of the complainant that some progress had been achieved, but much more was needed, most importantly the cancellation of concessions in Mavrovo which was blocking all of the following processes related to studies, plans, draft laws, etc. Speeding up other aspects such as state funding of national parks, ensuring no further legalisation of objects, improving environmental capacities, collaboration amongst national parks as well as between different levels of governance and civil society, and related to the action plan for the Balkan lynx were also stressed. ➢ Commended the authorities for the progress made during the last year with regard to implementation of Rec No. 211 (2021), and especially welcomed the news that the Government had recently revoked seven concessions for small HPPs, an example that should be fallowed in Mavrovo national Park. It stressed, however, that more concrete and quicker progress was needed, and in particular, in relation to the aspects referred to by the complainant, to: ☐ cancel the remaining three concessions in Mavrovo NP (Zhirovnica 5 and 6 and Ribnicka sHPP); ☐ accelerate the adoption of the new Law on nature; ☐ start the process of reproclamation of Mavrovo NP by initiating public consultations and desktop analysis of existing documentation; ☐ start the process of updating the Balkan Lynx Conservation Action Plan; ☐ start the process of preparation of the methodology for determination of ecological flow in cooperation with civil society organisations; and

	establish regular coordination and consultation between the State authorities and CSO Complainants. ➢ Taking note of the progress received and apparent willingness of the Contracting Party to take action, decided to reduce the file to an annual monitoring (Autumn Bureau and Standing Committee).
Govt report August 2023	➢ From the current budget of the MOEPP for 2023, part of the financial resources for the preparation of the Valorisation Study of NP Mavrovo have been provided. Discussing are ongoing with donors on how to provide the entire budget for the preparation of the Valorisation Study and Management Plan. ➢ Within the framework of the EU project: Improving the capacities for Natura 2000 and CITES, activities have started to supplement the SDF as well as thematic trainings for the management of Natura 2000 areas, in which representatives from NP Mavrovo and the NGO sector also participate. ➢ Funds have been provided for co-financing 50% of activities for operational costs for nature protection for the PI NP Mavrovo from the PONT Nature Fund and they will be available from the time the re-proclamation process with the National Park of Mavrovo is completed. ➢ The MOEPP has started a process for joining the LIFE Union Programs, which would allow the application of projects in the area of nature. ➢ The MOEPP in cooperation with UNEP Program Office in Vienna is launching an important initiative together with CMS, to list the Eurasian lynx in Appendix II and the Balkan lynx (as a subspecies of the Eurasian lynx), in addition to Appendix II, also in Appendix I. ➢ A meeting is regularly held with the petitioner of the lawsuit, NGO EcoSvest, where they are informed about the current progress.
Comp report Sept 2023	➢ the Government at its 127th session in February 2023 adopted a decision to cancel the concessions for the 2 planned HPPs Zhirovnica 5 and 6. It obliged the Ministries of economy, finance and environment and physical planning to establish a Committee and propose how to regulate the cancellation of the contract with "Hydrogen Energy DOO Skopje". Ribnichka HPP remains with a valid contract. However, at the same session, concession contracts were extended for 3 sHPPs located in the new NP Shar Mountain (Pena 85 and 85 extended to 25.11.2024 and Vejachka to 20.05.2023). Between January and June, 12 concession contracts were extended with an annex. Some of the locations of the HPPs are nearby PAs. ➢ Not noted any progress with the Law on nature, as it has not been published for public consultations. ➢ The study for valorization of the values of Mavrovo has been initiated and a memorandum between the MoEPP, the NP Mavrovo authority, the Global Conservation and the Macedonian Ecological Society was signed on February 4, 2023. The purpose of the memorandum is to regulate the support provided to the NP Mavrovo authority to complete an updated/revised study for the valorization of the values of Mavrovo NP. Partial state funding was allocated for this activity, and the study is in process of preparation. ➢ there has been no progress with the Balkan Lynx Conservation Action Plan. ➢ There has been little progress with the Water Law which was amended during 2022 and went through public consultations and the final draft is awaiting the approval at the Parliament. In the final version of this Law, the ecological flow was generally defined, replacing the previous "biological minimum". Eko-svest was recently awarded a grant from PONT to support the river management in the NPs of Mavrovo and Shar Mountain. Within this project they will work with experts to prepare the draft methodology for ecological flow. ➢ In general we remain in communication with the Nature Department in the MoEPP, but on the topic of the open case file there were no specific meetings held.
Bureau September 2023	➢ noted that the process to cancel the concessions for the two HPPs Zhirovnica 5 and 6 had been initiated by the government, but that other concessions had been simultaneously extended, and it urged the government to implement Rec 211 (2021) by cancelling concessions of all HPPs in PAs.

	➢ noted some progress with regard to financing, in particular that the MoEPP had provided part of the budget toward preparation of the Valorisation Study of Mavrovo NP, and that PONT was involved in providing grants for the river management of the NPs of Mavrovo and Shar Mountain, as well as in negotiations to provide the budget for Mavrovo once its re-proclamation process has been completed. ➢ noted that an MoC between the key stakeholder organisations had been signed, and the valorisation study was in the process of preparation. ➢ noted that several projects were ongoing or planned with the EU including trainings on management of Natura 2000 areas. An important initiative with UNEP/CMS to add to the CMS lists the Eurasian lynx in Appendix II and the Balkan lynx in Appendix I was also under preparation. ➢ welcomed certain progress of the authorities, but reiterated the statement of the 42nd StC that more rapid progress was needed in certain areas, such as in cancellation of all remaining HPP concessions in PAs, and acceleration of various processes such as the reproclamation of Mavrovo NP, Valorisation Study, Law on Nature, Balkan Lynx Conservation Action Plan, and methodology for determination of ecological flow.
Govt report October 2023	➢ MoEPP in cooperation with the Public Institution NP Mavrovo, the Macedonian Ecological Society and Global Conservation, signed Memorandum of Cooperation in April with the aim of revision/supplement of the Study for the revaluation of NP Mavrovo (2011), revision of the Catalog (List) of species registered on the territory of NP Mavrovo as well as the development of a Draft-Management Plan with NP Mavrovo. This would enable MoEPP to continue the procedure for the proclamation of Mavrovo as a PA and further develop and adopt the Management Plan. New thematic reports on the current state of natural heritage (biodiversity, elements of geodiversity, habitats, hydrology, landscapes, and others) have been prepared. ➢ MoEPP in cooperation with the European Commission, marked the first LIFE DAY on October 17, 2023. ➢ The Scientific Council at the Secretariat of the CMS supported the adoption of the proposal to include the Eurasian lynx (*Lynx lynx*) in Appendix II and the Balkan lynx (*Lynx lynx balcanicus*) in Appendix I of the CMS.

2017/2: NORTH MACEDONIA: ALLEGED NEGATIVE IMPACTS TO LAKE OHRID AND GALICHICA NATIONAL PARK CANDIDATE EMERALD SITES DUE TO INFRASTRUCTURE DEVELOPMENTS

Date submitted	9th November 2016
Submitted by (Complainant)	Environmental Citizens' Association "Front 21/42" and Center for environmental research and information "Eko-svest"
Respondent State (Respondent)	North Macedonia
Specie/s or habitat/s affected	80 species from the Bern Convention Appendices (out of which 42 on Appendix II and 38 on Appendix III)
Background to complaint	➢ Lake Ohrid and Galichica National Park are officially nominated as Emerald Sites from Macedonia (codes MK0000001 – Galichica and MK0000024 – Ohridsko Ezero ➢ In 1979, Lake Ohrid and the City of Ohrid were declared as World Natural and Cultural Heritage site, protected by UNESCO "Natural and Cultural Heritage of the Ohrid region". Because of the extraordinary biodiversity and the international significance, in 2014 Galichica National Park and Lake Ohrid became part of the UNESCO World Network of Biosphere Reserves "Ohrid-Prespa". ➢ Planned massive infrastructure development within the territory of Galichica National Park and Lake Ohrid shore in Macedonia will cause irreversible damage to the flora and fauna in the National park and lake. ➢ Development plans include 1) ski center and resort, 2) Expressway A3, 3) Marina, and 4) several touristic development zones– including drying of the last remaining marsh "Studenchishte" for the construction of an elite settlement ➢ Complainant believes that North Macedonia violates Article 2, Article 3 paragraph 2, Article 4 and Article 6 and Article 7 of the Bern Convention ➢ At the 40th session of the UNESCO World Heritage Committee in Istanbul the Committee adopted Decision (No. 40 COM 7B.68) noting in paragraph 4: *"with concern that a number of large-scale infrastructure projects have been proposed within the property and that the conclusions of the impact assessments of the proposed Galichica Ski Centre, the A3 road, the Railway corridor VIII and Highway A2 demonstrate that these projects would be likely to cause significant potential impacts on the Outstanding Universal Value (OUV) of the property, and considers that these projects appear to represent a potential danger to the property, in line with paragraphs 179 and 180 of the Operational Guidelines"*. ➢ Additionally the Committee in paragraph 9 of the Decision further requests "the State Party to submit to the World Heritage Centre, by 1 February 2017, a report on the state of conservation of the property and on the steps taken to implement the above recommendations, for examination by the World Heritage Committee at its 41st session in 2017, with a view to considering, in the case

	of confirmation of the ascertained or potential danger to OUV, the possible inscription of the property on the List of World Heritage in Danger". ➢ Various plans necessary for the implementation of the projects are at different stages of amendments/adoption: 1. Amendments of The Management Plan for Galichica National Park (enables the Ski resort, the expressway and three Touristic Development Zones) is in the final stage of adoption by the Management Board of Galichicha National park. Regarding the project A3 expressway pending loan for National Roads programme includes A3 expressway and detailed project design is underway; 2. The General Spatial Plan for Ohrid that enables urbanization of the Studencishte marsh is adopted by the Municipality of Ohrid and construction work (a 12m wide pedestrian street) has already begun; 3. Six Urban Development Plans enabling concrete platforms in the lake upon which several Touristic Development Zones and at least one petrol station are to be built - three plans are already adopted (Marina, St. Stefan and Daljan); three are in final stage of adoption (Lagadin, Gradishte and Trpejca).
Joint World Heritage Centre/ICOMOS /IUCN Reactive Monitoring mission to the World Heritage property Natural and Cultural Heritage of the Ohrid Region, 9th-14th April 2017	➢ The mission considered that the general state of conservation of the mixed property "Natural and Cultural Heritage of the Ohrid region" – is currently impacted upon by a number of factors which could represent a potential danger to the Outstanding Universal Value of the property in accordance with paragraphs 179 and 180 of the Operational Guidelines and cause its authenticity and integrity to become vulnerable. ➢ The mission recommends providing the State Party with an opportunity to address these concerns and to implement the mission recommendations, but if these actions are not completed 5 promptly the property may soon meet the conditions for inscription on the List of World Heritage in Danger. ➢ Link to the full report of the mission: http://whc.unesco.org/en/documents/158740/
Authorities' report March 2018	➢ The newly established Government of North Macedonia is fully committed to the preservation of the integrity of the natural and cultural property in the Ohrid region and undertakes concrete steps, in accordance with the UNESCO recommendations and Bern Convention ➢ Confirms the status of the two areas (Lake Ohrid and Galichica NP) as candidate Emerald sites ➢ In the Progress Report on the implementation of the recommendations according to the World Heritage Committee Decision 41 COM 7B.34, they inform on the progress in terms of drafting the Strategic Environmental Assessment (SEA) of the Draft Management Plan for the Natural and Cultural Heritage of the Ohrid region with the scope of the strategic assessment, which provides for a comprehensive assessment of the cumulative impacts of all infrastructure and development plans and other major projects envisaged in the boundaries of the property, the progress in relation to the envisaged infrastructure projects – construction of the A3 Expressway and the Galichica ski Centre, as well as the envisaged Pan-European Corridor VIII and the A2 motorway

	➢ Parliamentary and local elections were held in North Macedonia, which resulted in changes at central and local level, and which had an impact on the timeframe and slowed down the activities for acting upon the WHC Decision ➢ The preparation of the Strategic Environmental Assessment (SEA) of the envisaged infrastructure projects within the boundaries of the properties which, according to the recommendations of the Mission, should be prepared in the Management Plan for the Natural and Cultural Heritage of the Ohrid region is still in the initial stage. For the purpose of providing a more complete and comprehensive assessment of the environmental impact, it was decided that the Management Plan for the Natural and Cultural Heritage of the Ohrid region is necessary to revised first. The connection of the revision of the planned infrastructure projects that should likewise be incorporated in the proper manner in the Management Plan, imposed the need for a certain period of time to harmonize these planning documents. This activity is fully supported by the Government of North Macedonia, which obliged the Ministry of Culture to prepare a Strategic Environmental Assessment (SEA) of the Management Plan for the Natural and Cultural Heritage of the Ohrid region, including the envisaged infrastructure projects within the boundaries of the property with which the process of preparation of the SEA began. They can be fully implemented after the revision and upgrade of the Management Plan ➢ The revision of the Management Plan for the Natural and Cultural Heritage of the Ohrid region with the preparation of the SEA of the Plan is planned to be completed by October 2018, after which they will be submitted to the UNESCO World Heritage Centre ➢ The public institution National Park Galichica prepared and harmonized the necessary documents that informed the Government of North Macedonia on the need to halt the process of amending the Management Plan for the National Park Galichica and the maintenance of the internal zoning with the Secretariat for Legislation at the Government of North Macedonia, in accordance with the UNESCO Decision. In this manner, the intention to halt the previously initiated process for amending the Management Plan for the National Park Galichica was stated, which was supposed to enable a new zoning of the National Park, thus enabling the construction of the mentioned projects (Ski Centre and A3 expressway). After the adoption of the proposed information by the Government of North Macedonia (which is expected to occur in the shortest period possible), the public institution National Park Galichica, that is, its Management Board, will adopt a Decision to halt the process for amending the Management Plan for the National Galichica Park in a legally prescribed procedure. This would mean keeping the existing zoning of the National Park Galichica and removing the possible negative impact on the Outstanding Universal Value. ➢ Regarding the infrastructure projects, that is, the construction of the A3 expressway, the Ohrid- Peshtani section (as the second stage in the construction of the section Peshtani-border with the Republic of Albania), due to the recommendations contained in the Report prepared by the Mission of UNESCO, ICOMOS and IUCN, as well as due to the sensitivity of the projects in terms of the environment, cultural heritage, biodiversity and protection of the Ohrid region and the National Park Galichica, they were cancelled in accordance with the request of the Government of North Macedonia, the founder of these projects – European Bank for Reconstruction and Development (EBRD) withdrew the package of funds that were intended for the above mentioned projects and used them for rehabilitation of the state road network in North Macedonia outside the boundaries of the Ohrid region. ➢ In order to complete the construction of the highway on European Corridor VIII and provide a fast, safe and modern transport, the Public enterprise for State Roads of the Republic of North Macedonia, taking into consideration the recommendations given in the Report prepared by the Mission of UNESCO, ICOMOS and IUCN, is working on the completion and finalization of several segments of the technical documentation for the project for construction of the highway A2, section Trebenishta – Struga.

	➢ On the railway from European Corridor VIII, which will be financed by the European Union, inform that it is supposed to establish a connection East-West from the Republic of Bulgaria through the Republic of North Macedonia to the Republic of Albania, that is, to connect the Adriatic and the Black Sea through the territory of the Republic of North Macedonia. ➢ In order to fully implement the recommendations of the Mission (preparation of an alternative study on alternative routes) a new corridor is required, which would mean a new agreement between the Republic of Albania and North Macedonia for the harmonisation of the new connection. For this, it is necessary to prepare a new study, a new conceptual design and a new basic project. However, taking into account the international – European dimension of Corridor 8, this would mean that the whole process, for which many international agreements and acts have likewise been signed, would be significantly slowed down. Nonetheless, the Government of North Macedonia remains committed to the process for maximum protection of the Natural and Cultural Heritage in the Ohrid region, especially the possible impacts of the ecosystem of Lake Ohrid.
Complainant's report March 2018	➢ The crucial legal instrument and base for all plans and strategies - the Law on Management of the World Natural and Cultural Heritage in Ohrid Region, adopted in 2010, is still just a pile of paper without implementation and enforcement ➢ Analysis conducted on this law, in 2017, resulted with identification of the gaps which prevent the full transposition of the UN Convention, as well as the obstacles to the implementation and enforcement of the law ➢ Requested a Public Oversight Hearing1 for the implementation of the "Law on Ohrid Region" at the Assembly Commission on Culture - still hasn't been scheduled ➢ Failing to first amend the law and remove the obstacles to its implementation results in incomplete and/or inappropriate crucial documents, including the much needed Management Plan for the WH property ➢ Unnecessary administrative delays - the Decision to stop the previous illegal change of the Management Plan for the NP Galicica is a great example of these unnecessary administrative delays. There is no legal obstacle for the Board of the NP Galicica to adopt a decision to stop and abandon the process of amending the plan, this is a simple, one meeting of the Board, activity, clearly regulated in the related law. However, our Government decided to: adopt a decision to assign the Ministry of Environment to inform the NP Galicica about the necessity of halting the process of amending the Management Plan ➢ December 2017 the Government of North Macedonia created a working group for preparation of an action plan for the UNESCO recommendations. The Ministry of Culture informed us that this group already drafted the action plan by mid-January 2018. The action plan is not publicly disclosed, but having in mind the short period of its preparation, we are worried about the quality of the activities envisioned in this plan ➢ Another great concern we have is related to the intention of our authorities to revise, instead of abandon, the destructive infrastructure plans for the region. The intention to first revise the projects and then revise the draft Management Plan (which should regulate which projects can and cannot be implemented in the property) brings necessary delays and waste of resources, in our view

	➢ Last, but not least, we want to confirm our previous concern about the strategic environmental assessment – this crucial step for proper nature protection, as well as for early and meaningful participation of all related stakeholders, remains to be avoided and/or conducted as a pure legal formality.
Bureau March 2018	➢ Thanked the complainant for indicating the issues facing the candidate Emerald sites and the national authorities for the report they provided to UNESCO/WHC following their visit and shared with the Bureau members; ➢ Instructed the Secretariat to liaise with UNESCO WHC on the issue and it will revert back to the case at its September meeting and decide what role the Bern Convention can have on the case, in view of avoiding double work and efforts.
Bureau September 2018	➢ The Bureau thanked the complainant for the updated report on the case. It noted with concern the on-going activities affecting the coastal regions of the Lake and the alleged lack of implementation of the WHC/IUCN Recommendations. ➢ The Bureau instructed the Secretariat to approach again the WHC and to insist on a joint decision on the role the Bern Convention could play in this file. ➢ The Bureau will revert to this case again at its upcoming meeting in March 2019. The national authorities and the complainant are requested to send updates on activities put in place to implement the WHC/IUCN Recommendations.
Bureau March 2019	➢ The Bureau instructed the Secretariat to seek cooperation with the World Heritage Committee, to request progress reports to both the authorities and the complainant organisation and hopes to be able to discuss the case at its next meeting in September 2020 and to find a way forward for the complaint. ➢ This complaint is moved to the category on stand-by.
Complainant's report August 2019	➢ The candidate Emerald sites - National park "Galichica" and the Natural monument "Lake Ohrid", were discussed during the 43rd UNESCO World Heritage Committee session in Baku, Azerbaijan in July 2019. ➢ The World Heritage Center and its advisory bodies noted that no progress had been made and that the Ohrid region meets the criteria for inscription on the List of World Heritage in Danger. ➢ The decision to list the property to the World Heritage in Danger List will be again discussed on the next Committee session in 2020. Our government was given additional 7 months to report progress on the previous Committee decisions and the 2017 UNESCO Reactive monitoring mission recommendations. ➢ After the World Heritage session, Municipality of Ohrid proceeded with its plans for urban transformation within the Ohrid region and the protected area of the National park Galichica. ➢ almost 1500 illegal constructions are located on the territory of the Municipality of Ohrid. According to the same statement half of them are located within the National park Galichica and the Lake Ohrid shore. ➢ The 2017 UNESCO Reactive monitoring mission reflected that the "increased urbanization along the coast and in the upper parts of the national park caused fragmentation and destruction of habitat, increased interference with natural resources (particularly water), and pollution (e.g. solid waste, construction debris, waste waters, air pollution, noise)"

	➢ It also noted that the "inappropriate urban development may impact water pollution, degradation or fragmentation of riparian habitats, and alteration of the lake landscape. ➢ In January 2019, the Public Enterprise the National park "Galichica" started a procedure for revision of the existing Management plan for the period 2010 – 2020. The new management plan should cover the period of 2020 – 2030. ➢ Lake Ohrid has no revalorization of the natural values (expert and scientific assessment of the value of natural heritage for the purpose of confirming, extending, enhancing or reducing the protection and zone determination. ➢ Having this in mind, it is requested to have the case on the agenda of the Standing Committee in 2019.
Bureau meeting 9-10 September 2019	➢ The Bureau thanked the complainant for the report. It noted that due to the lack of report from the authorities, it was difficult to discuss in a meaningful way. ➢ It further noted that the Secretariat of the Convention has successfully established contacts with the World Heritage Centre and hoped that this can lead to a closer cooperation on cases of joint interest for both organisations. ➢ The Bureau reminded again that in the frame of the Open case file 2013/1: North Macedonia: Hydro power development within the territory of Mavrovo National Park, an expert mission is going to take place in 2020 in the country. It requested the Secretariat to consider broadening the scope of the mission and to allow for the mission to also collect information from both the authorities and the Complainant and NGO community on this specific case. The Terms of Reference of the mission could also include discussions on the protection and status of all other candidate Emerald network sites in the country.
November 2019	➢ In line with the decision of the Bureau in September 2019, a draft terms of reference proposed for a Bern Convention advisory mission to 3 areas of North Macedonia which have ongoing case files (Open case-file - Complaint No. 2013/1 - Mavrovo National Park, Complaint on stand-by No. 2015/2 – Bogdanci, and Complaint on stand-by No. 2017/2 - Lake Ohrid and Galichica National Park) will be submitted for consideration by the Standing Committee in December 2019.
Authorities report, November 2020	➢ During the Session of the Government of the Republic of North Macedonia from 17.11.2020 the following decisions were made: ➢ **Nomination of Lake Ohrid and Studencishko Blato to the World Ramsar List** and submission of the application file to the Secretariat of Ramsar Convention no later than December 2020; ➢ Decision on the acceptability of the proposal for **declaring the site Studencishko Blato a protected area** in the category. ➢ Within the current **GEF / UNEP project**: "Achieving biodiversity protection through the creation and efficient management of protected areas and integrating biodiversity into land use planning", in July 2020 activities were launched for preparation of a Valorization Study and a Draft Management Plan for the Lake Ohrid Nature Monument. The activity will be conducted by the Regional Office of the IUCN for Eastern Europe and Central Asia in cooperation with the MoEPP and UNEP, with the participation of international and national experts. IUCN ECARO will apply best international standards for protected areas, including its own best practice guidelines. ➢ The Republic of North Macedonia regularly submits reports on the progress in fulfilling the **UNESCO recommendations** for the Ohrid region.

	➢ Having in mind the scope and levels of protection in the Ohrid region, at the moment the progress of activities in the process of implementation of the **Plan for management of the world natural and cultural heritage of the Ohrid region** is being prepared and adopted.
Standing Committee decision December 2020, related to open-file 2013/1 on Mavrovo	➢ The **advisory OSA concerning Mavrovo NP and other Emerald Network sites** should take place as soon as possible in 2021, with a possible virtual element due to the ongoing Covid-19 pandemic. Lake Ohrid and Galichica NP should be taken into account. ➢ Progress on the two other "complaints on stand-by" concerning North Macedonia should be evaluated at the first Bureau meeting in 2021.
Complainant report March 2021	➢ In December 2019 a joint **WHC/ICOMOS/IUCN advisory mission**, and in January 2020 **reactive monitoring mission** took place. Although the WHC Committee meeting was postponed giving the authorities an extra year to improve the situation, this did not happen. The unconfirmed conclusion of the missions is that serious threats remain due to poor management and legal implementation, thus **the Site may be inscribed on the List of World Heritage in Danger.** ➢ Here follows brief **analysis of progress of the 17 recommendations of the WHC**, also relevant for this case: ➢ REC 1: According to the publicly available information, a comprehensive comparative study of **alternative routes for the European Corridor VIII railway** hasn't been initiated, the plan to continue with the initial project is still valid. ➢ REC 2: There is not sufficient information as to whether the Advisory mission recommendations on the **A2 highway** were implemented in any way. To our knowledge, no new project to pair the A2 highway and the railway exists. ➢ RECS 4&5: These 2 projects (sub-sections of A3 road and a ski resort), both in the National Park Galichica, **have been formally canceled** and, to this day, remain to be the only examples of implementation of the recommendations. ➢ REC 6: Despite the three municipalities within the World Heritage area adopting Decisions for a moratorium, they were crafted in a way to allow **continuation of all planned projects**. In practice a lot of development continues, notably hotels, ports, restaurants, industrial zone, beaches. Of particular concern is planned **reconstruction of Quay Macedonia,** despite no EIA or legal proceedings. Also, a **new Marina in Studenchishte Marsh,** the last intact marshland habitat on the lakeshore, crucial as a filter to the lake, but also a habitat of valuable species, including many endemic ones. ➢ REC 7: The **Management Plan for Ohrid Region** was adopted in January 2020 and it is implemented by the same, ineffective, management body (the Ohrid Region Management Commission), there are no specific obligations for monitoring and reporting on the implementation, and it is no surprise that after one year, nothing has been done. The Management Plan will have to be revised once the **new law on Managing the World Natural and Cultural Heritage** of Ohrid Region is adopted. A **Valorization Study for Lake Ohrid** is also in a process of creation/adoption. Status of the **Lake Ohrid Watershed Management Plan** is unclear, but yet again no public participation was permitted. **Management Plan for National Park Galichica** is another plan in a process of adoption, and is more positive than that of Ohrid. **Management Plan for the Coast of Lake Ohrid** has been announced, but so far we only have an information that it's been prepared by the Ministry of Transport and Communications.

	➢ It is vital that all of these plans will be aligned together with better coordination from the government- decisions from international conventions, such as the **Bern Convention, become even more significant** for the conservation of the valuable habitats and numerous species of the Emerald candidate sites Lake Ohrid and Galichica National Park. ➢ REC 8: **The SEA and cumulative effects for the Ohrid Region Management Plan** have not been implemented ➢ REC 9: In relation to **illegal constructions within the property**, the Government in 2021 proposed legal framework, that not only ensures continuation of the already started procedures for legalisation and expansion with new requests, but undermines the rule of law. It seems that the **authorities have no intention to conduct EIAs for the illegal constructions**, prior to removal. Public information on the inventory of illegal constructions and public participation in the decision process for removal of the illegal buildings with negative impact, are the only way to ensure rule of law and prevent corruptive practices ➢ REC 10: The Management Plan for Ohrid Region proposes a **buffer zone** that does not include Prespa Lake, but includes the remaining part of Galichica NP. The Draft MP for Galichica NP doesn't incorporate the proposed buffer zone for the WH Site. ➢ REC 11: No changes were made in the work and functioning of **The Commission for Management of the Natural and Cultural Heritage** of the Ohrid Region ➢ REC 12: A **Trans boundary Watershed Management Committee with Albania** was established, but so far it hasn't had a meaningful role for the protection and conservation of the property. No joint monitoring programmes have been established. ➢ REC 13: During 2020, several activities were undertaken for **rehabilitation of the wastewater collector system**, but this recommendation has not been fully implemented, as activities are expected to continue in 2021. ➢ REC 15: There is an EU/UNDP project for **re-diverting Sateska River**, so far there is a feasibility study, but no actual works on the ground have started. ➢ REC 16: Bukovo landfill and other **illegal dumping sites** haven't been cleaned and closed up, there is no functional communal waste collection system. ➢ REC 17: No measures have been taken for the **invasive species**; there is no regular bio monitoring programme; poaching continues to be a problem. ➢ In conclusion, the authorities over the last years have made empty promises but no concrete actions and the exceptional natural values of the areas are in dangersous decline. Propose that **opening this case by the Bern Convention Standing Committee** can play a crucial role in the prevention of irreversible, to a point of no return, transformation and damages to Lake Ohrid and National Park Galichica.
Bureau meeting 14-15 April 2021	➢ The Bureau recalled that an on-the-spot appraisal (OSA) in the context of open case-file 2013/1 concerning hydropower plant development in Mavrovo National Park is planned for the next months, and should take into account the two sites of this complaint. ➢ The Bureau however took seriously the claims of the complainant that, despite two monitoring missions of the UNESCO World Heritage Centre in 2019 and 2020 as well as its conclusions of 2017, little concrete progress has been made on the 17 recommendations, the area was at risk of being inscribed on the UNESCO List of World Heritage in Danger, and in general the natural values of Lake Ohrid and Galichica National Park were in a state of constant decline.

	➢ The Bureau requested that the national authorities respond comprehensively to the claims of the complainant as well as provide information on the 17 recommendations of UNESCO for its next meeting. Furthermore, pending results of the OSA and response of the authorities, the Bureau could consider elevating this complaint at its next meeting. ➢ The Bureau also instructed the Secretariat to liaise with the secretariats of UNESCO and the Ramsar Convention to request information on their parallel processes.
Ramsar update June 2021	➢ The Ramsar Secretariat is pleased to inform that Lake Ohrid has been added to the List of Wetlands of International Importance ('Ramsar Sites') on 15 February 2021. The Ramsar Site covers the lake surface, and its boundary follows the shoreline with the additional inclusion of the Studenchishte Marsh, the locality Sveti Naum and parts of some wetlands near the lake shore, details cf. here. The Recommendations following the joint UNESCO/IUCN/ICOMOS Reactive Monitoring Mission in 2017 cover issues that might affect the ecological character of the Ramsar Site, i.e. the wetland part of the World Heritage property. The Convention on Wetlands therefore follows the work of the Bern and World Heritage Conventions and remains available for coordinated actions and responses.
Complainant's report August 2021	➢ The experts' assessment that Ohrid Region fulfills the criteria to be inscribed on the **List of World Heritage in Danger** was confirmed by UNESCO and reflected in a Draft Decision, but due to an Amendment submitted by Bosnia and Herzegovina, Ohrid was not inscribed as a World Heritage in Danger. The final text of the adopted Decision is not available but it was clear that Ohrid Region wasn't inscribed on the List of WH in Danger. ➢ This was despite 34 organizations from North Macedonia and Albania recommending such a step, but once more the WHC decided to discard the expert assessment of the scientists. ➢ Despite a **moratorium on urbanisation** in 2017 until new plans are in place, in reality there are so many exceptions that there is no effect. In March 2021, the Municipality of Ohrid adopted a new document stating that all further urbanization within the municipality will be in compliance with the Management Plan for Ohrid Region; it also states that it's not valid for construction and reconstruction of infrastructure objects and public interest projects. Once again the list of exceptions is long long as to make the decision irrelevant. ➢ The impact of this Decision is evident in the procedure for **adoption of one of the latest new urban plans** - Gorica North, which started in April 2021 and envisages construction of motels, hostels, weekend houses, restaurants and bars, roads, etc. on around 17ha; close to Studenchishte Marsh. The SEA process was conducted by the investor instead of the municipality of Ohrid, which is a violation of the Law on environment, as well as an example of conflict of interest –an Initiative to the Anticorruption Commission regarding this issue has been submitted. But most complaints are ignored. ➢ The local authorities and central government constantly break laws, but blame one another for the situation. ➢ In May 2021 **Studenchishte Marsh and Lake Ohrid were designated as the third and largest Ramsar Site** in N. Macedonia. The Law on proclamation of Studenchishte Marsh as a Park of Nature was published for public consultations in July. This is a positive step towards better conservation of this vital part of Lake Ohrid eco system and valuable habitat on its own, however the Draft Law doesn't propose a buffer zone (so all planned urban plans and projects in the close vicinity of the marsh can continue). ➢ Right before the 44th Session of the WHC, the **Minister of Environment proclaimed a temporary protection for the marsh and Lake Ohrid** This decision is a positive step, but at the same time it doesn't include any obstacles for the Gorica North urban plan, the Touristic Complex Gorica and the new hotels near Biljanini Springs.

	➢ The 2nd version of the Draft valorization Study for Lake Ohrid was shared with stakeholders in July. There were some improvements, primarily in the enlargement of the zone of strict protection and inclusion of a list with key species. However, this is a very general observation based on a brief analysis. ➢ The new **Management Plan for NP Galichica** is not adopted yet, but the process is moving towards finalization –replies were received to comments, and most were accepted. However, it remains to be seen if and how they'll be incorporated in the final version. ➢ In a previous update it was stated the problem with the **Raft Floating Restaurant** in the strictly protected area of St. Naum springs, enabled by the Contract between NP Galichica and a private company: an SEA confirmed the negative impact, including on the rare Marsh Angelica species, but a reply to a annulment of contract to NP Galichica was not yet received. ➢ A recent investigative article in the media revealed a serious negative impact of the existing **small HPP on River Koselska** – largest tributary to Lake Ohrid and also one of the greatest pollution sources for the lake. According to the story, the small HPP almost dries out the river and greatly affects the lives of local community, which is afraid to voice their concerns following threats and even "a friendly advice" to keep quiet, from the state inspector they invited. ➢ Regarding UNESCO's requests for **alternative routes for the European Corridor VIII railway,** requests for information on the project and alternative routes did not result in the required information, and the conclusion is that a comprehensive comparative study of alternative routes for the railway hasn't been initiated, the plan to continue with the initial project hasn't changed, the project has been completed and discussions for IFI's financing are on-going. ➢ In relation to UNESCO's request to **upgrade the existing road between Struga and the Albanian border**, rather than tracing a new highway, in view of the fragility of the environment in that part of the property, and to the closeness of the lake, an entirely unconstitutional law was passed allowing the company to construct the road without any requirement to adhere to national or international environmental guidelines and laws. The Anticorruption Commission submitted an Initiative to the Constitutional Court in late July 2021. ➢ The situation of illegal constructions continues, and empty declarations on removal of certain buildings are used to hide the serious issues ongoing.
UNESCO secretariat update August 2021	➢ UNESCO secretariat confirmed what was mentioned in the complainant report, that despite the draft decision to include the site on the **List of World Heritage in Danger,** a Bosnian amendment meant this decision did not go through. Indeed, the Committee substantially changed (watered down) the draft decision proposed, giving the State Parties more time to implement the different decisions and recommendations, despite more time having been already granted twice before.
Bureau meeting 15-16 September 2021	➢ Strongly regretted again the lack of a report from the national authorities, and deeply concerned with the very negative picture painted by the complainant of the situation on the ground with numerous worrying developments. ➢ Thanked the Ramsar Convention for their update and common concern, especially on the lack of a buffer zone for the Ramsar site; and the UNESCO secretariat for their update, and added its concern over the decision to not inscribe the site on the List of World Heritage in Danger despite the strong justifications to take this step. ➢ Further recalled that the online advisory mission for Mavrovo National Park had also taken into account this complaint, and that during the meeting it was clear that this complex situation may require its own dedicated mission.

	➢ The complaint remains on stand-by. The Bureau decided to exceptionally bring this complaint to the agenda of the 41st Standing Committee where both Parties could present their position, and the independent expert for the Mavrovo mission could present the findings on this case. The national authorities were urged to provide a report ahead of this meeting responding to all of the allegations of the complainant, and also commenting on the Draft Law on Proclamation of Studenchishte Marsh as a Nature Park.
Standing Committee Nov/Dec 2021	➢ 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 of Mavrovo and the proposal of the complainant backed by several Contracting Parties and NGOs, decided to mandate an OSA to these sites to take place during 2022. This mission and its ToR 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 ToR and join the OSA if they so wished. Furthermore, eventual recommendations could build on those of the newly adopted Bern Convention Rec 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. ➢ Both parties were also requested to send update reports to the first Bureau meeting of 2022.
Complainant report February 2022	*Concerning legalisation of illegal constructions:* ➢ In July 2021 the Assembly adopted the extension of the old Law for legalisation of illegal constructions (without any restrictions for illegal constructions within any PAs, as long as MoE gives a positive opinion); then in February 2022 the Government sent to the Assembly the final version of the new (parallel) Law on legalisation of illegal constructions. The new law stipulates that all legalisation procedures started under the old law will be completed accordingly- meaning over 20,000 illegal buildings within Ohrid Region can be legalised by March 2026. ➢ The new law significantly expands the scope of illegal constructions eligible for legalisation. As of now, only illegal constructions built before March 2011 can be legalized, with the new law this eligibility stretches to: those built between March 2011 – January 2021. ➢ This is all totally against the UNESCO recommendations. ➢ Municipality of Ohrid has approved legalisation of: 100 illegal constructions in Nov. 2021; additional 31 illegal constructions were legalized in Dec. 2021. ➢ There are also many illegal constructions for which demolition orders have been issued years ago, but they are still intact today. All these constructions can be legalised under the new law.

	Draft Amendments to the Law on Urban Planning: ➢ In January 2022 the Ministry of Transport and Communications published draft amendments which would add urbanisation as a public interest activity, thus making it much easier to justify urbanisation projects over environmental or cultural heritage- this is very dangerous for nature in NM. ➢ Mandatory EAs are also at risk in certain villages. ➢ Zoning laws can also be circumnavigated by the new law, meaning all zones can be considered construction zones. ➢ The Ministry of Transport tries to disable the citizens to legally challenge urban planning programmes (the first step in the urbanization) and urban projects. A large number of civil society opposed these amendments and called for a public hearing. This was granted, but signals from the MoT and MoE are not promising. *New Draft Law on Studenchishte Marsh:* ➢ On 02.02.2022 a new version of the Draft Law for Proclamation of Studenchishte Marsh as a Park of Nature was published, the public hearing is scheduled for 23.02.2022. This version is almost the same as the previous one (there is no buffer zone, the proposed management body is Municipality of Ohrid, etc.). The only new provision is that the owners of the properties within the Marsh will participate in the determination of the allowed activities in the zone of sustainable use. There are 27 properties owned by private citizens and during the public hearing for the Urban Plan Gorica North it was clear that they greatly support urbanisation of the area, just like the Municipality of Ohrid does. We are afraid that if the decision-making is left solely to the Municipality of Ohrid and the owners of the properties, urbanisation is imminent not only in the surrounding of the Marsh, but within the site as well. *Further urbanisation – recent developments:* ➢ On the Urban Plan for Gorica North – One of the many legal breaches in this document and the process of its creation was that the SEA expert was hired and paid by the investor, instead of the Municipality, as the law states. Because of this, an application was submitted for a conflict of interest to the State Commission for Prevention of Corruption. In January 2022 the Commission informed that they opened a case file based on the application and investigation is on-going. ➢ On Gorica East area 1 - this plan is also not in compliance with the WH MP as it envisages urbanisation outside of the existing towns and settlements, but the SEA expert assessed that it is in compliance with the MP and is a beneficial urban plan. This expert was also illegally engaged by the investor,. We've submitted several letters and a complaint against MoE (for issuing a Decision for spatial planning, necessary for the development of the urban plan); we've also participated in the public hearing and sent written comments (end of November 2021), but received no reply to the comments. ➢ On Gorica East area 2 – in January 2022 the Decision for spatial planning was issued by MoE envisaging urbanisation of 15.7ha with housing units; business, commercial, recreational and memorial facilities, infrastructure, etc. (currently un-urbanized area). We submitted a Complaint against MoE for issuing a Decision for spatial planning for this plan, thus enabling further urbanisation and degradation of Ohrid Region, contrary to the WH Management Plan and the Law on Managing WH Ohrid Region.

	➢ Other urbanisation projects appear to be illegally going ahead, such as weekend houses in Radozda, Struga; a new hotel near Biljanini Springs; urban plan, Ramne (NP Galichica); and a new hotel being constructed in Ramne. Information which must be published regularly online is rarely available. *Strategic and other plans/projects* ➢ On the Corridor VIII (highway and railway) – several steps towards realisation of this project were taken: in Dec. 2021 the Govt constituted a Committee for negotiations for the implementation of this major infrastructure project; also in Dec. 2021 the Constitutional Court rejected the State Commission for Prevention of Corruption's application for an assessment of the constitutionality of the special law for "Bechtel and Enka", the company which will build the highway in Corridor VIII; in February 2022 the Government discussed transformation of agricultural land into a construction land (needed for Corridor VIII) including transformation of the section Trebenishta – Podmolje – Ohrid, which goes through the WH Ohrid Region. ➢ On the Management Plan for St. Naum complex - in December, during one of the sessions of the WH Management Commission, we learned that the Government asked Public Enterprise NP Galichica to deliver a special Management Plan for the St. Naum complex by May 1st 2022. Concerning the floating platforms restaurant at St. Naum springs allowed by MoE's positive opinion, following calls, the Govt didn't approve renewal of the contract between NPG and Ostrovo and the discussion at WH Management Commission ended with almost all members being in favor of closing down the restaurant and restoring the site to its natural state. ➢ On the Municipality of Ohrid Strategy for tourism development (2020-2025) and Strategy for rural development (2022-2027) – Draft versions of both strategies, together with draft SEA reports had been published on 15.02.2022, public hearings are scheduled for 09.03.2022. *Other Issues* ➢ An area of 10.000 m2 reed belt, between Struga and Kalishta was burned down; Since the beginning of the year the police had 9 actions against poachers caught with illegal catchment of endemic Ohrid trout; Ohrid SOS reported an alarming lake pollution from wastewater being discharged directly into the lake at Mazija; Owner of a construction company which was reported for dumping construction waste into Lake Ohrid (but the prosecution dropped the charge against the company and charged only the responsible persons), also owner of an illegal restaurant in Ohrid and illegal asphalt base (which was demolished in 2020), was appointed as a member of the Municipality of Ohrid Commission for Environmental Protection. ➢ WH Management Commission finally opened its sessions for all interested stakeholders (legal obligation from the Law on Managing WH Ohrid Region). We took part in all 4 opened sessions and are happy to report that the Commission put on the agendas and discussed all the issues we've raised with them; On 17.02.2022 Municipality of Debarca published the Draft SEA for the project for re-diverting river Sateska into its natural streambed. The project has been dragging for years and this step towards (hopefully) soon implementation in real life is a very positive one.
Bureau & Secretariat action regarding OSA, Spring 2022	➢ The Bureau and Secretariat drafted a ToR for the OSA and shared it with the parties. The complainants provided some suggestions which were transferred to the government. So far the government has not responded within the deadline, although the Secretariat was informed that it is in the process of forming a committee to oversee this OSA process. ➢ The Ramsar Convention has expressed its willingness to join this OSA. UNESCO WHC has also asked to be kept informed of proceedings, and could possibly also join.

Bureau meeting April 2022	➢ The Bureau thanked the complainant for the progress report, but strongly regretted again the absence of an update from the authorities of North Macedonia, noting that is has been a year and a half since any report has been received from them. ➢ Expressed its deep ongoing concern at the multiple issues raised by the complainant in their report, almost all of which go against the UNESCO WHC recommendations and go in the wrong direction in terms of protecting the fragile environment in these areas. These issues related to the legalisation of illegal constructions, draft amendments to the Law on Urban Planning, new draft Law on Studenchishte Marsh, further urbanisation developments, strategic plans/projects (highway, railway, tourism development), and on-the-ground illegal actions. ➢ Again urged the govt to take a holistic and long-term approach when planning projects in these WH and candidate Emerald sites, as short-term financial gains will not transform into long-term success once the nature and beauty of the areas have been irreversibly damaged. ➢ Again urged the authorities to follow the UNESCO recommendations and last Bern Convention Standing Committee decision, and in particular to halt any project implementations until the on-the-spot appraisal (OSA) and its results have been completed later this year. ➢ Was informed by the Secretariat that the draft ToR for the OSA had been shared with both parties, with only the complainant having provided feedback within the deadline. The government had informed however that they were in the process of forming a committee to oversee this OSA process. Furthermore, the Ramsar Convention and UNESCO WHC has expressed interest in joining this OSA. ➢ The Bureau urged the national authorities to provide feedback and agree on the terms of reference as soon as possible so as not to delay this mission any further.
Authorities report Aug 2022 ***(Mavrovo & Ohrid)***	On Rec 211 (2021) ➢ **Point 1**: For all infrastructure projects in PAs, Emerald and outside them, according to national legislation that is harmonised with the EU, a procedure for an SEA and EIA is conducted which determines the impact on the environment and recommends measures to reduce the impact on the environment. A project has been launched by the EEA, the DG – ENV and the CoE, which in cooperation, as an obligation of the Bern Convention, will support the progress in establishing the Emerald Network in the countries of the Western Balkans. ➢ **2**: The adoption of a new Law on Nature is in process, which is approximated by the Birds and Habitats Directive, and introduces the possibility of implementing a procedure for proper assessment on nature, which is an obligation from Article 6 of the Habitats Directive. ➢ **3**: Pursuant to Article 120 of the Law on Water in 2018, a Proposed Methodology for determining the minimum acceptable water flow and groundwater level was developed, where a minimum water flow and groundwater level is maintained in each surface water body, that is, a body of underground water. The purpose is to ensure the protection of public health and safety, preservation of the natural balance of aquatic and terrestrial ecosystems, preservation of landscape characteristics and support of the chemical, physical and ecological condition of water bodies. ➢ **4**: For the new NP Shar Mountain, €100,000 has been provided from the state budget for the initial functioning of the national park. A determination of the state of the ecosystems at the national level has been carried out, with special emphasis on PAs. A report has been prepared for the assessment and mapping of ecosystem services at local level for the Monument of Nature – Vevcanski Springs. Stakeholder trainings were conducted on issues related to ecosystem services. Legislation to establish a payment for ecosystem services is being improved. 50% funding was provided for several PAs for activities from their management plans.

	➢ **5:** The Ministry is in communication with the ECT in order to find the fastest applicable solution for the transposition of directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment in the national legislation. Opinions are regularly given on EIA procedures from the aspect of nature protection. ➢ **6:** MOEPP is intensively seeking financial resources for the preparation of a new study or revision of the existing study for the valorization of NP Mavrovo. ➢ **7:** The law on the legalization of illegally constructed buildings is in parliamentary procedure. the Proposal was adopted by the Government at the proposal of the Ministry of Transport, with the aim of finalizing the illegal constructions used for housing, as a socio-economic measure. At the request of the Ministry, the scope of this law is limited only to buffer zones and zones for sustainable use in protected areas, where infrastructure is permitted according to the Law on Nature Protection. In that sense, at the request of the MOEPP, in the draft-law that has been accepted, it was also stipulated that any legalization in the above-mentioned zones will be carried out after obtaining the consent from the MOEPP, for which an assessment will be made on a case-by-case basis, whether a certain facility meets the criteria (type of housing), whether it affects natural values and whether it is in compliance with other planning documents, before its legalization is approved. Legalization of objects in active management and strict protection zones is not allowed. ➢ **8:** The EU/UNDP Project "Improving the Management of Protected Areas" was implemented, and aimed to improve nature protection and promote sustainable use of natural resources, while increasing the capacity of managers, local authorities and NGOs to manage and promote PAs. 25 project applications for PAs and potential Natura 2000 sites were selected. The EBRD project supporting the "Biodiversity Capacity Building Program" was implemented. The aim of the project is to promote good international practices in the country and support state institutions, state enterprises responsible for development, design, construction and/or operational infrastructure, civil society, biodiversity consultants and academic institutions in order to build capacities for assessment and management of biodiversity and protected areas. Trainings were held with stakeholders. A special module of the training program was held, specifically designed according to the management needs in PAs, designed as a training for 30 Rangers. ➢ **9:** The new spatial plan of North Macedonia is being prepared, which will include all programs, strategies and other strategic documents that were prepared for all separate fields. Also, as a planning document of the highest rank, it will provide guidelines for the further development and adoption of planning documents of a lower level, such as spatial plans for PAs and other planning-urban plans of a lower level. ➢ **10:** With the preparation of the new spatial plan of the state, the new Law on Spatial Planning will be prepared in parallel. ➢ **11:** Great progress has been made with the preparation of the National Red List for mammals according to the IUCN methodology, including the RL for Lynx lynx balcanicus. Work is also being done on the ecological corridors of the Balkan lynx: Bukovikj (Sretkovo) and Bukovikj (Kolari) as a continuation of the cross-border ecological corridor Mavrovo (MK) – Korab Koritnik (AL) – Munela mountain (AL) as well as the ecological corridors of the bear, the wolf, and propably also the Balkan lynx: Selecka Mountain, Dren – Vitoliste and Kozjak (Pletvar) as part of the larger ecological corridor Nidze – Kozuf – Jakupica. ➢ **12:** At the moment, the activity for the Transnational exchange platform for the management of large carnivores in the Dinaric region is being realized. The main goal of this project is to establish an international platform for the management of large carnivores with representatives from eight countries of the Dinaric region. ➢ **13:** A regional EU project is being implemented: the EPPA for the Western Balkans and Turkey. Representatives participate in regional workshops for the exchange of information and best practices for managing illegal logging and timber trade, IAS and green infrastructure

	and ecological connectivity and for the implementation of the EU Trade Regulation with wild plants and animals and for the EU Pollinators initiative. We are actively involved in the Regional Biodiversity Working Group. The Green Agenda for the Western Balkans has been developed, where in cooperation with DG NEAR and DG ENV, the regional approach and improvement with biodiversity management at the regional level will be actively worked on. Transboundary cooperation with Albania and Greece for nature protection is being promoted within the gramework of the Prespa-Ohrid Nature Fund (PONT), which included PAs. ➢ According to the above report on the progress of activities, the Government of North Macedonia requests that the recommendations be considered and changed, as follows: Regarding recommendation no.1, please find our proposed changes to the recommendation: To prevent the implementation of the disputed planned hydropower plants and related infrastructure on the territory of the National Park Mavrovo, until the realization of the advisory mission from the Bern Convention with physical presence and revaluation and re-proclamation of the National Park Mavrovo. ➢ the Government of North Macedonia welcomes the realization of an advisory mission from the Bern Convention with a physical presence in Lake Ohrid and NP Galicica
Complainant report Aug 2022	**New development strategies for municipality of Ohrid with no sufficient time for public consultations** ➢ On 15.02.2022 the Municipality of Ohrid published **Draft Tourism Development Strategy** with Action Plan 2020-2025, with Draft SEA Report, and Draft Rural Development Strategy 2022-2027, also with related Draft SEA. The public consultations period for all 4 documents was 30 days, this period also overlapped with the public consultations for the Draft Law on proclamation of Studenchishte Marsh as a Park of Nature. The public had one month for 2 strategies, 2 SEA reports and 1 law. Front 21/42 submitted appeals asking for additional time for public consultations, which were rejected by the Municipality. Following this, on 20.05.2022 we submitted 2 lawsuits to the Administrative Court. At the time of writing this report we don't have a ruling from the court yet. ➢ One of our main concerns is the "New Town" development zone – **Studenchishte Marsh** is within this zone and the activities proposed as "opportunities for investments" include urbanization and construction of a new marina. If the Strategy is adopted as proposed, there won't be formal and/or legal obstacles for a **new marina** in the marsh, on the contrary – all relevant documents will support such project: one of the UNESCO WH Commission members also shared the same concern. ➢ Both the **Draft Strategy and Draft SEA Report** fail to mention the current vulnerable state of the values of the site (and the fact that IUCN and ICOMOS experts, and WHC confirmed twice that Ohrid Region fulfills the criteria to be inscribed on the List of WH in Danger). They also ignore the fact that UNESCO asked for a Strategic Recovery Plan. The Draft SEA Report lacks several other legally binding analysis, such as secondary and cumulative impact of the proposed activities, nor does it propose alternatives. ➢ MoE gave a positive opinion about the draft SEA Report of this strategy and then about the final report in May. The WH Ohrid Region Management Commission sent to the Municipality of Ohrid a long list of remarks (not a positive opinion). ➢ **UNESCO's recommendation** and the MP for the WH Ohrid Region envisage one OUV based Sustainable Tourism Development Strategy for the Site, in a trans-boundary context, as well as a Visitors Plan, Analysis of the uncontrolled tourism development impact and Evaluation of the carrying capacity, and Urban plan for the shore, none of which have even started except the latter. In short, the order of which plans/strategies are being developed is illogical.

	➢ The topic of the second strategy (and SEA Report) is **rural development** of the Municipality of Ohrid. Our main concern is that a significant focus is put on urbanization, there are new urban plans for almost all villages. A new ski center is proposed on the Plakenska Mountain– based on our consultations with biodiversity experts, who pointed out that the area is used for migratory paths of the Balkan lynx, we asked for a feasibility study on the presence of the lynx - the reply was that the request is accepted and will be incorporated in the strategy. The WH Management Commission gave an overall negative opinion for this strategy. ➢ To our knowledge, both draft strategies and SEA Reports are still in a process of adoption and there aren't final versions; for both documents the creators informed us that they've been sent to UNESCO for consultations. **Non-implementation of the management plan for the World Heritage Ohrid Region:** ➢ Almost all of the key activities from the Action Plan haven't been implemented, to our knowledge there is no coordination, nor monitoring of its implementation. ➢ The only 2 activities for which MoE is (one of) the responsible institutions, for which there is some progress are the Law on proclamation of Studenchishte Marsh as a Monument of Nature and the Revalorization Study for Lake Ohrid. These 2 documents closely relate to the Management Plans for Studenchishte Marsh and Lake Ohrid Management Plan, as well as to the appointing of the management bodies for the marsh and the lake. Our position is that both documents abound with issues, but at least there is some progress towards their realization. **Update on previously reported laws and documents** ➢ On the Studenchishte Marsh Law, a Public hearing was organized on 23.02.2022, during which the public was allowed only one question, any additional questions and/or comments were strictly silenced. MoE ignored our written comments for violation of public participation provisions during the public hearing; their position is that they agree with the zoning without buffer zone, as well as support the proposal for Municipality of Ohrid as a management body; the reply to our request to send the Draft Law to Ramsar Convention and UNESCO, was that they see no basis for such request and there is no need for consultation on the law with these 2 conventions. ➢ In June 2022, we sent 2 initiatives for inspection - 1 to the State Environmental Inspectorate (for specific breaches of the Law on Nature Protection) and 1 to the local construction inspector (for lack of mandatory permits). The State Environmental Inspectorate, as always, declined responsibility. The initiative to the construction inspectorate was more fruitful – the inspector visited the site and detected lack of mandatory permit for the construction; he issued a monition (notice) for removal of the platforms and if the owner doesn't remove them in the given timeframe, the inspectorate will issue a Decision for Removal. So far the restaurant platforms are intact and packed with visitors during the touristic season, but the deadline for removal hasn't been passed yet. **The urbanisation continues** ➢ On July 21st Municipality of Struga published a Draft SEA Report for a new urban plan near the village of Radozda, which envisages new houses for tourism development. The plan itself hasn't been published and there wasn't any information about a public hearing, or a deadline. We sent a request for publication of all necessary information and documents, as well as for a public hearing, and asked for the 30 days commenting period to start after the Municipality of Struga fulfills their legal duty. We haven't yet received a reply. This is one of several new plans and projects for this part of the lake shore, which is well on the way to be almost entirely urbanized. ➢ At a request from the Municipality of Ohrid, on July 8th the WH Management Commission discussed a new Detailed Urban Plan for village of Velestovo, not far from Studenchishte Marsh. The session was stopped during this discussion and we don't know whether an opinion was formed. On July 31st Municipality of Ohrid published a project programme for a new urban project which envisages construction of

	residential buildings (with rental flats, apartments and studios) in the village of Elshani, part of NP Galichica. Despite all legal violations (to which we pointed out in our comments, appeals, complaints, etc.) MoE gave positive opinion for the SEA Report for Gorica North urban plan – urbanization on the border of Studenchishte Marsh is now one step closer. Also in July 2022, the Municipality published the urban project for a new industrial zone near Leskoec (within the WH site, but not in the sensitive parts, such as NP Galichica or near the shore). ➢ In the period 16.03.-13.07.2022 Municipality of Ohrid legalized 158 illegal constructions. **Other issues** ➢ On 29.07.2022, in the area near the village of Radozda (Struga) the police discovered 17 fish nets with a total length of 3.400 m and a catchment of 66kg Salmo ohridanus and 12 pcs Salmo letnica (endangered endemic Ohrid trout). ➢ A large area of 400ha reed belt between Struga and Kalishta (1 of 9 biodiversity hotspots) was burned down in late March. The state environmental inspectorate visited the site, but nobody was charged. Soon after the "incident" the burnt area was levelled down (prepared for construction). Burning of the reed belt for construction purposes takes place quite often, especially in the Struga part of the shore. ➢ In March 2022, at the river Grashnica estuary, polluted fecal wastewater spilled into the lake. The State Environmental Inspectorate stated that the reason is probably mixing of the atmospheric and fecal water due to the heavy rainfall and snow melting. **Some good news** ➢ According to the media, starting from August 1st 2022, NP Galichica will implement a new project "St. Naum Springs – inventorization of biological characteristics and eco-system services, with financial support from UNESCO and Abrdn Charitable Foundation. The project envisages research and inventarization of the St. Naum Springs flora and fauna; evaluation of the species and habitats in accordance with the EU directives for habitats and invasive species; development of educational packages for various target groups about the biological, environmental and cultural characteristics of the area; evaluation of the state of the ecosystems and ecosystem services. Findings from the planned research and analysis will be integrated in the strategic documents of NP Galichica. ➢ After many years of stagnation there are (administrative) steps towards construction of the South-west Regional Landfill near the village of Novaci (out of the WH site), which will enable closing down of Bukovo and all other illegal landfills within WH Ohrid Region. ➢ During the previously mentioned UN workshop an information was shared that the Government asked for UN support for implementation of UNESCO's recommendations and discussions on this subject already started.
Bureau meeting September 2022	➢ remarked that while Recommendation 211 (2021) concerned this case-file in several aspects, the government was still not providing detailed information on the many issues raised by the complainant in their last reports. It asked that the government of North Macedonia send two distinct reports for the two separate case-files in the future. ➢ continued to be deeply concerned by the multiple allegations of the complainant and the seemingly worsening situation, with almost no positive steps, except for the St. Naum Springs project which the Bureau welcomed. ➢ reminded the government that this case-file had been opened at the previous Standing Committee which constituted a serious situation, and it again urged the authorities to follow the UNESCO recommendations and previous Bern Convention Standing Committee decisions,

	and in particular to halt any project implementations until the on-the-spot appraisal (OSA) and its results have been completed later this year. The fact that the areas related to candidate Emerald Network sites furthered the gravity of the case. ➢ Concerning the OSA, despite the government reiterating their support for this in their report, the Bureau was strongly concerned at the slow response to the repeated attempts at cooperation from the Secretariat, and that the timeframe to undertake the OSA ahead of the Standing Committee was growing very short. It urged the authorities to comply with the Standing Committee decision to have the OSA this year, and stressed again to the government that such a process aims to help all parties find solutions to the problems. ➢ The Bureau urged the national authorities to provide feedback and agree on the terms of reference as soon as possible so as not to delay this mission any further. It requested an update report for the 42nd Standing Committee which responds to the many issues highlighted in the last complainant reports. The file stays open.
Complainant report Oct 2022	➢ On 27.09.2022 the Government approved the final version of the **Draft Law on Studenchishte Marsh** and sent it to the Assembly for adoption. The approved version doesn't incorporate any of the CSOs comments. Once adopted, the law could significantly reduce any chance for the much needed restoration of the marsh. The only hope is that some MPs propose amendments during the adoption procedure. ➢ The first draft of the **Draft Management Plan for St. Naum Springs** was recently discussed at one of the WH Management Commission sessions. In general further tourism development in an area where it is already a major negative influence on the natural values is a concern. The WH Commission had many remarks for the first draft of this plan and there was a proposal to establish a working group which will assist NP Galichica in the development of this plan. The National Park staff made it clear that they are open for comments and suggestions from all stakeholders, which is also a very positive aspect in this early phase. ➢ Related to the **Draft Strategic Rehabilitation Plan for the World Heritage**, our general position was that it doesn't add anything to the documents and laws which already exist, except that it proposes new deadlines for activities that are envisaged in the WH Management Plan; it doesn't define any specific outcomes for the state of the OUVs; has no monitoring plan and doesn't have any indicators for the actual rehabilitation of the specific values which make Ohrid Region a world heritage site!; On 25.10.2022 a new draft version was published: the initial conclusion is that some of the comments the NGOs gave during the informal consultations were incorporated. This still remains to be properly analyzed though. ➢ Another set of **legalization of illegal constructions**, including ones in the 50m of lake shore and NP Galichica were adopted during September and October. ➢ Alarming discoveries about the **SEA reports** for various urban and other plans within Ohrid Region following a meeting with the MoE. ➢ The final version of **Lake Ohrid Valorisation Study** (adopted by the Government) allows speeding boats and scooters in the lake, unlike the previous publically available version, which envisaged a ban for these types of boats. The study and new law for proclamation of Lake Ohrid as a monument of nature haven't had public consultations yet, so there is still a space to influence this and other provisions.
ToR approved, Nov 2022	➢
42nd Standing Committee 2023	➢ took note of the activities of the Government such as elaboration of several plans and laws (draft Special Plan for the management of the Saint Naum complex, draft Strategic Plan for the rehabilitation of the natural and cultural heritage of the Ohrid UNESCO Region, Law on Studenchishte Marsh which is in a parliamentary procedure, Study and Draft Management Plan for the valorisation of Monument od

	Nature - Ohrid Lake, and draft law on re-proclamation of Ohrid lake), establishment of a working group for Bern Convention issues, and collaboration with the complainant Front 21. ➢ took note of the multiple concerns raised by the complainant almost all of which appeared to go against the UNESCO WHC recommendations and go in the wrong direction in terms of protecting the fragile environment in these areas. These issues related to the legalisation of illegal constructions, draft amendments to the Law on Urban Planning, new draft Law on Studenchishte Marsh, further urbanisation developments, strategic plans/projects (highway, railway, tourism development), and on-the-ground illegal actions. ➢ took note of the information of the Chair that the OSA had not yet taken place due to a delayed response from the Government to the draft ToR. In recent weeks the ToR (T-PVS/Files(2022)03) had finally been agreed upon, and it had also been agreed to go ahead with the OSA as soon as possible in Spring 2023 ➢ deeply concerned with the apparent deteriorating situation at the Lake Ohrid and Galichica National Park sites, and recalled that these candidate Emerald Network sites must be protected in line with Recommendation No. 208. ➢ It urged temporary postponement of the adoption of key documents until the OSA, and to halt any activities for further urbanisation and/or other constructions (including administrative procedures for these) and legalisation of illegal constructions, on or near the Emerald Network sites Lake Ohrid and Galichica, until the OSA takes place and its recommendations are adopted.
Standing Committee Nov/Dec 2022	➢ The Committee took note of the activities presented by the Government, of the multiple concerns raised by the complainant, and of the information of the Chair that the OSA had not yet taken place due to a delayed response from the Government to the draft ToR. Nevertheless, the ToR had finally been agreed upon, and it had been agreed to go ahead with the OSA as soon as possible in Spring 2023. IUCN, Ramsar and UNESCO could be invited as observers. ➢ The Committee was overall deeply concerned with the apparent deteriorating situation at the Lake Ohrid and Galichica National Park sites, and while awaiting the OSA and new official recommendations, the Standing Committee urged: ➢ temporary postponement of the adoption of key documents until the OSA (which may include the Ramsar Convention and UNESCO WHC); ➢ to halt any activities for further urbanisation and/or other constructions (including administrative procedures for these) and legalisation of illegal constructions, on or near the Emerald Network sites Lake Ohrid and Galichica, until the OSA takes place and its recommendations are adopted;
Complainant report March 2023	➢ **On the Draft Law on proclamation of Lake Ohrid,** in February 2023, the Ministry of Environment organised informal consultations with selected stakeholders for the Draft Law. Early consultations with stakeholders is a relatively new and appreciated practice. ➢ Concerns on the draft are that the base for the law is the Valorization Study for Lake Ohrid, which is an incomplete document that lacks even basic and legally binding data. Another particular concern is Article 15, which (among other things) stipulates that "construction… (and other activities) on the shore of the lake can be conducted based on an urban plan or urban planning documentation…" This article clearly leaves the door for further transformation/urbanization of the shore legally open.

	➢ One of the activities in the Strategic Recovery Plan for WH Ohrid Region is **integration of the Bern Convention OSA recommendations** into this law and during the informal meeting for the draft law the Deputy Minister of Environment confirmed that they have in mind the scheduled mission and the fact that this law, as well as the Valorization Study and Management Plan are included in the ToR. ➢ **On the Joint Strategic Recovery Plan for World Heritage Ohrid Region;** In February 2023 Joint Macedonian/Albanian Strategic Recovery Plan for the World Heritage has been adopted by the Government and submitted to the WH Centre, as part of the State of Conservation Report. The adopted version is notably improved, particularly the Action Plan and mainly thanks to the integrated comments from various stakeholders (especially Citizens' Initiative Ohrid SOS; our comments, comments from Hydro Biological Institute, Hydro meteorological Service of N. Macedonia, etc.). However, the plan still lacks crucial elements, in particular for the natural heritage. ➢ Key concerns relate to lack of expert analysis and lack of / unclear budgeting. In late December 2022, Front 21/42 and Ohrid SOS, and 6 NGOS from Albania submitted a Request for temporary postponement of the adoption of the Strategic Recovery Plan for WH Ohrid Region, which was rejected. ➢ **On urbanization and legalization of illegal constructions**: On 22.12.2022 the Municipality of Ohrid adopted a "Decision for implementation of existing urban plans and urban planning documentation, adoption for new urban plans and urban projects, and procedures for legalization of illegal constructions", against UNESCO recommendations. According to this Decision, all urban plans must be in compliance with the WH Management Plan, however there are exceptions for a wide range of projects, thus the decision has no real meaning. ➢ In the recent period, 66 illegal constructions were legalised, and 9 construction permits issued. Some of the information included in reports to UNESCO appears to have no basis in reality. ➢ **A draft Fishing Base for Lake Ohrid** and its watershed presented; public call for concession on Lake Ohrid fishing published before the adoption of the Fishing Base: the plans go against UNESCO recommendations, in particular allowing capture of endangered species. ➢ **On the State of Conservation Report in relation to the railway and highway**; on the railway, the EIB and EBRD expressed interest in funding the construction of this section with a remark that a new Feasibility Study is to be prepared for the section Struga – border with the Republic of Albania, including an alternative route, in order to comply with the recommendations given by UNESCO. This study is tentatively expected to begin in the course of 2024, but under the precondition of approval of the Technical Assistance Grant, which approval is expected to be given by the end of 2023. There is also a mention of a "comparative study for the Corridor 8 railway and an option for paring the railway and highway in one tunnel near Struga". ➢ **On the highway,** about 250 million Euros is allocated in the 2023 State Budget for the construction of Corridor 8 highway and the Minister of Transport announced that the construction will start this spring.
Bureau March 2023	➢ noted the information of the complainant concerning the Draft Law on proclamation of Lake Ohrid as a Monument of Nature and its related Valorisation Study and Management Plan, on the Joint Strategic Recovery Plan for World Heritage Ohrid Region, on the urbanisation and legalisation of illegal constructions, on a draft Fishing Base for Lake Ohrid, and on the State of Conservation Report in relation to the railway and highway. ➢ While the government was starting to involve relevant stakeholders more in the processes, overall the Bureau was still deeply concerned with the deteriorating situation, and the apparent disparity between information sent to the UNESCO WHC and the reality on the ground.

	➢ pleased to note that the preparations for the OSA were going well, and that it was scheduled for the week of 24th April.
Secretariat action Spring 2023	➢ The OSA took place on 25-27 April where site visits and meetings took place with representatives of national governmental authorities of North Macedonia, of Municipal governmental authorities, of other North Macedonian institutions, of the EU office in Skopje, and of civil society & NGOs. Ramsar and UNESCO joined as Observers.
Govt report August 2023	No updated information provided.
Comp report Aug 2023	➢ The MOEPP continued the process of adoption of the key Law on Proclamation of Lake Ohrid as a Monument of Nature – on 10.07.2023 the draft Law was published for public consultations on the national electronic register of regulation; 2 public hearings have been scheduled for September 14 and 15, the same dates when WH Ohrid Region (and its possible inscription as a WH in danger) will be on the agenda of 2023 WH Committee Session. The formal draft version is almost the same as the informal one and if nothing substantial is amended as a result of the formal public consultations, the sum up of the situation is as following: ➢ The law will be adopted prior to the revision of its base document - Lake Ohrid Valorization Study; ➢ For the foreseeable future there will be one managing body for Lake Ohrid and another one for Studenchishte Marsh; ➢ The buffer zone (lake's shore) will remain to be 50m., which is already protected by the Law on Water and regardless of the WH Managing Plan, which implies revision of this zone; ➢ Crucial part of the Ramsar site (the Studenchishte Canal, which connects the marsh and the lake) will be out of both protected areas (the lake and the marsh); ➢ Interventions on the shore (including construction) will be allowed if they are in compliance with an urban plan that has received an agreement from MoE. ➢ Further urbanization of the National Park Galichica again took place: on May 9th 2023 Municipality of Ohrid published on their website an information about a second public presentation of the Detailed Urban Plan (DUP) for the village Velestovo. ➢ The Municipality of Ohrid adopted decisions for legalization of 57 illegal constructions, 9 of these are within the NP Galichica, 3 are in the 50m. coastal belt. Municipality of Struga discussed 15 requests for legalization, including 2 that are very close to the lake, but we have no information if these requests were approved. ➢ For almost 3 years the beaches on the shore in Municipality of Ohrid were without concessionaires, the bars were closed, some even removed (presented as an implementation of UNESCO's recommendations) – this has changed this year. On May 4th 2023 Ohrid Municipality published a call for urban equipment "covered and open bars" on 14 locations on the shore, for the period 2023-2026; and on May 23rd public auction was organized, for several beaches the previous concessionaires won the bid. ➢ Municipality of Ohrid published an information about public presentation and hearing for SEA Report for a water treatment facility for the coastal village of Trpejca (also part of NP Galichica), the public hearing is scheduled for August 15th 2023. ➢ On the Joint Strategic Recovery Plan for World Heritage Ohrid Region, it was adopted in late December 2022 and contains an Action Plan with a timeline for the implementation of the envisaged activities – 39 of them are marked as "urgent", meaning they will be implemented

	in the 1st year: our analysis shows none of them have been implemented and seem unlikely to be by end of year: thus the same practice continues of adopting plans for the sake of presenting a concern and dedication to the preservation (to the international community, primarily UNESCO), with almost zero implementation and actual improvement on the ground. ➢ The OSA took place in April and we are grateful for the organization and happy that the Bern Convention and representatives of the WHC and Ramsar had a chance to evaluate the situation on the ground and talk to many relevant stakeholders. However, there were several worrying aspects: in particular the site of the small HPPs where it was clear that the owner had been previously informed about the mission's visit and had made sure that the representatives would find a favourable condition, just to go back to business as usual right after the OSA.
Secretariat action Summer 2023 re: OSA report	➢ The draft OSA report and its recommendations is being finalised by the expert following the feedback received from the 2 parties and 2 observers to the mission.
Bureau September 2023	➢ noted that the report of the government, which was combined with that of case 2013/1, did not provide updated information. ➢ noted information such as the ongoing process of adoption of the Law on Proclamation of Lake Ohrid as a Monument of Nature, of which public hearings are scheduled in September, around the same time as the WHC will meet and possibly inscribe Lake Ohrid as a as a World Heritage in danger. It noted the complainant's ongoing concerns with this draft law. ➢ stressed its regret that despite the StC's strong position and the preliminary outcomes of the OSA held in April, further urbanisations, legalisation of illegal objects, and granting of concessions which all went against UNESCO Recommendations continued in the Lake Ohrid and Galichica areas. It again urged a halt to these unsustainable activities by enforcing existing laws. It encouraged the concerned local authorities to ensure better communication with the complainant and civil society and to involve them in procedures and decision-making. ➢ noted the complainant's concerns on the Joint Strategic Recovery Plan for World Heritage Ohrid Region which was adopted in 2022, with 39 urgent measures to be implemented during 2023, and of which, according to the complainant, none will be done by the end of the year. ➢ thanked the government, complainant and all stakeholders who had contributed to the OSA held in Skopje, Ohrid and Galichica in April, noting the good relationship between the complainant and the MoEPP. It also expressed its gratitude to the representatives of Ramsar and UNESCO WHC who had joined the mission as observers. It noted that the OSA report was almost finalised and it looked forward to seeing the draft Recommendation considered with a view to its adoption at the 43rd StC. It expressed its hope that the findings of the mission would assist North Macedonia to improve nature conservation.
Govt report October 2023	➢ Responded to the findings of the OSA Report, which was submitted to the Secretariat on September 1, 2023. ➢ In accordance with the Law on Nature Protection, the MOEPP prepared a Law on the proclamation of Studenciste Marsh as a PA in category IV–Park of Nature, the same is in the parliamentary procedure for its adoption. On September 14, MOEPP held a public debate in Ohrid related to the Draft-Law on the proclamation of Lake Ohrid as a Monument of Nature and on September 15 in Struga. ➢ The recommendations of the Bern Convention and an already adopted recommendation from UNESCO have been synchronized: The extended 45th Session of the World Heritage Committee (held on September 10-25) related to the procedures for the proclamation of the Studencishte Marsh and Lake Ohrid. ➢ In accordance with the Law on Nature Protection, a new Management Plan for Galichica National Park (2021-2030) was adopted. Also, a Management Plan for the Monument of Nature Vevcani Springs (2019-2029). The Public Institution National Park Galicica (PINPG) has

	established a Program for long-term monitoring of biological diversity. According to this program, monitoring is carried out on several types of habitats, plants and animal species.
Comp report October 2023	➢ The process of adoption of the law on the proclamation of Lake Ohrid as a Monument of Nature continued with 2 public hearings that took place in Ohrid and Struga on September 14 and 15. We participated in the hearing in Ohrid, which started with the presentation of Lake Ohrid Valorization Study, by the main creator Mr. Daniel Bognar - we were astounded by his statement during this presentation that "the Bern Convention expert approved the Study". Since we have a direct experience with the OSA we are very aware that no such thing as "approval or non-approval" of the Study was ever a subject of the mission. ➢ The Extended 45th Session of the WHC took place in September and the Draft Decision for Ohrid Region was adopted without any discussion. According to this Decision the possibility for inscription on the List of WH in Danger is still feasible, but what is urgently requested is another reactive monitoring mission in early 2024, immediate emergency measures and broad mobilization for preservation of the OUVs. ➢ Right after the WH Committee Session, on September 26, the government adopted an information stating the need for urgent measures for rehabilitation of the WH and several conclusions which imply tasks for the relevant authorities, they include: a task for the Hydrobiological Institute to compile a priority list of key habitats of national and European significance and a list with the status of the species according to IUCN classification of endangered priority species of fish, amphibians and algae in Lake Ohrid; the Ministry of Transport is obliged (and the 3 municipalities are noted) to start demolishing the illegal constructions for which decisions for demolition have been issued and finances for such action have been secured; Ministry of Transport and the municipalities are obliged to submit all urban planning documentation to the WH Management Commission at the earliest stage; Ministry of Transport, in cooperation with the Port Authority, should form a working group for an analysis of Lake Ohrid boats and calculation of boats carrying capacity of the lake; Ministry of Culture and Ministry of Environment are obliged to produce a Draft Law on Managing the WH Ohrid Region. ➢ This could signal a positive development in our authorities' treatment of the world heritage site, but we are skeptical because we've seen exactly the same reaction from the government right after the WH Committee Session in 2019. Also, about 1 week after these tasks and obligations were issued by the government, on October 4th 2023, in one day the Municipality of Ohrid legalized 32 illegal constructions. ➢ 2 illegal constructions are taking place in the coastal village of Radozda (Struga municipality): the 1st one is taking place in the lake itself; the 2nd is leveling of the coast for a new parking lot and a beach in front of a hotel which is owned by an employee of Municipality of Struga. ➢ During the OSA 2 new illegal villas being constructed with the Studenchishte Marsh despite the Decision for Temporary Protection, were visited. On 29.08.2023 a decision for removal was issued to the owners. The deadline for removal of both villas was 12.09.2023 – we visited the site on 14.09.2023 and not only nothing was removed, but the site was obviously further developed. ➢ Similarly 3 floating platform at Ostorvo which were operating without any permits; the inspector concluded legal breach and ordered their removal and in June 2023 informed us that they've been successfully removed. We visited the site on 14.09.2023 and saw that no platform has been removed from Ostrovo, St. Naum. ➢ In August both municipalities (Ohrid and Struga) took administrative steps towards new urban projects: in Ohrid the project is for weekend houses in the coastal village of Peshtani, the plot is 650m² and it's about 80m from the lake line; in Struga it's also for weekend houses. ➢ The construction of Corridor 8 A2 highway started on September 12. So called "Bechtel and Enka" law hasn't been changed (as the Strategic Recovery Plan implied, this is one of the "urgent measures" in the Action Plan). This project is accompanied by many scandals, including

	one regarding the selection of the company to conduct the supervision for which the Public Prosecutor opened a case. works on one of the sections started without otherwise legally binding Environmental Impact Assessment (EIA). This part is not within the world heritage, but, according to the experts, the route which was chosen will have a severe negative impact on the Gjonovica Cave, Monument of Nature and future Natura 2000 site. Avoidance of EIA was enabled by the article which implies that any laws can be violated for the sake of construction of Corridor 8 and another article which implies that construction on some parts can start before the actual projects for these sections are produced. So far, to our knowledge there is no project for the sections which go through the world heritage Ohrid Region, but we see this start as a serious warning sign of what can be expected during the construction of Corridor 8. ➢ The urban plan for constructions of special state significance, or so called urban plan for Lake Ohrid coast, is one of the most important documents with a potential for a significant, long-term impact on the lake. The responsible authority for the plan is Ministry of Transport, the plan development is led by the Agency for Spatial Planning. The Ministry of Environment already breached the legal provisions for public information by not publishing the Decision for conditions for spatial planning as well as the Elaborate. As this plan was completely behind closed doors until now (including a legal breach for public information) we could never report anything about it, hence it was not part of the OSA ToR and there is nothing about it in the Report. However, given the importance of this urban plan and its possible significant impact on the preservation of both Lake Ohrid and NP Galichica, we think that it is very important to include it in the case and the recommendations for the country.

2016/05: ALBANIA: PRESUMED NEGATIVE IMPACT OF DEVELOPMENTS ON THE VJOSA RIVER INCLUDING HYDRO-POWER PLANT DEVELOPMENT AND VLORA INTERNATIONAL AIRPORT

Date submitted	07/2016
Submitted by (Complainant)	EcoAlbania (Center for protection of Natural Ecosystems in Albania)
Respondent State (Respondent)	Albania
Specie/s or habitat/s affected	Vjosa river and its tributaries
Background to complaint	➢ Alleged breach of the Bern Convention resulting from massive hydropower developments on the Vjosa river and its tributaries. in particular of the "Poçem" HPP project (a 25 meters high dam) planned on the Vjosa river, the construction of which appears as imminent, and of 28 other hydro power projects currently planned for the Vjosa river and its tributaries. An interactive map presenting all developments can be consulted here. ➢ The National Agency for Environment allegedly issued a building permit without proper EIA for the Poçem project notably. Furthermore, all HPP on the river are planned without a proper EIA or SEA. ➢ The transboundary aspect of the ecosystem of the Vjosa/Aoos catchments (Albania/Greece), the unique free-flowing of the whole river, the biodiversity hot-spot it represents and the variety of hydrological –morphological features it holds are stressed. ➢ The Poçem HPP project will – a) block the upstream and downstream of fish species b) prevent sediment transport downstream to the Adriatic Sea c) create expected decline in ground water d) create reduced water quality due to the reduction of self-purification rate ➢ Hydropeaking, as planned for the HPP functioning, could have disastrous impacts on biodiversity. Secondary impacts linked to infrastructure development, such as fragmentation of habitats and alluvial systems are also mentioned. ➢ The candidate Emerald site "Protected landscape of the wetland complex Vjose – Narte (IUCN Cat IV, RAMSAR site and IBA) would be potentially affected by the dam projects. Although the project Poçem is not planned on any national protected area, the whole river system qualifies for many international designations and in particular European ones (Emerald and Natura 2000). A first annex to the complaint presents a list of species and habitats in the whole Vjosa valley. ➢ The Secretariat received letters of support to the complaint by a large number of civil society organisations, national and European.

Respondent's report January 2017	➢ All hydropower developments on the Vjosa River are considered in relation and in accordance with the conclusions of a 140 pages study developed in 2009 by a French company on the possible schemes for the hydro exploitation of the river Vjosa. The study has been financed by the World Bank. ➢ Out of 25 potential HPP concluded by the study, there are 4 large ones, including the Poçem HPP. In 2014, the Albanian Government decided settled with a plan for 8 HPP to be constructed out of the 25. ➢ On 9 May 2016, the Government granted the concession for the construction of the Poçem HPP to a Turkish Joint Venture. The contract itself was signed in November 2016 for a 35 years period. The construction should last 36 months after the acquisition of a construction permit. ➢ The project developer entrusted the development of the obligatory EIA study for the project to GR Albania. This EIA was completed in January 2015 and on 18 February 2015 a public consultation was scheduled at the webpage of the national Environment Agency (NEA). The consultation took place on 8 March 2015 in Fieru district. ➢ The NEA started the analysis of the EIA after the consultation. The Forestry Directorate noted that the project does not fall within the territory of any protected area. The NEA EIA Commission, advised the Minister to issue an Environmental Declaration for the HPP Poçem HPP construction, issued on 22/04/2015. This Environmental declaration contains a number of conditions to be respected during the construction phase, including matters of biodiversity and nature protection. These are detailed in the authorities' report. Regular reporting to the NEA on the environmental parameters of the construction is attached to the Declaration. The validity of the declaration is 2 years. ➢ The EIA includes a biodiversity study, with a total of 5 pages out of 69 pages in total. ➢ The last section of the national authorities report is dedicated to the impact the HPPs planned on the River will have on the candidate Emerald site Protected landscape Vjose – Narte. The nearest planned HPP is situated 10 km away from the site and that the impact will be small and reduced through the implementation of mitigation measures foreseen in the Environment Declaration. This candidate site is designated mainly due to its coastal wetland features. The management of the candidate site appears to have improved in the past years thanks to the establishment of a national agency for PAs and a dedicated Regional Agency for PA which manager the site. ➢ A number of measures have been implemented in the past few years which are expected to contribute to the conservation status of all species and habitats of European importance found in the Vjosa valley.
Complainant's report February 2017	➢ Challenges the authorities' assertion that the Poçem HPP is not located on the Vjosa River main course and presents a map showing that both Poçem and Kalivac are located there. They further state that the Kalivac HPP has never been completed although started in 2002. ➢ Allege that the authorities wrongly refer to the 140 pages study developed in 2009 as strategic planning for hydro energy. They argue that this study is not a study on the biological values of the area, but rather on the hydropower potential of the river, therefore this cannot be considered as a strategic policy guiding document.

	➢ Clarifies that the authorities have not shown good will for cooperation with civil society and explain the cases where a lack of transparency was preventing them to play their role as civil society. ➢ Public consultation of the study was not appropriate and the EIA study has various flaws, in particular the lack of in situ biodiversity study on the area of concern and the large number of copy-pasted information from different reports
Bureau Meeting 21 March 2017	➢ Instructed the Secretariat to request a new report from national authorities, in particular on: a) the current (and future) protection status of the area concerned, taking into account its possible qualification for an Emerald/Natura 2000 site, b) the foreseen impact of the project on the Bern Convention species and habitats and how these could be mitigated, c) the allegations by the complainant that the 140 pages presented as an SEA cannot be considered as such and d) any other useful information that could clarify how the cumulative impact of all hydro power projects in Albania has been assessed. ➢ After an examination of the new reports by the authorities and the complainant, the Bureau will consider the necessity of organising a fact-finding appraisal mission to the area. ➢ The case will remain under the category other complaints.
Complainant's email update 6 May 2017	➢ On April 26th 2017, 30 scientists from four countries gathered at Vjosa in South Albania to draw attention to the detrimental impacts that are to be expected from the projected "Poçem" dam. They called upon the Albanian government, foremost upon Prime Minister Edi Rama, to stop the hydropower project and carry out a sound assessment of the environmental impacts (EIA). ➢ The main outcome of this scientific initiative will be a report on findings and the environmental impacts of the dam. This report will be provided to the Secretariat when it is prepared. ➢ EcoAlbania together with 38 affected inhabitants of the local community filed a lawsuit in the Administrative court in Tirana on December 2016. The defendant Parties were Ministry of Energy; Ministry of Environment and National Agency of Environment. After a series of court hearings on May 2nd 2017, the court found serious infringements of the overall procedure of this particular concession and decided to cancel the concessionary contract with the argument that: a) the EIA report was not done properly and in accordance with Albanian law; b) the public consultation was in fact fictive; c) the Environmental declaration issued by the Ministry of Environment was not in accordance with the Albanian law; d) therefore the court found the concessionary contract absolutely invalid and the overall procedure followed as illegal.

Complainant's email update 31 July 2017	➢ Following the ruling of the Administrative Court the Ministry of Environment and the Ministry of Energy and Industry appealed to the Appeal Administrative Court. The process is still in the evaluation phase. ➢ May 26th 2017 the Ministry of Energy and Industry officially announced the cancellation of the concessionary contract for the Kalivaç Hydropower Project (located few kilometres upstream of Poçem). The Kalivaç Project was the only concession given to the Vjosa basin since 1997 and it was prevented the proclamation of the Vjosa as a Protected Area due to possible legal implication of the Albanian Government with the private Italian company "BEG s.p.a" that owned the concession. ➢ At the date of correspondence there was officially and legally no hydropower planed in the Vjosa river main course. However, on May 26th 2017 the Ministry of Energy and Industry re-opened the call for companies to submit their interest on the construction of Kalivaç Hydropower. The deadline for the applicants to submit the proposals will be the 17th of July 2017.
Respondent's report 9 August 2017	➢ On 2nd May 2017 the Administrative Court in Tirana decided to rule against the construction of HPP Poçem. This means that the construction phase cannot start until final ruling by the Administrative Court of Appeal, which is on-going. ➢ The argument used by the Administrative Court was that Public hearing and Consultation was not properly conducted by the developer (like evidence of presence sheets with signatures of participants and related photos). ➢ The area in which the HPP Poçem is planned to be built as also stated in our previous communication does not have any protection status. Regarding possible qualifications for an Emerald and/or Natura 2000 site with the data and information available there is no evidence that the area fulfills the criteria for potential designation. ➢ The foreseen impact on Bern Convention species and habitats as described in the EIA study for Poçem HPP consist of temporary noise and land use change during the construction phase and the impact of the damn during the operational phase of the hydro power plant. ➢ These impacts are planned to be mitigated by implementation of certain measures as follows: a) provision of by-passes for wild fauna in order to avoid habitat fragmentation; b) placement of mesh nets with sizes that allow for the fish and eel movement across the damn; c) placement of fish friendly turbines; d) reforestation of the area where the construction will take place; e) control of sediments arising from the construction phase; ➢ The SEA document has been assessed and evaluated by the experts of the National Environment Agency that deals with the environment permitting process and other relevant authorities. The IA study on HPP Poçem only has been prepared by an independent certified company - GR Albania ➢ A decision taken in 2014 allowed for the construction of only 8 HPP from the 25 that the hydropower capacity of Vjosa river can sustain as assessed by a World bank funded feasibility study. ➢ So far only Kalivaci HPP is constructed and Poçem is still under court procedures – thus there is no construction work yet. For the rest, no procedures have started and there is no intention to open the call for expression of interest.

	➢ According to the authorities calculations HPP Poçem is nearly 22km away from the nearest boundary of the Protected landscape Vjose – Narte.
Complainant's report 19 August 2017	➢ At the date of reporting no submission of EIA and no request for new Environmental Declaration to the responsible authority had been completed by any interested construction company. ➢ According to the concessionary contract the Turkish company had 6 months from the moment that the contract was signed to deliver the Detailed Implementation Project. The contract was signed on September 5th, 2016. At the date of reporting, the company has not submitted the document to the National Agency for Natural Resources. ➢ The appeal of the court decision is on-going, however this cannot prohibit the start of the construction by the company since the claim by EcoAlbania to freeze the construction was refused by the court. ➢ The Poçem hydropower project it is planned to be constructed not in a Protected Area. However in the Complaint no. 2016/05, sent by EcoAlbania the area is assessed to be of high importance in terms of biodiversity and conservation. A report on the species, habitats and the impact of hydropower will be drafted and published by the group of independent international scientists no later than October 2017. ➢ The foreseen impact on Bern Convention species and habitats cannot be mitigated by the measures listed in the EIA study of Poçem hydropower. A group of independent experts as well as the Administrative Court proved that the EIA turned out to be week. The cumulative impact of the hydropower it has never been assessed in the Vjosa River basin. This assessment is also missing for the Entire Albanian riverine network. ➢ The Kalivaç hydropower has never been completed. Distance is not a factor/indicator for the assessment of the impact that a hydropower dam can cause to the habitat/species that live up and downstream.
Bureau meeting September 2017	➢ The Bureau thanked the national authorities and the complainant for their detailed reports and noted the expression of concern shared by many scientists over the effective protection of the Vjosa River and the potential impact the planned hydropower plant could have on the ecosystem it forms. ➢ However, the Bureau further noted that the national appeal court process is still on-going. Therefore, it decided that no action will be taken until the appeal court issue a determination. ➢ The national authorities and the complainant are invited to report back to the Bureau on any new information on the case they deem useful for its March 2018 meeting and to send an alert to the Bureau as soon as the national appeal court process is over. ➢ **The complaint is moved to the category Complaints on stand-by.**

Letter addressed to national authorities 14 February 2018	➢ After electronic consultation with the Bureau members, the Secretariat got in contact with authorities to seek their agreement for the organisation of an on-the-spot appraisal (OSA) to the area in spring/early summer 2018. ➢ The reasons behind this request are the recent developments at national level regarding the Kalivach HPP, as well as the continuous concern of the Bureau over the effective protection of the Vjosa River and the ecosystem it forms and the allegations of the complainants of a lack of effective cumulative impact assessment for all the planned HPPs, including the two big HPP projects, namely Kalivach and Poçem.
Complainant's report March 2018	➢ On May 26th 2017 the Albanian Government took the decision to cancel unilaterally the concessionary contract with the Italian Company "B.E.G spa" for the construction of the Kalivaç hydropower plant. After almost 20 years a series of postponements, the cancellation was made officially public in the Agency for Public Procurement. ➢ In the same day the Ministry of Energy and Industry announced officially the open of the new call for other companies to apply for the project. (Please refer to the terms and conditions set by the Ministry of Energy and Industry). The deadline for the applicants to submit the proposals was the 18th of July 2017. ➢ On October 2017 at the Public Procurement Journal No. 43, date 30.10.2017 on pages (317-321), was made public the competition held in regard the Kalivaç hydropower project. In this document is also stated that the temporary joint venture of "Ayen Enerji" and "Fusha" sh.p.k was the winner of the competition with the best offer delivered by them in 28th of August 2017. ➢ Taking into consideration that the winner company is the same as in the Poçem hydropower, which is proved by the Administrative Court that has failed to meet the law requirements in regard the environmental and public consultation criteria, EcoAlbania started to request more information in regard the Kalivaç Project, i.e. the Environmental Impact Assessment and the Feasibility Study. ➢ After all these steps EcoAlbania has not yet secured the requested information by the public authorities (i.e. Environmental Impact Assessment and Feasibility Study for Kalivaç project) and this makes the situation even more complicated when it is about a project of public interests and it has to respect the transparency criteria, laws and regulations – which is obviously not the case ➢ The Kalivaç hydropower project is not planned to be constructed in a protected area. However, in the Complaint no. 2016/05, sent to the Bern Convention by EcoAlbania, the project area is shown to be of high importance in terms of biodiversity and conservation (see Annex I and Annex II the complaint). The fact that the area is not under protection is due to limited scientific knowledge so far. ➢ In this regard the scientist's initiative on conducting research in the area is ongoing. In the last two years, there have been three scientific collecting data field trips. So far the findings are impressive with more than 40 species reported for the first time in Albania and one new species of stonefly named *Isoperla Vjosae*. In 2018 there will be several more scientific field trips, which will be followed by a publication on the species, habitats and the impact of hydropower that will be drafted and published by the group of independent scientists from Albania, Germany, Austria etc.

Bureau meeting March 2018	➢ Thanked the national authorities of Albania for kindly agreeing to host the on-the-spot appraisal to Vjosa River and instructed the Secretariat to move forward with the preparations of the visit, including contacting the IUCN South-East Europe Office in view of their possible participation in the mission as observers. ➢ Took note that the on-the-spot appraisal might take place in June 2018 and expressed its hopes that the mission findings and recommendations will be available for the upcoming September meeting of the Bureau when the issue will be revisited
OSA mission June 2018	➢ OSA mission takes place ➢ Report available in document T-PVS/Files(2018)43 ➢ Draft Recommendation for possible adoption by the Standing Committee prepared on the basis of the OSA report
Bureau meeting September 2018	➢ Noted with satisfaction the organisation of a Bern Convention OSA mission to Albania. It thanked the national authorities of Albania for hosting the mission. It further thanked the Secretariat for the oral report from on the mission which is being finalized. ➢ Took note of the preliminary conclusions of the mission that although a rather complete and clear legal framework is in place regarding the procedures for the implementation of EIA/SEA in the country, there are indications that this framework is not complied with for the moment. The degree of concern on this file is also very high, in comparison with the complaint on the Skadar Lake. There is also a potential that this file could become an open case-file. ➢ Found the issue being dealt with under this file as urgent and noted that a draft Recommendation following the OSA is put forward to the Standing Committee for possible adoption. **The file has been moved to the category possible files.**
Complainant report October 2018	➢ The Poçem hydropower project: the Ministry of Energy and Industry as well as the Ministry of Environment announced on May 4th the appeal of the court decision. The process is ongoing, however this cannot prohibit the start of the construction by the company since the claim by EcoAlbania to freeze the construction was refused by the Administrative court. ➢ On June 8th, 2018 the Albanian Ministry of Infrastructure and Energy signed the concessionary contract with the joint venture "AYEN-ALB" (a consortium of Albanian company "Fusha sh.p.k" and the Turkish AYEN ENERJI" for the construction of Kalivaç hydropower in a B.O.T form (built-operate-transfer). The concession duration is foreseen to last 35 years. ➢ NGO has requested more information in regard the Kalivaç Project, i.e. the Environmental Impact Assessment and the Feasibility Study to relevant agencies and authorities. ➢ Response from the National Agency for Environment stating that there was no submission of any EIA Report regarding the Kalivaç Hydropower project and therefore no Environmental Permit was issued for the certain project. ➢ On 5th of July 2018 the National Agency for the Natural Resources answered to EcoAlbania's request and stated that they have received no documents from Ministry of Infrastructure and Energy in regard the Kalivaç project. At the same time the Agency is stating that the responsible authority to be asked for that is the Contracting Authority which is the Ministry of Infrastructure and Energy.

	➢ The Ministry of Infrastructure and Energy has never reply to EcoAlbania request for information. Considering the last experience with the involvement of the Commissioner for the Right of Information and Personal Data Protection, where was no success, there has been filed no complaint by EcoAlbania. ➢ After all these steps EcoAlbania has not yet secured the requested information by the public authorities (i.e. Environmental Impact Assessment and Feasibility Study for Kalivaç project) and this makes the situation even more complicated when it is about a project of public interests and it has to respect the transparency criteria, laws and regulations – which is obviously not the case. ➢ The Kalivaç hydropower project is not planned to be constructed in a protected area. However, in the Complaint no. 2016/05, sent to the Bern Convention by EcoAlbania, the project area is shown to be of high importance in terms of biodiversity and conservation (see Annex I and Annex II the complaint). The fact that the area is not under protection is due to limited scientific knowledge so far. In this regard the scientist's initiative on conducting research in the area is ongoing. In the last two years, there have been three scientific collecting data field trips. ➢ So far the findings are impressive with more than 40 species reported for the first time in Albania and one new species of stonefly named Isoperla Vjosae. ➢ In spring 2018 there several scientific field trips took place in the Vjosa watershed, which will be followed by a publication on the species, habitats and the impact of hydropower that that will shortly be published by a group of scientists from Albania, Austria and Germany etc. ➢ Considering on-the-spot appraisal for the affected area from Kalivaç and Poçem hydropower as the first step already taken by the Convention, we see the option of opening a case file as crucial and urgent, as the start of the construction would compromise any other decision towards the protection of the last free flowing river of Europe. ➢ The battle for the protection of the Vjosa River is reaching a very decisive stage and considering this EcoAlbania and its partners will use all legal means to protect this unique natural heritage from dam construction. In this regard filing lawsuit against Kalivaç project to Administrative Court is under finalization and the EIA and feasibility study as well as the public consultation procedures will be the main pillars where the next lawsuit will stand. ➢ Filing a complaint to the Energy Community is another tool, which will be used soon and in parallel with the domestical legal battle in the Albanian Court. ➢ Another important step that will take place in early December 2018 is the Scientific Conference for Vjosa River system. The conference will serve as a tool to share all the scientific data collected in the last 2-3 years of field work and scientific research in the Vjosa river basin and mainly in the 2 affected area of Poçem and Kalivaç where potentially dams will be constructed. ➢ The Conference will serve as well as an opportunity to invite the decision-makers to be aware of the scientific importance of this special ecosystem. Therefor the aim is that the conference will be organized in close cooperation with the Ministry of Environment in Albania.

Standing Committee December 2018	➢ The Standing Committee thanked the Albanian authorities for hosting the OSA mission, for fully supporting its recommendations and for committing to ensure compliance and report on their implementation. The Committee further thanked the national NGO for its report and efforts to protect the unique river system of the Vjosa River. ➢ The Committee adopted Recommendation No. 202(2018) on the planned hydro-power plant developments on the Vjosa river (Albania), prepared following the on-the-spot appraisal to the area in June 2018. ➢ The Committee welcomed the positive news that the Workshop mentioned in operational point 9 of the Recommendation is already planned and will take place during the first week of December. ➢ **The Committee decided to open a case-file** and to closely follow-up the implementation of the Recommendation. ➢ The Committee agreed that the issue of hydro power energy and Emerald Network sites should be examined by the Group of Experts on Protected Areas and Ecological Networks in view of presenting principles in this respect, because of the high importance of the issue.
Respondent's report February 2019	➢ Minister of Infrastructure and Energy has set the freezing of all non-operational contracts until the release of the scanning report for each of them in the end of January 2019. The Ministry of Infrastructure and Energy will also coordinate with the Ministry of Tourism and the Environment for an integrated legal and administrative approach with regard to HPP that have not started the construction phase yet. ➢ The Minister of Infrastructure and Energy Ms Belinda Balluku, very recently on 24th January 2019, has issued a decision to start a licensing documentation scanning process for each licensed entity, as well as physical scanning of each HPP and implementing entity. This process will be followed by a working group led by Deputy Minister Mr Bonati, who has done a voluminous and valuable work in the water sector. ➢ The process in question will be based on two criteria, the criterion of legal compliance and the fulfilment of contractual terms by licensed entities, including technical conditions and time limits, as well as the compliance criteria with environmental requirements. This institution has, in the last five years, made a great deal of discipline on the inherited situation, which was problematic before, while the sector's problems in this regard are not over, instead they are real and worrying. ➢ Therefore, the Ministry of Infrastructure and Energy will also scan and evaluate whether existing contracts are in compliance with the environmental conditions and standards required in the respective areas - concessionaires are obliged to be in full compliance with the legislation in force regarding the environment and the environmental conditions set out in the contract. ➢ Until the end of this scanning process, the Minister of Infrastructure and Energy, Belinda Balluku said she has decided to freeze all non-operational contracts. ➢ A scientific symposium for the study of biodiversity and ecology in the basin of Vjosa River took place in Tirana in the first week of December 2018 – as requested by Recommendation No 202 (2018). ➢ It was organised in cooperation with the Faculty of Natural Sciences of the University of Tirana and Euro Nature. The representative of the Ministry of Tourism and Environment and Bern Focal Point Ms Elvana Ramaj, participated on behalf of the Ministry of Tourism and Environment. MTE appreciates the scientific work carried out by the faculty of Natural Sciences of Tirana in cooperation with the

	Vienna University. Its results and publication will be used during the evaluation phase for Vjosa river basin management and the appraisal of any potential request for HPP-s development in this basin. ➢ In the same time as informed previously work in the planned HPP Pocem is suspended following the decision of the Administrative Court of 2017. For Kalivac HPP, there is no application for the Environmental Impact Assessment procedure so far. For Pocem HPP, the developer of the subject "Cinar - San Tiran Branch", is provided with the Environmental Declaration no. 663 Prot., Dated 24.4.2015, Decision 15 of the Environmental Permit Commission 2015. This project has been subject to an in-depth EIA procedure. ➢ According to Law no. 10440, date 7.7.2011 "On the environmental impact assessment", amended, Article 20, para 5, if the activity does not start the application (construction) on the ground within two years from the date of adoption of the EIA decision, then these documents are considered invalid and the EIA process starts from beginning again. ➢ For the aforementioned, this project did not start implementing, after being suspended by the Administrative Court decision of 2017, and is currently awaiting the decision of the Appeal of this Court. Thus, the validity of the Environmental Declaration ended on 24.04.2017 and the subject has to start procedures from beginning for any environmental permit. ➢ So, we emphasize that none of the Kalivac or Pocem HPPs has started with the construction phase. Also from the latest information from the National Agency of Environment there is no request for public consultation so far. This can be also checked through NEA website at the following link: http://www.akm.gov.al/publiku.html#konsulta, where all requests for public consultation are announced directly into the website with the determined date, time and place for the consultation. ➢ Last but not least, a dedicated government agency: National Agency of Water Resources is established in late 2018, with the purpose to coordinate the work and policies related to the water resources management and administration. This agency is following up closely the issue of water basin integrated management plans and Vjosa basin is amongst the first to be elaborated. This work will be supported by the project Sectoral Document Planning that is being implemented since mid 2018 in Albania, supporting the Albanian government to comply with the requirements of the Water Framework Directive. ➢ The Ministry of Tourism and Environment is in the last phases of preparation of an integrated action plan with its agencies: National Environment Agency, National Agency of Protected Areas, State Inspectorate of Environment, Forests and Waters, the Ministry of Infrastructure and Energy, the National Agency of Natural Resources and the National Agency of Natural Resources as well as local government structures in order to address all request of the recommendation No. 202 (2018).
Complainant report February 2019	➢ The Poçem hydropower project: The Ministry of Energy and Industry as well as the Ministry of Environment announced on May 4th, 2017, the appeal of the court decision. The process is ongoing; however, this cannot prohibit the start of the construction by the company since the claim by EcoAlbania to freeze the construction was refused by the Administrative court. ➢ The Kalivaç hydropower project: On June 8th, 2018 the Albanian Ministry of Infrastructure and Energy signed the concessionary contract with the joint venture "AYEN- ALB" (a consortium of Albanian company "Fusha sh.p.k" and the Turkish AYEN ENERJI") for the construction of Kalivaç hydropower in a B.O.T form (built-operate-transfer). The concession duration is foreseen to last 35 years. ➢ After a series of efforts made by EcoAlbania to receive any information regarding this concession or regarding the EIA procedures, yet there is no information provided by the public authorities. Please refer to the last update on 23.10.2018.

	➢ So far, the last developments show that the concessionary company has already appointed the consultant company to prepare the EIA. The consultant company appointed, is the Albanian ABCONS company. In the very beginning of their work for EIA procedures for Kalivaç, they have faced difficulties on setting up the expert team, as almost all renowned national experts refused to be part of the team. Most of these experts mentioned that there is no place for hydropower construction on the particular part of the Vjosa River, due to high risk for environmental impacts. Many of them are part of the "Memorandum for Vjosa", Please refer to the last update on 23.10.2018. ➢ On January 17th, 2019 the team of experts hired by the consultant company went at the dam construction site as the first field visit on the study area. They have been reserved towards the media interest. The only information we have unofficially is that the EIA will be concluded in not less than 3 months - time and it will be consulted with the local and national stakeholders. So far, no studies have been conducted on the ground and no draft of EIA is presented to the National Agency for Environment by the concessionary company regarding the Kalivaç hydropower project. However, we assume that no proper EIA can be done in that short period of time (3 months) as stated by the consultant company and we call on Bern Convention to increase the pressure towards Albanian Government, precisely towards the Ministry of Environment to follow carefully the process of EIA study preparation as regard the Kalivaç project. ➢ The Kalivaç hydropower project is not planned to be constructed in a protected area. However, in the Complaint no. 2016/05, sent to the Bern Convention by EcoAlbania, the project area is shown to be of high importance in terms of biodiversity and conservation (Please refer to the last update on 23.10.2018). The fact that the area is not under protection is due to limited scientific knowledge so far. In this regard the scientist's initiative on conducting research in the area is ongoing. In the last two years, there have been three scientific collecting data field trips. So far the findings are impressive with more than 40 species reported for the first time in Albania and one new species of stonefly named *Isoperla Vjosae*. ➢ In spring 2018 several scientific field trips took place in the Vjosa watershed, which will be followed by a publication on the species, habitats and the impact of hydropower that will be drafted and published by the group of independent scientists from Albania, Germany, Austria etc. All findings are gathered and published in a special edition book of Acta ZooBot Austria 155/1 under the title "The Vjosa River in Albania – a riverine ecosystem of European significance". ➢ Considering on-the-spot appraisal for the affected area from Kalivaç and Poçem hydropower and the decision to open a case file for the Vjosa case by the Standing Committee as an important commitment shown by the Convention to highlight the urgency of acting immediately, we are looking forward to more pressure to Albanian Government and especially to a more close follow of the procedures regarding the hydropower projects of Kalivaç and Poçem. Thus the Convention is taking action on the protection of the last free flowing river of Europe. ➢ During this spring – summer 2018 there have been conducted "in situ" measurements of the sediment transport of the Vjosa River near the Kalivaç-Poçem area by a group of researchers of During the spring-summer period 2018, a sediment transport study has been conducted by the Leibniz Institute of Freshwater Ecology and Inland Fisheries (Germany). So far, the preliminary data shows that, the construction of the Kalivaç and Poçem hydropower projects would cause a "lose-lose-lose" situation in terms of biodiversity loss-social conflicts generation-economic loss in mid and long term. However, the full publication of the data will be published in mid-March 2019. ➢ The National Agency of Water Management is a recently founded authority that will be in charge of preparation of the River Basin Management Plans for all 7 Albanian River Basins. The Agency is closely cooperating with an EU founded project that has recently

	started implementation. The plans are to start first with the preparation of the Vjosa River Basin and the foreseen time to have the first final draft of this plan is after 2023. This indicates that both Kalivaç and Poçem hydropower are taking place without proper planning. ➢ The battle for the protection of the Vjosa River is reaching a very decisive stage and considering this EcoAlbania and its partners will use of all legal means to protect this unique natural heritage from dam construction. In this regard, the lawsuit against Kalivaç project will be sent soon to the Administrative Court in Tirana. In the court will be challenged procedures the followed by the company for the EIA preparation and the public consultation. ➢ Filing a complaint to the Energy Community is another tool, which is used in parallel with the domestically legal battle in the Albanian Court. ➢ Another important step that will take place in the second half of 2019 is the Scientific Conference for Vjosa River system. The conference will serve as a tool to share all the scientific data collected in the last 2-3 years of field work and scientific research in the Vjosa river basin and mainly in the 2 affected area of Poçem and Kalivaç where potentially that dams will be constructed. ➢ In addition to that the conference will be an opportunity for riverine scientific community to come together and to exchange the know-how and the experience on the free-flowing river importance and river management. The Conference will serve also as an opportunity to invite the decision-makers to be aware of the scientific importance of this special ecosystem. ➢ As agreed in Strasbourg and as foreseen in the Recommendation 202 (2018), the Ministry of Tourism and Environment would co-organize a Vjosa Science workshop, which took place in December 2018, but in the end the Minister didn't show up and this reflects once again how willing the is the decision-making authority is to monitor this issue.
Bureau meeting March 2019	➢ The Bureau thanked the Albanian authorities for their report on planned activities in view of implementing Recommendation No. 202 (2018) on the planned hydro-power plant developments on the Vjosa river (Albania). ➢ The Bureau agreed that the pressure on rivers and their ecosystems in the Balkans from hydro energy is particularly high and that strategic planning and assessment of impact is particularly relevant. It reminded the national authorities of Albania of operational paragraph 11 of Recommendation No. 2020 (2018) requesting "a schedule and programme of work to implement the above recommendations, including details of the person/actors responsible, along with the timetable with clear milestones and deadline for each recommended action". ➢ The Bureau instructed the Secretariat to request that the authorities provide the schedule and programme of work foreseen in the Recommendation for its second annual meeting in September 2019, along with a report on further progress in the Recommendation's implementation, a short progress report on the setting-up of the Emerald Network and a feedback on the complainant report submitted (document T-PVS/Files (2019)20).
Bureau meeting 9-10 September 2019	➢ The Bureau noted the lack of updated reports by both the authorities and the complainant. It expressed particular regret at the lack of a reply by the authorities to the requests of the Bureau for the submission of a programme of work on the implementation of the Recommendation. ➢ The Bureau urged the national authorities of Albania to be present at the 39th meeting of the Standing Committee and to provide an update on their concrete actions on each of the operational paragraphs of the Recommendation, as well as a concrete programme of work for their achievement.

Complainant report November 2019	➢ On February 25th, 2019, EcoAlbania together with its partner organizations Euronatur and Riverwatch filed a complaint to Energy Community Treaty against Albania regarding the construction of the 2 hydropower projects in the Vjosa River, followed by a meeting between the Complainant parties and the Energy Community held on March 12th; ➢ On February 28th, EcoAlbania requested information from the National Agency of Environment whether the Turkish Company AYEN-ALB has requested the initiation of the EIA procedure. The response from National Agency of Environment was negative; ➢ On March 27th, the company was in the affected areas to communicate the project to the local communities. There was not much discussion in the meetings as the local community were completely against the hydropower project; ➢ On April 5th, the consultant called a meeting with almost all the active NGOs that are operating in the field of environment protection in Albania. In the meeting there was not presented any information regarding the project but only the planning phase towards the procedure of the EIA preparation. Once again, the NGOs opposed the hydropower project; ➢ On April 8th, EcoAlbania requested the Feasibility Study to the AYEN-ALB Company and received no answer; ➢ On April 14th, a study on measuring the sediment load on the Vjosa River was presented with the main outcomes: ➢ The filling up of Vjosa reservoirs with sediments is calculated within 30 – 40 years for Poçem and 45 – 60 years for Kalivaç; ➢ High economic cost are expected for sediment management and treatment; ➢ River bed incision will be the consequence; ➢ Coastal (Lagoon) erosion will increase due to lack of sediment transport; ➢ Degradation of ecology, loss of European sea-side tourism as well as of eco-tourism in the Vjosa catchment must be expected; ➢ On June 6th, EcoAlbania, Euronatur and Riverwatch announced the vision for the proclamation of the Vjosa River National Park. Although the vision was welcomed by the scientific community, Local Government Units, and Touristic agencies, it was not considered by the representatives of the Ministry of Tourism and Environment that were present; ➢ On July 30th the consultant Abkons presented the first draft of the ESIA-Scoping report. Without considering the local community concerns, the concessionary company applied on September 19th for the initiation of the EIA procedure to the Ministry of Tourism and Environment; ➢ On 1st October, The Ministry of Tourism and Environment forwarded the Concessionary company request for the initiation of the EIA procedure to the National Agency of Environment; ➢ On October 3rd, Abkons presented the final Scoping Report in regarding the Environmental and Social Impact Assessment Report for the Kalivaç hydropower project, in which they stated that Kalivaç dam would be demolished after 50 years; ➢ On October 18th an International Symposium on Wild Rivers ISWR 2019 took place. About 120 international scientists discussed the critical condition of rivers worldwide and the need to protect the last intact river systems. A special focus was given to rivers in the Balkans and the Vjosa river in Albania. In a declaration, the participating scientists call upon European Institutions, political leaders in South-East Europe and the Albanian Government specifically to protect the remaining intact rivers in Europe; Furthermore a petition regarding the Vjosa was also started by the international scientists, towards the Albanian government;

	➢ Another crucial development which may impact the Vjosa River delta is the urbanization of a considerable part of the already existing Protected Area including construction of an international airport within the boundaries of Vjosë-Nartë, even though this site has been officially nominated by the Albanian Government as a candidate Emerald Network site. According to current information, neither a Strategic Environmental Assessment nor an Environmental Impact Assessment was elaborated; ➢ The battle for the protection of the Vjosa River is reaching a very decisive stage and considering this EcoAlbania and its partners will use all legal means to protect this unique natural heritage from dam construction.
Standing Committee December 2019	➢ Noted with concern the new developments and renewed investment interest in the building of the two HPPs subject of the case-file and the development of EIA assessments for one of the plants; ➢ Noted with concern the reported plans for the decrease of the boundaries of the Vjosë-Nartë Protected Landscape which is a candidate Emerald site; ➢ Urged the national authorities to implement the relevant provisions of Recommendation No. 202 (2018) and to prepare an integrated River Basin Management Plan, and strategic EIA including social aspects, before any new development takes place in respect of the HPPs, and to report to the Bureau on the information of the complainant;
Complainant report February 2020	➢ In the last 12 months there has been no update on the situation regarding the Poçem hydropower project. ➢ On Point 2 of Rec 202: the Vjosa River Basin Management plan (RMBP) will not be discussed before April 2020, while the adoption of the Vjosa RMBP will take years to be prepared and adopted. ➢ On January 22nd 2020 in the town of Memaliaj was held a Public Hearing on the EIA Report for the Kalivaç hydropower plant: the attendees were informed in a totally technical and inappropriate language the environmental consequences that the construction of the hydropower would potentially bring. ➢ Only the "Non-technical summary of the EIA report" is available online- thus EcoAlbania has officially requested the full report to carefully analyse the assessment and the results, as well as the minutes of the Public Hearing. ➢ Roughly 780 scientists from 46 countries signed a petition asking the Albanian decision-makers to suspend the construction of the hydropower plants in Vjosa until a thorough and comprehensive assessment is made. A small delegation of them on February 14th, presented the petition to high-level authorities such as the Speaker of the Albanian Parliament, President of the Republic of Albania, Ombudsman of the Republic of Albania and Vice-minister for Energy and Infrastructure. ➢ In a press conference in Tirana on February 15th, the international and Albanian scientific community again urged the Albanian government to carefully follow the process of the Kalivaç hydropower and to refuse giving permission based on fake EIAs. ➢ At a conference in Tirana on 17th February on the revision of the Environmental Protected Ares Network in Albania, the National Agency for Protected Areas presented the new study, where a small fraction of the Vjosa River is proposed to be proclaimed as a Protected Area- however not the most vulnerable area, as commonly agreed. ➢ There is currently no major development regarding the Vjosë-Nartë Protected Area or construction of the Narta Airport, however despite the PA remaining on the list from the above conference, there is a risk this can be modified by a higher decision-maker.

Respondent's report February 2020	➢ Concerning the River Basin Management plan (RMBP) it is delayed by a few months due to delays in the procedures completion. ➢ Regarding Kalivac HPP, as mentioned by the NGO, the public hearing took place, and the full EIA report is being finalised. ➢ On the Pocem HPP, there are no new developments from the Administrative Court of Appeal, and no new developments. ➢ The most important development is the identification and announcement from the Minister of Tourism and Environment for the designation of the upper part of Vjosa river as a Protected Landscape. This initiative was first articulated by the Minister of Environment in June 2019. Meanwhile during the second half of 2019 the National Agency of Protected Areas in cooperation with the NaturAl project prepared the study for the assessment and enlargement of the network of Protected Areas in Albania. This study that was officially launched on the 17th February 2020 with the participation of the Minister of Tourism and Environment, includes Vjosa river Protected Landscape, which consists of the upper part of the river basin. The study is complete and includes GIS boundaries of the proposed area as well as the description of the area and internal zoning required for the designation of a PA, in accordance with the national legal framework. The proposal was presented to local stakeholders with the coordination of the Regional Agency of Protected Areas of Gjirokastra district (in which Permet city is placed) as well as a regional presentation and consultation, that took place in Korca, in the context of the proposals discussion at the regional level. After this a national consultation workshop took place in Tirana in December 2019. ➢ The Ministry and NAPA are currently working to prepare the Decision of the Council of Minsters' based on the study, for the proposal of the updated network of protected areas (which includes upper part of Vjosa river) by the end of 2020. This will contribute greatly in the protection of Vjosa river and of biodiversity in the area. ➢ As for the protected landscape Vjose-Narte, the update of boundaries for the area in the national study on assessment is to reflect the changes that have taken place over the years, thus impacting the values of the area for which it has been protected. There is absolutely no intention to decrease the area of the PA, but instead to delist the part that has lost its values for which it has been designated. On the contrary the overall coverage of protected areas in Albania will increase as the result of this new national study to around 28%.
Bureau meeting 7-8 April 2020	➢ The Bureau thanked both the Albanian authorities and complainant for their timely and detailed reports. It noted that there has been no update on the situation regarding the Poçem hydropower project and that the River Basin Management plan for Vjosa is delayed by several months. It also noted that a short EIA report had been presented on the Kalivaç hydropower plant, however the complainants are awaiting the full report, which is being finalised. ➢ It further noted information from both parties on the revision of the Protected Areas Network in Albania: the complainant fears that an inadequate portion of the Vjosa river area is to be considered protected, and that Vjosë-Nartë Protected Area is under threat from the possible construction of Narta Airport. The authorities deny both concerns. ➢ The Bureau appreciated the progress of the authorities and encouraged continuing efforts. It requested a further report for its next meeting including updates on the above-mentioned issues, as well as a timescale and milestones for the implementation of Recommendation 202 (2018), in particular responding to the complainant's concerns, such as on the possible construction of Narta Airport. The report is kindly requested for the meeting of the Bureau in September, and the file is kept open.

Complainant report July 2020	➢ <u>Poçem hydropower project:</u> - Since the last update to Bern Convention on February 20th, 2020 there has been no update on the situation regarding the Poçem hydropower project. ➢ <u>Kalivaç hydropower project:</u> - The pandemic situation COVID-19, has slowed down the process for the Integrated River Basin Management Plans (RBMP). EcoAlbania has followed closely the process so far, which consists in the pre-determination phase of the methodology for the preparation of the RMBPs. - EcoAlbania has followed closely the process of EIA regarding Kalivaç HPP since the last meeting in Memaliaj on January 22nd, 2020. According to Albanian law all the four stakeholders engaged in a Public hearing process (National Agency for Environment, Regional Directorate for Environment, Local Government Unit and the Developer/company) must have and make available to the public in advance the full EIA and the summary of it. After an insistence from EcoAlbania and its lawyer, the National Agency for Environment finally made available to us the full EIA report for the Kalivaç HPP project. - EcoAlbania has requested to the National Agency for Environment to postpone the decision on issuing the Environmental Declaration until all the stakeholders have consulted and given their objections on the full report of EIA. - EcoAlbania and its partners, strongly believe that the public hearing procedure is not followed correctly in the case of Kalivaç HPP. In the next update report, EcoAlbania will provide more information regarding this process. - The International Institute for Sustainable Development has published the study on "Sustainable Asset Valuation of the Kalivaç and Poçem Hydropower Projects" which shows that the two hydro assets imply considerable trade-offs, emphasizing that both Kalivaç and Poçem HPPs are neither economically viable nor environmentally friendly projects. - On June 17th, 2020 the Energy Community Secretariat sent to the Albanian Minister for Tourism and Environment the re-dispute letter concerning the HPP Poçem and raising concerns regarding the incompatibility of the EIA procedure followed by Albanian authorities on the Poçem HPP. - Another study which is on the final phase is the "Baseline survey on biodiversity, potential impacts and Legal framework for Hydropower development at river Vjosa, Albania". EcoAlbania will share the outcomes probably in the next update report. ➢ <u>Vjosë-Nartë Protected Area:</u> - Officially and publicly there is not any new development in regarding the Narta Airport apart the public statement of Albanian PM which supports the construction of such project. - No final decision has been taken yet by the Albanian Council Ministers concerning the new boundaries of the Protected Areas in Albania. ➢ <u>Outlook:</u> - Filing a lawsuit against Kalivaç project to Administrative Court is under finalization and the EIA and feasibility study as well as the public consultation procedures will be the main pillars where the next lawsuit will stand.

	- EcoAlbania and its partners are following closely the process of the Vjosa River Basin Management Plan process and is considering possible interference on appropriate proposals. - As part of the Vjosa Wild River National Park vision, there are certain studies which are at the final stage of realization. EcoAlbania will include all the outcomes and results on the next update reports to Convention. - EcoAlbania will report on follow up of the complaint to the Energy Community and to Aarhus Convention especially as regard the Kalivaç HPP in its next Update Report. - New developments around the planned construction of an international airport within the candidate Emerald site "Protected landscape of the wetland complex Vjosë – Nartë" are increasing the pressure on the valuable Vjosa catchment. EcoAlbania and its partners will follow closely the decision-making process for the definition of the new boundaries of the protected areas network in Albania with the main focus on the Protected Area Vjosë-Nartë.
Respondent report August 2020	➢ Underline that neither Kalivaç, nor Pocem HPPs, have started any work for the construction phase. ➢ Regarding the planned HPP Pocem, as informed previously, work is suspended following the decision of the Administrative Court of 2017. The Decision of the Administrative Court of Appeal is still pending, and meanwhile works remains suspended for this project. ➢ Links to the notification for the public hearing by National Environmental Agency (NEA) can be found on-line at the following address: http://www.akm.gov.al/assets/ayen-alb%2c-yigit-arman%2c-ndertim-hec-kalivacit%2c-gjirokaster.pdf , as well as a summary of the main findings of the preliminary EIA. After that the developer has applied, in accordance with the national legal framework on EIA, on 2nd April 2020 for the Environmental Declaration. ➢ NEA informed that after the initial screening of the dossier (of around 500 pages), more detailed information was required to the developer, in order to ensure a full assessment of the project. Due to the current situation with COVID-19 restrictions in place in the country, since the beginning of March 2020, and thus working on-line from home, the dossier is still being considered and so far no decision has been taken by NEA for the Environmental Declaration. Furthermore there is no work on the site of the project. ➢ As for the feasibility study for Vjosa river, being prepared with the support of the EUSIWM (EU funded project), the latest information from them is that due to delays as the result of the COVID-19 measures in place in the country, there is a delay of at least 6 months for the completion of the document, which is now expected to be finished by the end of September 2020. After that the second phase will be the elaboration of Vjosa river management plan document. ➢ Regarding the issue of the Protected Areas Network revision and confirmation in Albania, as informed earlier in December 2019, a detailed study was completed by the National Agency of Protected Areas (NAPA) with the assistance of the NATURAL (IPA 2017 EU funded project) and in compliance with the IUCN guidelines and expertise of IUCN regional office of Belgrade. The study was planned to be approved by the National Territory Council, that will be followed by a Decision of the Council of Ministers', in accordance with the national legal framework on Protected Areas in Albania.

Bureau meeting 15-16 September 2020	➢ The Bureau thanked both the authorities and complainant for their timely and detailed reports. It noted that there have been no updates regarding Poçem HPP. Concerning Kalivaç HPP, the complainant gained access to the full Environmental Impact Assessment but fears the public hearing process is flawed. According to a study mentioned by the complainant, the two HPPS are neither economically nor environmentally viable. ➢ As regards the river basin management plan, the process has been delayed due to the pandemic, but a feasibility study should be ready by the end of September. ➢ The revision process of the Protected Areas Network of Albania is ongoing, and the complainant continues to be concerned about the possible construction of Narta Airport. ➢ The Bureau again stressed the high nature conservation value of the river area, which is a real biodiversity hotspot, and urged the authorities to take this into consideration when making future decisions. It also asked the authorities to provide an update on the EU feasibility study which was due to be finalised in September 2020. ➢ The Bureau looked forward to hearing short presentations from both parties at the 40th Standing Committee and requested in particular the authorities to focus on the results of the feasibility study. ➢ The file remains open.
Standing Committee December 2020	➢ The Committee appreciated the diligent reporting during the year. It noted that construction has not begun on either HPP and that several key developments such as the feasibility study for Vjosa River have been delayed, in part due to the Covid-19 pandemic. ➢ The Committee recalled the high nature conservation value of the river area and expressed its concern at the allegations of the complainant regarding the EIA for Kalivac HPP, the potential construction of Narta Airport, and possible reduction of the new boundaries of the Protected Areas network in Albania. ➢ The EC informed that according to latest information there is no SEA for the Vjosa River, and the river basin management plan for Vjosa River has not been completed yet. It also recalled that, as an EU candidate country, Albania is expected to fully transpose and implement the EU acquis. ➢ The Commission further informed that an IPA programme substantial capacity building project on Integrated Water Management in Albania aims to elaborate, by 2021, the first chapters of the Vjosa river basin management plan. Finally, the Commission recalled that it has consistently recommended Albania to transition from its high dependence on hydropower towards wind and solar power and noted a positive increase in strategy focus towards the latter in recent years. ➢ The Committee called on the authorities to ensure a comprehensive and transparent EIA is completed before considering any HPP or other construction development in the river area, and to collaborate with local stakeholders and in compliance with international guidelines when developing the Vjosa river management plan and revised Protected Areas network in Albania. ➢ Both parties were requested to report to the second Bureau meeting of 2021 concerning the above information and any other relevant updates regarding the implementation of Recommendation No. 202 (2018). ➢ The European Commission was also invited to keep the Bureau updated as and when it had further relevant information to transmit concerning the Integrated Water Management project. The file remains open.

Complainant's report July 2021	➢ There has been no update on the situation regarding the Poçem hydropower project. ➢ The pandemic situation COVID-19, has slowed down the process for RBMPs preparation. EcoAlbania has followed closely the process. ➢ In February and March, EcoAlbania and IUCN submitted proposals to the Ministry to declare **Vjosa River a CatII national park**. Studies have been and continue to be elaborated which support these proposals. ➢ Another important development is the presentation of the draft Decisions of the Government that have been prepared as the final step of the revision process of the **Environmental Protected Areas Network,** in particular that would define the boundaries and inner zoning- but the process was delegitimised as it was not legally based. ➢ The **Energy Community Secretariat** also remains involved concerning the EIAs of both HPPs. ➢ Another crucial development which may impact the delta of the Vjosa River is the project for the urbanization of a considerable part of the **Vjosë-Nartë PA,** which foresees touristic resorts, harbours, access highways, an airport and a massive beach. ➢ EcoAlbania will closely follow all processes and use all legal means to protect this unique natural heritage from dam construction.
Respondent's report August 2021	➢ The **study for the update and revision of the national network of PAs** has included Vjosa river area to be designated as Nature Park (Category IV) with an area of 7989,5 hectares. This proposal in accordance with the national legal framework was approved by the Decision of the National Territory Council no. 10, of 28 December 2020, following a series of extended consultations with stakeholders in four regions of Albania. Public consultation process was also followed. The final decision is being circulated amongst ministries and expected to be finalised by the end of 2021. ➢ As for the **Management Plan of Vjosa basin**, the preliminary assessment study is delayed again by the project funded by the Austrian Development Agency. However following the designation of the new protected area of Vjose valley, in line with the protected areas law requirements, the management plan for this area will be elaborated, thus completing its management obligations.
Bureau meeting 15-16 September 2021	➢ noted that the pandemic continues to delay the River Basin Management Plan preparation, 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 Bureau asked the authorities to clarify when referring to the category of the park if they are referring to the IUCN classifications, and if so, why the proposal of the complainant and IUCN was not taken into account. ➢ Reiterated its deep concern regarding the urbanisation plans for the Vjosë-Nartë PA, 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 PAs, and delays in this project as well as of the River Basin Management Plan preparation, and encouraged faster development of these projects. ➢ Again urged the national authorities of Albania to cooperate with both the local stakeholders and international community such as IUCN and the ECT when taking decision which could affect the long-term viability of nature conservation in Albania.

Standing Committee Nov/Dec 2021	➢ noted that the pandemic continues to delay the RBMP preparation, 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 PA, 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 PAs, and delays in this project as well as of the RBMP preparation, and encouraged faster development of these projects. ➢ The Committee also took note of the proposal of the complainant to mandate an OSA to Vjosa-Delta-Narta Lagoon PA, which should in particular assess the situation of Vlora airport, which was allegedly already in the construction phase despite no SEA having been completed. The proposal of the complainant was supported by several Contracting Parties and NGOs. ➢ The EC 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**. ➢ The Committee mandated the Bureau to draw up ToR in collaboration with the Secretariat, national authorities, and complainant. Both parties were requested to cooperate fully with the Secretariat and Bureau when formulating the ToR 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 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 1st Bureau meeting in 2022, using the 12 points of Recommendation no. 202 (2018) as the basis for their reporting.
Complainant's report February 2022	➢ There has been no update on the situation regarding the **Poçem** hydropower project. ➢ By 2022, the imitation of the preparatory work for the adoption of the Integrated **RBMP** for Vjosa is expected. In 2021 the process consisted of the screening phase, aiming to collect all the available information and mapping of the stakeholders that have a say in the process. COVID-19 slowed down the process. In addition, EcoAlbania just started a programme aiming to bridge the trilateral interface between Policymakers-Science-Society in the process of decision-making on the water management sector with the geographical scope on the Vjosa River Basin.

	➢ Vjosa has been a key issue on the political agenda over the past 2 years. In this regard, the Vjosa is now seen as a potentially important area for sustainable development. In this context, the latest public announcements from the Prime-minister show that the Government no longer supports the development of hydropower in Vjosa. Instead, the Government is promoting sustainable development, and on February 7th 2022, **Vjosa was proclaimed as a Nature Managed Reserve (IUCN Category IV).** This decision is a positive first step towards the preservation of the nature conservation values of the Vjosa but according to EcoAlbania and the scientific community is not enough because a) the protection status/category is not appropriate to ensure the long-term preservation of nature of the Vjosa and b) it does not include the tributaries which are of significant importance for the entire river ecosystem of the Vjosa. ➢ The **Revision of the Environmental Protected Areas Network** in Albania, a process strongly criticised by CSOs and others, is nearing finalisation. Although the revision expanding total surface of PAs from 18% up to 27% of the entire territory, there is a significant reduction up to 15% of the existing PAs that lie along the coastline. The coastal PAs are biodiversity hot-spots as they host roughly 70% of the biodiversity of Albania. Protected Areas such as Buna-Velipoja, Divjaka-Karavasta, and Vjosa-Narta are significantly reduced to the extent of losing their natural integrity. In addition, the process has not followed the proper consultation nor legal provisions. ➢ The proposed revision also foresees the exclusion of certain development areas within the boundaries of the PAs, creating as such "unprotected enclaves" within the PAs. In this context, the Narta Airport area is also going to be excluded from the protection regime ➢ **Vlora International Airport** officially started construction on the ground on November 28th, 2021, on a symbolic date which is the Albanian National Day. The construction started without an Environmental Declaration and without a Construction permit. Both permits were issued several days after the construction started, breaking procedural law.
Government's report February 2022	**Rec 202 (2018):** ➢ **On Point 1:** Vjosa river area is now officially designated as Nature Park (Category IV) with an area of 7989,5 hectares. ➢ **Point 2:** Vjosa RBMP update: EUSIWM project is carrying out this year the assessment study. In the same time pursuant to the declaration as a Natural park of Vjosa, there will be an MP for this PA, in compliance with the provisions of the Law "On protected areas' 41/2017. ➢ **Point 3:** The study on potential impacts of Kalivac and Pocem HPP is no longer applicable as the area is already protected, thus such activities are not compatible with its protection status. ➢ **Point 4:** Revision and update of the Emerald network for Albania is being considered and will be done once the funding is available. ➢ **Point 5:** EIA study repeat for Pocem and Kalivac is also not applicable as HPP projects are rejected. The same argument goes for bullet point 6 for the consultations of EIA with local people. ➢ **Point 6:** Revision of EIA training programme: the DCM on the EIA experts is being revised and updated together with the timeframe and its training programme. ➢ **Point 7:** SEA study on other energy sources producing options: there is a study commissioned by UNDP Albania of 2020 that addresses this issue.

	➢ **Point 8:** Joint workshops for the process: there have been a series of three workshops held, during the period 2019-2020, jointly organized with the NGOs and scientists from the University of Vienna. ➢ **Point 9:** Cooperation is extended and the process of revision of the network of Pas in Albania has served as a tool on this matter. Capacity building of Albanian scientists is also strengthened through the participation in different workshop organized in the context of projects being implemented in Albania. ➢ **Point 10:** the latest developments are related to the establishment by the Ministry of a Working Group that will initiate a process of commissioning of a complete study for the assessment of Vjosa valley area and its valued and specific features. This extended study will also look at the possibilities of upgrading the status of Vjosa protected Area to a National Park. ➢ **Point 11:** Regular twice yearly reports for the Bern Convention are prepared each year.
Secretariat action regarding OSA, Spring 2022	➢ The Bureau and Secretariat prepared a draft ToR. AEWA expressed its willingness to join this OSA and in March received the mandate of its Standing Committee, and agreement of the Albanian govt. The draft ToR is now being consulted with AEWA before being shared with the parties for their feedback. CMS also have an open case on this topic, but their procedures as to joining an OSA remain to be seen. ➢ The independent expert has already been identified for this mission, and is subject to the later agreement of the parties.
Bureau meeting April 2022	➢ Noted that the Vjosa river area was earlier this year proclaimed as a Nature Managed Reserve (IUCN Category IV). While this category was lower than the proposed National Park (IUCN Category II) as recommended by the Albanian scientific community, IUCN and the Bern Convention Standing Committee, the Bureau noted that the government has commissioned an extended study for the assessment of the Vjosa valley area which would include looking into the possibility of upgrading the status of Vjosa protected Area to a National Park. ➢ Reiterated its strong concern about the process of the revision of the Environmental PAs Network, specifically the information of the complainant that coastal biodiversity hotspot protected areas will have their boundaries reduced. ➢ Expressed deep concern at the allegation that Vlora International Airport is amongst the projects to be excluded from the protection regime of Vjose-Narta, and that its construction had begun on 28th November 2021 without any permits. The Bureau asked the Albanian authorities to respond to this allegation, and strongly called on them to halt any further construction work until the OSA takes place. ➢ Also noted that it had been a long time since there were any updates on the Pocem hydropower plant, and requested that the authorities provide updated information on the situation. ➢ Concerning the OSA, the Bureau took note of the information of the Secretariat that AEWA had also mandated an OSA, and that a joint visit had been proposed. The Albanian authorities had agreed to this approach and the Bureau fully supported it. It was informed that the OSA would possibly take place in late August. ➢ The Bureau again thanked the Albanian authorities for responding quickly and positively to the OSA requests from the Bern Convention and AEWA. It trusted that the authorities and complainant would continue the good ongoing cooperation for the OSA process, focus on a solutions-based approach, and report back in September on the first feedback following the mission.

Joint-OSA with AEWA and CMS, 29 August – 2 September 2022	➢ The Joint-OSA succesfully held several meetings with; ➢ **Representatives of governmental authorities**: Ministry of Tourism & Environment, Ministry of Infrastructure & Energy, National Environment Agency, National Agency for Protected Areas, National Agency for Territorial Planning, Water Management Agency, Regional Environment Agency, Municipality of Vlorë, Prefect of Vlorë; ➢ **Representatives of civil society**: NGO Ecoalbania, NGO PPNEA, NGO Albanian Ornithological Society; ➢ **Others**: Representatives of airport site construction, representatives of the EU delegation in Albania. ➢ Site/field visits included the airport construction site and another angle of the construction site, a high location with very good panorama view of the PA and surroundings, a dyke bisecting the lagoon and salina with excellent views of the birds, and the Vjosa river delta. ➢ Some written informlation is still expected from both parties. Collaboration between the 3 Conventions was very good, and the independent expert will now work on the report to be finalised ahead of the 42nd Standing Committee.
Bureau meeting September 2022	➢ congratulated both parties and the mission team consisting of the three conventions (Bern Convention, AEWA and CMS) on the successful joint-on-the-spot appraisal, the first on-site visit within the case-file procedure since 2018 due to the pandemic. ➢ thanked the representatives of the Ministry of Tourism and Environment and representatives of the two complainant NGOs, Ecoalbania and PPNEA for their willingness to cooperate before and during the mission. ➢ took note that several meetings had been held with representatives of governmental authorities at national, regional and municipal level, with civil society, with the airport construction developers, and with the EU delegation in Albania. Several field and site visits had also allowed for a good overview of the location of the airport, protected areas and their surroundings. The expert was awaiting some final written information from the parties, and then would submit the draft report and draft recommendations on time for the 42nd Standing Committee. ➢ encouraged both parties to continue cooperating with the secretariats while the report is being finalised, and also invited them to orally present their general feedback to the mission during the 42nd Standing Committee, as well as to submit a report on feedback or any relevant updates of the case if they so wished. The file stays open.
Complainant's report October 2022	➢ EcoAlbania and its partners will use all legal means to protect this unique natural heritage from dam construction. In this regard filing a lawsuit against Kalivaç project to the Administrative Court is under finalization and the EIA and feasibility study as well as the public consultation procedures will be the main pillars where the next lawsuit will stand. ➢ In addition to this, EcoAlbania and its partners are closely following the process of the Vjosa River Basin Management Plan process and is considering possible interference on appropriate proposals. As part of the Vjosa Wild River National Park vision, there are certain studies that are at the final stage of realization. ➢ Thus, EcoAlbania will contribute and follow closely the entire process of the proclamation of the National Park for Vjosa. Follow-up of the complaint to the Energy Community and to the Aarhus Convention, especially as regards the hydropower projects will continue until the National Park is in place.

	➢ The new developments around the planned construction of an international airport within the candidate Emerald site "Protected landscape of the wetland complex Vjosë – Nartë" are increasing the pressure on the valuable Vjosa catchment. Therefore EcoAlbania and its partners will follow closely the decision-making process for the definition of the new boundaries of the protected areas network in Albania with the main focus on the Protected Area Vjosë-Nartë. ➢ A possible legal battle to challenge the decisions for the revision of the EPAN is also being assessed in cooperation with the coalition of national and international organizations. ➢ Finally, EcoAlbania is grateful for the On-the-spot Appraisal conducted by the Bern Convention in the Vjosa-Narta Protected Area in late August 2022 and appreciates the report compiled by the independent expert.
Standing Committee Nov/Dec 2022	➢ The Committee noted that, due to the complexities of drafting a report and recommendations for the OSA to comply with three Treaties, the documents had not been finalised on time for the meeting and the Albanian authorities had requested further time for consultation. ➢ There was a general agreement that a strong decision of the Standing Committee was needed now, in lieu of a Recommendation, due to the urgency of the situation. ➢ Parties also stressed that the extraction of a zone from a Protected Emerald Network Site set a bad precedent, questioned the legality of the processes, were concerned about the irreversible effects to a Protected Area which was important not only at Albanian but also European level, that the delays in establishment of the Emerald Network were worrying. ➢ The Chair proposed that, with regard to the information of the complainant that the construction of the airport is quickly progressing and in order to not lose momentum on this pressing case, the Standing Committee should take a strong decision based upon the expert's conclusions, thus the Committee urged the Albanian government to: ➢ Suspend the construction of the Airport due to its apparent lack of adherence to national and international laws; ➢ Initiate a comprehensive Wildlife Monitoring Programme; ➢ Revise the existing EIA based on the rigorous data of the Wildlife Monitoring Programme, and; ➢ Collect more data and provide a new database submission on the Emerald Network site. ➢ The Chair also proposed that, in order not to lose a full year to adopt a Recommendation, the mission report should be completed as soon as possible, and the draft Recommendation should be considered and submitted for possible adoption of the Standing Committee with an exceptional procedure.
Govt report 17th February 2023	➢ It has been almost a year that international and national experts have been working regarding designation Vjosa as National Park that includes the Delta of Vjosa. All the work done by far was presented in COP 15 held in Montreal, December 2022. IUCN certified the work done so far, and Greece also committed to ensure the protection of the AOS River, making so the whole river in two countries under the status of a protected area. Albania & Greece have formed a transboundary joint working group. ➢ The document "Vjosa Wild River - National Park - Vision and Feasibility Study" was presented to NAPA on December 29, 2022, drafted according to international protection standards holding the IUCN signature, is a very comprehensive study, that will serve as the basis for declaring the Vjosa River a National Park.

	➢ Following the process, The Ministry of Tourism and Environment, started the legal procedure on Declaring Vjosa a National Park. At this moment the draft decision of the Council of the Ministers, is being circulated to the line Ministries, before going for approval in the Council of Ministers. ➢ Phase II of the project will consider extension of the Vjosa Wild River National Park (VWRNP) towards the Lagoon. Integration of both protected areas is already under expert assessment and will be further discussed during 2023. ➢ As well as aiming to preserve the unique hydro-morphological and ecological integrity of this ecosystem according to PA Category II standards, the purpose of the draft decision is to offer recreation activities and cultural experiences to connect people with nature and Albanian culture, as well as to promote their sustainable use, both inside and outside the borders of the Park. Vjosa National Park is planned to be approved in early 2023.
NGO report 20th February 2023	➢ The process of proclamation of the Vjosa river and its free-flowing tributaries as a National Park (IUCN Category II) has progressed in recent months in coordination with multiple stakeholders, and adoption of the draft Decision of the Council of Ministers is expected in late February or early March to conclude the first phase. ➢ The process is also expected to have a second phase that will aim the set up if the management structure of the new National Park as well as to assess the possibility of enlargement of it with other free-flowing tributaries. In the later stage the vision is to have the river protected under the IUCN Category II on both sides Albania and Greece. ➢ NGOs including EcoAlbania have initiated new litigation processes and followed the already started ones. One of these relates to the opposition of the construction of the Vlora International Airport inside the boundaries of the existing Protected Landscape "Delta of Vjosa River – Narta Lagoon". The court has ruled against the plaintiffs at the first instance by not accepting the legal standing and the case has been sent to the Appeal Administrative Court for the final decision to be made. ➢ Another topic that has been addressed via litigation is the revision of the Protected areas in Albania. NGOs filed 2 other lawsuits against the Council of Ministers to oppose the DCM no. 59, dated on January 26th, 2022, for National Parks and the DCM no. 60, dated on January 26th, 2022, for Natural Managed Reserves (Nature Parks) in Albania. ➢ Another judicial process that is being followed is the lawsuit against the construction of the cascade of small hydropower plants in Shushica river. ➢ In addition to the litigation process the NGOs have raised awareness on several occasions as regards the decision-making processes. They have organized a Forum on Protected Areas in January 2023 in which they have made their public position by a joint statement. As regards VIA, the NGOs have organized several public forums as well as protest actions where they have publicly presented the scientific and legal arguments why this project is harmful and is being constructed in an unlawful way. ➢ EcoAlbania highlights the need for the adoption of the OSA Report by the Bureau and asks the Convention for a rapid decision as regards the Vjosa River Delta.
Secretariat action Spring 2023 re: OSA report	➢ The draft mission report of the OSA and its recommendations continues to be elaborated following feedback from the Albanian authorities. Final requests for information have been sent with a deadline of 30th March. After this, the expert, in collaboration with the secretariats of the 3 Treaties will finalise the draft report.

Bureau March 2023	➢ welcomed the good progress in relation to the process of proclamation of the Vjosa river and its free-flowing tributaries as a National Park (IUCN Cat. II), and welcomed the transboundary cooperation with Greece, the commitment of which was to have protection of the river along its entire course in both countries. It further noted that, since the reports had been received, the proclamation of the River had taken place on 15th March: the Bureau congratulated Albania for this excellent outcome, which should be used as an inspiration for countries across Europe on how to protect vital river ecosystems. It however remarked that this process could only be perfected if the whole delta and salina area including the site of the airport was fully protected, and thus it called again on the authorities to cancel the Vlora airport construction in the Vjosa delta. ➢ also took note of the information of the complainant concerning several litigation procedures ongoing, and it urged the government to halt any activity which could potentially be deemed illegal in the courts. ➢ was informed that the draft report continues to be elaborated. Recalled that the 42nd Standing Committee had called for the draft recommendation to be adopted by an exceptional urgent procedure in order not to lose time as the airport construction was well underway. As the option of an extraordinary StC was not possible, decided that the draft should be adopted by a written procedure, as provided for in the Rules. It instructed that this procedure should commence as soon as the draft documents are finalised, and ideally be finalised before the summer break. ➢ also took note that the AEWA Standing Committee dates had been announced, 26-27 June 2023, when the draft Recommendation would also be considered. ➢ decided to update the name of the case-file to reflect the current issues, to: "Presumed negative impact of developments on the Vjosa river including hydro-power plant development and Vlora International Airport".
Bureau (extra-ordinary) June 2023	➢ Recalled that a first written procedure consultation had taken place during May and June, the quorum had been reached (in line with Rule 7), but concerns had been raised by a Contracting Party on the compatibility of certain elements of the Rules of Procedure, in particular with regard to addressing amendments by written procedure. Indeed, two Contracting Parties had sent amendments. In order to adopt as quickly as possible the urgent elements of the Recommendation as called for by the 42nd Standing Committee on the halting of construction of the airport, while keeping in line with the Rules of Procedure, the Bureau instructed the Secretariat to send out for a second consultation a revised draft text only including that urgent aspect of the Recommendation. The remaining operational elements of the text would be submitted to the 43rd Standing Committee meeting at the end of the year for further consideration of all Parties with a view to seeking consensus and adoption. The Amendments received to this point would be discussed during that meeting. ➢ In the meantime, the Bureau again recalled the 42nd Standing Committee decision which urged the authorities of Albania to respect its obligations to the Bern Convention and other international Treaties by suspending the construction of the airport.
Secretariat action Summer 2023 re: written procedure	➢ The second written consultation of the revised draft text including only the urgent aspect of the Recommendation on halting the construction of the airport had been launched, with Contracting Parties given eight weeks to consult the draft. The quorum had been reached, and no Parties had been against the draft text. **Therefore, in line with Rule 6.b of the Rules of Procedure, the Recommendation was considered adopted.**
Bureau September 2023	➢ recalled the process to date of the adoption by written procedure of the draft Recommendation. The second draft consultation including only urgent aspect of the Recommendation had been sent out and no amendments received, therefore Recommendation no. 219 (2023) was adopted.

	➢ recalled that the remaining operational elements of the text would be submitted to the 43rd StC meeting later this year for further consideration of all Parties with a view to seeking consensus and adoption. The Amendments received during the first consultation would be discussed during that meeting. ➢ also took note that in June, AEWA had also adopted a Recommendation on the same subject, which differed slightly from the text of the Bern Convention Recommendation in order to be more targeted to the mandate of AEWA. ➢ requested that the government and complainant submit and present a report for the 43rd StC on the current situation, especially as concerns the state of play of the airport construction. It called on the Albanian authorities to respect Rec 219 (2023) calling for a halt to this construction which does not respect the Bern Convention nor other international provisions.
Govt report October 2023	➢ EU integration is a top priority for the Albanian Government. Albania is a candidate country to the European Union. As part of the accession process, for more than a decade, Albania is intensively working on transposing the EU Directives to its national legislation. ➢ The Ministry of Tourism and Environment (MTE) identifies the fulfillment of Chapter 27 of the accession process to the EU as important step towards implementing the European Green Deal and Green Agenda for the Western Balkan. ➢ Green growth, for Albanian Government means fostering economic growth and development, while ensuring that natural assets continue to provide the resources and environmental services on which our well-being relies. To do this, it must catalyze investment and innovation, which will underpin sustained growth and give rise to new economic opportunities for business and Albanian citizens. ➢ Albania is very active regarding the implementation of EBA and NBS in the form of wetland restoration used to protect settlements against floods or coastal erosion, while restoring forest landscapes and restoration measures within potential N2K sites need to be strongly to be taken into consideration. The necessity of monitoring schemes is clear but the implementation lags behind due to a lack of capacities, expertise and financial resources. ➢ Protected areas - the network has been significantly increased with almost 21,4% of the surface of our country, but we acknowledge that matters of management lag behind. ➢ It is our pride in relation to the recent decisions of the Government of Albania and MTE with the designation of the Vjosa River, as the last wild river in Europe as National Park. ➢ In response to the request to stop the works at the Airport in Vlora (VIA): ➢ The area of 300 ha of VIA has been used as a military airport for nearly two decades before 1940, and for nearly 30 years as a military aerodrome where powerful fighter jets operated. As such (airport status), it was by error included in the protected area (2004), a mistake that was corrected by restoring the status as "Airport infrastructure" (2021) by removing it from the "Protected Landscape" area, and for this very reason, it has been seen as the most favourable alternative. ➢ The existing airfield is also positioned close to existing urban areas (villages) and the current Levan-Vlora highway, surrounded by former agricultural fields. The airport runway and the proposed project development area are far from the PL and not necessarily on the pelican flight route to the Narta Lagoon. However, a series of protective measures have been listed to be implemented during the construction of the airport and during the operation of the airport, clearly defined in the relevant EIA, and in the Environmental

	Declaration where we single out the obligation of the Ecological Management Plan, which necessarily includes the components of scientific monitoring. ➢ VIA's ESIA has been prepared in full compliance with Albanian legislation which in turn is aligned with European legislation. ➢ According to the procedures, a wide, massive and comprehensive consultation was carried out through 16 meetings with the local community, regional and local authorities as well as the institutions responsible for environmental protection where civil society have been participants in all public presentations. ➢ The characterization of biodiversity and birds, in the vicinity of the airport, was carried out based on previous studies on biodiversity and particularly, on birds. ➢ Regarding concern about the submersion of the I VIA square the construction project places the runways, the square and its buildings at a height of 2.4 m above the actual level of the field where it is being built or 3.2±0.2 m above sea level. The safety of flights and the reduction of impacts on birds (annex C and D, figures 2 & 3) has been a concern of the evaluation experts. ➢ On 14.09.2023 and 15.09.2023, two site verification were carried out by NEA and NAPA on the impact on the environment from the implementation of the project for the construction of VIA. A dedicated working group with experts from MTE, National Agency of Protected Area and National Environment Agency has been established by Order of the Minister of Tourism and Environment to ensure on-site verification. Considering the possibility of collaborating with independent experts or representatives of civil society organizations. ➢ Civil Aviation Authority will put in place all the enforcement mechanisms for the airport operator to fulfill the obligations against the implementation of the EIA. ➢ In terms of tourism, Vlora Airport is expected to increase tourist activity in the south of Albania.
Comp report November 2023	➢ After the adoption of Rec 219, it appears that the construction of the Vlora International Airport within the PA of Vjosa-Narta (now called Narta Pishe-Poro) is ongoing and the companies are working in full rhythm. Besides habitat destruction, the disturbance continues non-stop on daily basis through high-machinery vehicles, causing various forms of noise pollution, light pollution, etc. Furthermore, the construction work continued very close to the local salina, even during avifauna breeding seasons. ➢ It has been a year since the lawsuit was submitted, and it is noteworthy that, to date, there has been minimal progress or significant action taken by the Albanian court system. The Administrative courts are passing the cases back and forth which also affects the decision related to the injunction relief request, which was submitted to the respective Court on 19th June 2023. ➢ In this case, the Albanian authorities are violating not only national laws but they are violating and disrespecting international conventions and ratified treaties. To our knowledge, there isn't any response or there haven´t been any measures taken after the Bern Convention's recommendation No. 219/2023 adopted on September 5th, 2023. ➢ In July 2023, the EU Parliament adopted the resolution and article 84, requesting the Albanian authorities to halt the construction of VIA. The main argument pointed out that such projects risk violating national and international biodiversity protection norms. Even individual Members of the EP have raised this topic to the Albanian authorities and other institutions. To our knowledge, there wasn´t any response or measures taken to address this issue.

	➢ The environmental NGOs are working on data collection in the area but on the construction site, they are prohibited from entering and monitoring bird species during their routine monitoring, such as the International Bird Census. The environmental NGOs have sent various letters and organized several protests to address the problems, but have no reactions from institutions on this. ➢ In October 2023, a massive fire erupted on the Pishe-Poro site, located near the Vjosa delta within the PA along the coast. The fire raged for over a week, burning more than 700 HA of land. Such fires occurring within PAs, likely not occurring by chance, serve as indicators of increased exploitation of the region. The developments in and around the delta, particularly concerning plans for urbanization, have elicited a robust and widespread response from the scientific community both within Albania and on an international scale. ➢ To this regard a Scientific Symposium on the delta of Vjosa river has taken place in 27th -28th of October 2023 where the scientists have emphasized the importance and value of the Vjosa river delta. More than 50 scientists gathered for this symposium, concluding with an open letter that will be addressed to the Albanian Government, the Prime Minister and the MoTE with a call to maintain the delta at its natural state and to explore the opportunity to include it in the already established Vjosa Wild River National Park. ➢ Currently, the process for drafting the Management Plan for Vjosa Wild River National Park including stakeholder engagement is at its advanced phase where the first draft is already prepared and will be delivered to MoTE for final revision before its adoption that is expected to happen in late 2023 or early 2024. ➢ Another important topic that may compromise the Vjosa National Park and its integrity is a project for the construction of the Himara Municipality water supply system. The project has started its planning phase in 2021, received permission in 2022 and started construction in 2023. This project consists of full diversion of water from the Shushica river main spring towards the Himara municipality, located along the Ionian coast, & two small Hydropower projects. It has immediately created a massive reaction of local communities which live beside the Shushica river.

2016/4: MONTENEGRO: DEVELOPMENT OF A COMMERCIAL PROJECT IN SKADAR LAKE NP AND CANDIDATE EMERALD SITE

Date submitted	06/2016
Submitted by (Complainant)	Group of Virpazar citizens (composed of civil society representatives, fisherman associations and small business entrepreneurs)
Respondent State (Respondent)	Montenegro
Specie/s or habitat/s affected	Skadar Lake National Park (NP) and candidate Emerald site (ME 000000C Sasko jezero, Rijeka Bojana, Knete, Ada Bojana)
Background to complaint	➢ By approving the development of Porto Skadar Lake project within the Zone III of the Skadar Lake NP, Montenegro authorities violate Articles 4 and 9 of the Bern Convention. ➢ The project includes the development of 60 villas, 50 apartments and hotel accommodation for 600 people, as well as swimming pools and a Port for 30 boats. It is foreseen that the road infrastructure is upgraded from local to regional for the purpose of the Port. ➢ Allegedly these developments will not only bring direct destruction of the unique habitats and species preserved through the Park, but will equally bring more illegal activities into the National Park (which are currently not efficiently monitored), mass tourism and pollution, as there is no current plan for the management of water supply and waste water treatment. ➢ The area is a Ramsar site, an IPA/IBA site and a nominated candidate Emerald site (ME 000000C Sasko jezero, Rijeka Bojana, Knete, Ada Bojana). ➢ The complainant points out a conflict of interest as the Porto Skadar lake project is being carried out by CAU (Centre for Architecture an Urban Planning), which is also the company charged with the development of the new Spatial Development Plan for Skadar lake (PPPNSJ). Furthermore, the development of the new special plan was not sufficiently and adequately advertised among the directly affected local actors (this was done through on-line survey, while a vast majority of the local inhabitants do not have access to internet). ➢ There is currently a precarious status and management of the NP, a very low capacity for controlling numerous illegal activities– illegal fishing, illegal exploitation of mineral resources, deforestation, uncontrolled urbanisation, illegal construction, issues of waste management – both solid and wastewater. ➢ The area is largely understudied from a biodiversity perspective, but it is alleged that many of the flora, fauna and habitats that are concerned are listed in the Bern Convention Appendices.

Respondent's report October 2016	➢ The Porto Skadar Lake Project is planned in the area covered by "Mihailovci" State Location Study, developed in the Zone III of the Skadar Lake NP - a buffer zone. ➢ The development of the State Location Study was done on the basis of the Spatial Plan of the Skadar lake NP 2001-2015. ➢ Public consultations on the draft State Location Study and the draft report on its Strategic Environmental Impact Assessment (developed in parallel) were held for two weeks in February 2014. Only a few stakeholders, including the company which holds lots in the Municipality of Mihailovci, have participated in the consultation. ➢ In August 2014, the SEIA for the State Location Study received the consent of the Environment Protection Agency. On 23 October 2014 the Government adopted with a decision the creation of the "Mihailovci" State Location Study. ➢ A study on the EIA for the Porto Skadar lake project was submitted to the Environment Protection Agency and public consultations were held on it in November 2014. No interested persons attended the meeting, except for the company developing the project and the regional authorities from Cetinje. ➢ The Study on the EIA for the project was adopted in January 2015 by the EPA after the opinion of a multidisciplinary Commission. Names of the experts who have reviewed the Study on the project EIA are mentioned and it is confirmed that the study takes into account the results of major scientific papers and research project on the natural value of the area. ➢ A building permit was issued by the Ministry of Sustainable Development and Tourism on 6 June 2015. ➢ The new Spatial Plan for the NP is currently being drafted and it is in its initial stages of preparations which involve the development of scenarios for the development of the area. ➢ A Citizen' Forum was established and being involved in the development of the Plan. They provide information on the means of consultation on the Plan proposals developed by the Forum. An SEA for the Spatial Plan is also being developed in parallel. ➢ According to the national Law, both the draft Spatial Plan and the SEA for the Plan will be submitted for public consultation once ready. ➢ The current Management Plan for the Skadar lake NP covers the period 2016 – 2020 and actions undertaken to control the illegal activities in the NP throughout 2016. ➢ The work of a recently established Working team on the Emerald Network in the Ministry of Tourism and Sustainable Development is presented. They plan to review the boundaries and databases of the candidate Emerald sites submitted in 2008andthe currently implemented IPA project on the Establishment of the Emerald network in Montenegro, initiated in April 2016.
Complainant's report February 2017	➢ The whole development of the State Location Study "Mihailovci" was developed in order to bypass the Spatial Plan for the Skadar lake NP 2001-2015 which did not foresee any major large-scale tourist development. The Spatial Plan 2001-2015 is still in force as the new one is not adopted. ➢ Contrary to the statements by the authorities, the SEIA was developed without a detailed biodiversity study and present examples of copy-pastes of the SEIA from the EIA for the Stake Location Study "Mihailovci". It appears further that the EIA for the project was adopted without the hydrological study being ready; i.e the water supply for the project was not yet clarified.

	➢ A challenge is made to the date on which building permits were issued, being 27.03.2015 and not 6.06.2015 as presented by the authorities. ➢ No biologist took part in the development of the Project EIA preparation. Biodiversity data in the EIA is taken from the information available for the whole NP Skadar Lake and not the specific area of the project. The likely presence of the Eurasian Otter was not mentioned at all. The project's proposed water treatment is considered unrealistic by the complainant and the experts from Montenegrin University they have contacted. ➢ Further challenges to the authorities information on the current status of the new Spatial Plan for NP Skadar lake and the seemingly open procedure of consultation of civil society, which is done exclusively through the alleged unrepresentative Citizens' Forum. Details regarding the reasons why many other citizens and NGOs can't take part in the consultations are provided (unclear questionnaires, short delays for organising public meetings, meeting during working hours, etc.) ➢ Provides further detailed comments on the illegal activities taking place in the NP currently, on the credibility of the Skadar lake project developer, on the lack of updated biodiversity data and research in the area of the park.
Bureau Meeting 21st March 2017	➢ Recognised that Skadar Lake is a biodiversity hotspot in Europe and particularly important for local communities' social and economic development. ➢ Secretariat to request a new updated report from authorities on the following points: a) the state of play of the new Spatial Plan of the National Park and how this draft Plan is articulated with the Mihailovci State Location Study, b) the state of development of the commercial project and any mitigation measures planned, c) the results of the on-going scientific research and investigations aimed at reconsidering the candidate Emerald sites boundaries in the country, including the Skadar Lake site and d) authorities' opinion on the feasibility of organising a fact finding mission to the area in 2017, in cooperation with other international organisations and Conventions. ➢ Request made for a copy of the EIA study developed for the project. ➢ Case will remain under the category other complaints

Respondent's report 19 April 2017	➢ Implementation of the project is planned within the 3rd zone within which according to the Law on Nature Protection, sustainable activities are allowed. The tourist complex area of 11.85 ha is based on the principle of Eco Lodge (eco-village) and is planned at the location of Biški represented in the western part of the State Study for Mihailovići (hereinafter: SSL) which is the planning document on which development of the project is based. ➢ Skadar Lake has been Ramsar site since 1995. Development of the SSL maintained sensitive treatment of the important freshwater wetland habitat. All issues of relevance for the preservation of Skadar Lake as a potential Natura 2000 habitat were elaborated in both the Report on the Strategic Environmental Impact Assessment (SEA Report) and the Environmental Impact Assessment Study (EIA Study) of the tourist village. The Environmental Protection Agency gave its approval. Laws regulating SEA and EIA procedures are 100% aligned with EU requirements. ➢ SEA Report and EIA Study predict close monitoring from the beginning of the project to the end, allowing the competent institutions to react immediately if any violation or threat to protected species is made. ➢ EIA Study is detailed and defines the conditions and measures to prevent, reduce or eliminate negative environmental impacts, taking into account the sensitivity of the area. It recommended that a "Zero State Study of Biodiversity" has to be partially implemented during the execution of the preparatory works. ➢ A study on Landscape Protection and on the hydrological-hydrogeological characteristics of the terrain was also drafted. ➢ In January 2017 the Ministry asked the Inspection Administration-Department of Environment to send information related to the monitoring of biodiversity. In reply it was notified that in mid-December 2016 the Ecological Inspectorat ordered research to determine the "zero state of biodiversity". A professional team from the Faculty of Sciences (University of Montenegro) was contracted and concluded that field investigations will be carried out during April 2017, in order to cover the spring period. It is expected that the Report with the assessment of biodiversity at the site Biški rep will be prepared and submitted in May 2017. ➢ The consulting company which drafted planning document concluded that the project is economically viable and will give additional positive impact to the tourism, with full implementation of environmental protection measures, and will create increased revenues of the municipality and the state. ➢ Development of EIA is regulated by the Law on Environmental Impact Assessment. Pursuant to the article 19 the EIA can be prepared by a legal person or entrepreneur, if they are registered in the appropriate manner for performing activities of planning, engineering and developing studies and analyses. This individual has to establish a Multidisciplinary Team for the preparation of the EIA Report, which is composed of qualified members who can analyse the impact of the project on some important segments of the environment, and every individual participant must satisfy scientific qualification criteria. The company "Eco Aqua Consulting" Podgorica had formed a Multidisciplinary Team in which the team leader is a graduate Construction Engineer with a MSc in ecology and environmental protection. ➢ Multidisciplinary Committee of the Environmental Protection Agency (3 members of the Committee being biologists gave its consent on EIA Report) reviewed the EIA Report and noted that it had been made in accordance with the applicable legislation and standard. National Park "Skadar Lake" is managed by Public Enterprise of National Parks of Montenegro-PENP who has employees in the field of biodiversity. During the entire process of drafting planning document PENP was kept informed.

	➢ Species *Neophron percnopterus* (Egyptian vulture) is not mentioned in the EIA Report, and the species of *Lutra lutra* (Eurasian otter) is mentioned in Section Study referring to the description of the mammals on page 80, as a protected species on national level. ➢ The primary goal is to have fulfilled all the legally prescribed procedures in each and every planning document and projects intended to be developed in Montenegro no matter if they are planned in protected areas or elsewhere. ➢ The public debate on the Draft of the SSL and Draft SEA Report was held 7 to 22 February 2014. During the Public debate which took place at the Secretariat for Planning and Spatial Development and Environmental Protection, or at the Round Table held on 19th February 2014 in the Old Royal Capital of Cetinje, there were no interested parties. Observations were submitted by: Old Royal Capital of Cetinje, as well as interested parties: MJ Property Podgorica and Montenegro Resort Company. ➢ At the public debate for EIA Study of the tourist village "Porto Skadar Lake" held in November 2014 there were no other interested parties except for the representatives of Cetinje, investors and drafters of the EIA Study. ➢ There is no element of potential conflict. CAU/RZUP/MonteCep was selected in accordance with the relevant legal process to draft the Special Purpose Spatial Plan. Credibility of investors is not relevant in the process of issuing a building permit for the construction on the own land. ➢ The plan did not allow digging of any tunnel through the lakebed. SSL obliged investor to provide separate EIA during the design process of the mooring area. ➢ Building permit was issued on 27 March 2015. The Ministry has never stated that Building permit was issued on 6 June 2015. ➢ The Ministry received and replied to two inquiries from leading conservation and wildlife organizations. We received a letter from Bern Convention Directorate on 18 August 2016 to which we replied by explaining all the steps in a procedure that led to obtaining a permit. The Ministry of Sustainable Development and Tourism replied to a letter received from the Ramsar Convention, on 5th July 2016 in relation to the issue of the ecological character of Ramsar area of Skadar Lake in the context of the project "Porto Skadar Lake".
Respondent's report 2 August 2017	➢ Special Purpose Spatial Plan for the National Park Skadar Lake is currently being drafted. ➢ From the beginning of development of this Plan, participation of the public was provided through founding of the Forum of citizens which had an important role in choosing future scenario regarding development of this area. The plan was submitted for opinion to competent institutions, which will examine the validity of the complete planned solution for Skadar Lake area as well as for the specific location. ➢ SSL "Mihailovići" contains a guideline according to which its planning solutions are valid for 3 years from the date of adoption (it was adopted on October 23rd 2014). Investors are obliged to initiate construction within 2 years from the date the building permit was issued (March 27th 2015) or they forfeit the right to construct. ➢ Regarding the status of development of the commercial project and planned mitigation measures, the investor of the project, Montenegro Resort Company, began with preparatory works (cleaning of terrain) in the beginning of December 2016. ➢ Administration for Inspection Affairs – Ecological Inspection has conducted inspection control on these works and reached a decision on November 15th 2016 which ordered the investor to implement measures relating to implementation or conducting research for the

	"Study on baseline condition of biodiversity", which needs to be finalised by the end of preparatory works, as specified by the EIA Study. ➢ "Study on baseline condition of biodiversity" was completed and submitted to the Administration for Inspection Affairs on May 24th 2017. The Study will serve as a base for further monitoring of biodiversity during performance of works in this area. ➢ Acting upon decision of the Ecological Inspection, the investor executed measurement of air quality emissions ("zero state") through an authorised laboratory (The Centre for Ecotoxicological Research). Furthermore, Montenegro Resort Company developed a Waste Management Plan which received approval from the Nature and Environment Protection Agency on March 30th 2017. ➢ Montenegro Resort Company, addressed the Ministry of Sustainable Development and Tourism on February 14th 2017 with a request for obtaining a building permit for a construction of access road which was forwarded by the Ministry to the Old Royal Capital Cetinje. ➢ The Project "Establishing Emerald network in Montenegro" has been implemented in two stages, carried out in 2006 and 2007 and it was completed in 2008 when 32 areas have been agreed on, identified mainly on the basis of available literature information. For this reason further revalidation and review of these sites is necessary. ➢ April 2016 project "Establishing NATURA 2000 Network in Montenegro" funded from IPA began. Intensive mapping of selected locations is underway, and the project that has engaged a large number of international and domestic experts. As this project covers only a part of the land territory of Montenegro, the Ministry of Sustainable Development and Tourism will, through the IPA instrument, initiate similar projects in order to map the entire territory of Montenegro. ➢ The visit of the experts of the Council of Europe as well as other international organisations and conventions would be of great use in terms of providing guidelines and recommendations which would assist in implementation of policies and measures for preservation of the protected area, National Park Lake Skadar. ➢ The EIA Study will be sent in due time, its translation is on-going.
Bureau meeting September 2017	➢ The Bureau thanked the national authorities for their detailed report, as well as the complainants for the updated information provided to its attention. ➢ The Bureau welcomed the kind invitation of the authorities for the organisation of an on-the-spot assessment in the Skadar Lake National Park in relation to the planned tourist project. The Bureau agreed with national authorities that such a visit would be useful for shedding light on the current protection of the National park, on the exact status of development of the project, on providing guidelines and recommendations on how the national authorities should proceed further with the developments plans in full respect of their international obligations. ➢ Therefore, the Bureau accepted the invitation of the national authorities and instructed the Secretariat to work, in cooperation with the national authorities, on a possible organisation of the appraisal in 2018. The Secretariat was further instructed to seek collaboration with Ramsar, the European Union and IUCN for the organisation of the appraisal.
Complainant's report February 2018	➢ Document submitted to the European Commission in view of the institution's preparation of a report on Montenegro.

Bureau meeting March 2018	➢ Thanked the national authorities for kindly agreeing to host the Bern/Ramsar on-the-spot appraisal and welcomed the very positive cooperation between the two Conventions. ➢ Took note that the on-the-spot appraisal is planned for mid-June 2018 and expressed its hopes that the mission findings and recommendations will be available for the upcoming September meeting of the Bureau when the issue will be revisited
OSA mission June 2018	➢ OSA mission takes place ➢ Report available in document T-PVS/Files(2018)47 ➢ Draft Recommendation for possible adoption by the Standing Committee prepared on the basis of the OSA report
Bureau meeting September 2018	➢ Noted with satisfaction the organisation of a joint Bern/Ramsar OSA mission to Skadar Lake. It thanked the national authorities of Montenegro for hosting the mission. It further thanked the Secretariat for the oral report on the mission which was being finalised. ➢ It took note that the preliminary recommendations of the mission indicate a high degree of concern and decided that there is a potential that this file could become an open case-file. ➢ Found the issue being dealt with under this file as urgent and noted that a draft Recommendation following the OSA is put forward to the Standing Committee for possible adoption. The file has been moved to the category possible files.
Standing Committee December 2018	➢ The Standing Committee thanked the Montenegrin authorities for hosting the OSA mission, for fully supporting its recommendations and committing to ensure compliance and report on their implementation. ➢ The Standing Committee adopted Recommendation No. 201 (2018) on the development of a commercial project in Skadar Lake (Montenegro). ➢ The Committee agreed to maintain this case as a possible file in order to monitor progress in the Recommendation implementation, at this stage. ➢ The Committee appreciated the cooperation between two MEAs, the Bern and Ramsar Conventions and noted that the same expert report will become public as a report on the Ramsar Advisory Mission, following the adoption of the Recommendation. Representatives from several NGOs stressed the importance of active monitoring of the Recommendation's implementation.
Complainant report March 2019	➢ We fully support the findings of this report and Standing Committees Recommendations No. 201. The fact that MORiT has withdrawn poorly prepared Spatial Plan for the National Park from Parliamentary procedure is encouraging. ➢ However, close monitoring of the process is essential so that Montenegrin government is fulfilling its obligations on the ground and not only declaratively, as it was constant practice previously. ➢ It is therefore important that new Spatial plan for Skadar Lake takes these recommendations seriously. ➢ Members of our Informal Group from Virpazar will be closely monitoring situation locally and are at the disposal to the Standing Committee.
Respondent's report March 2019	**I) The Government of Montenegro should immediately implement a number of conservation and management measures in the 12 months following the adoption of the Recommendation No. 201 (2018):**

	➢ The mapping of Skadar Lake and preparation of a habitat map with a scale of 1: 10,000 for the above locations will be done with the assistance of GIZ, within the framework of the cross-border project "Conservation and sustainable use of biodiversity at Lakes Prespa, Ohrid and Shkodra/Skadar (CSBL)", whose beneficiaries are Montenegro, northern North Macedonia and Albania. It is expected that the first field visit will be in April/May 2019, while the results of mapping of the lake can be expected in the second half of 2019. ➢ The reference list of habitats will be compiled through the IPA project "Establishment of the Natura 2000 Network", whose implementation officially started on 26th April 2016. The reference list of Natura 2000 habitats will be used and revised during the above-mentioned habitat mapping planned by GIZ for 2019, through the project "Conservation and sustainable use of biodiversity at Lakes Prespa, Ohrid and Shkodra/Skadar (CSBL)". It is expected that the final reference list will be completed in the second half of 2019. The status and conservation measures will also be defined on the basis of the results of the mapping of habitats, whereupon it will be discussed that the guidelines and conservation measures are incorporated into the new Special Purpose Spatial Plan for Skadar Lake. ➢ Regular monitoring of the state of biodiversity is carried out in the area of the Skadar Lake National Park. Monitoring activities of the species on the territory of the National Park are defined by the 2016-2020 Management Plan for Skadar Lake National Park and Annual Management Programmes. In Montenegro, special attention is paid to protected species, as well as to the species we are bound by the conventions signed by Montenegro, so the focus is on both plant and animal species from Annexes I and II of the Bern Convention. Regular monitoring of these species is carried out in accordance with the capacities of the professional services of the Public Enterprise National Parks of Montenegro, or by the engagement of experts professionally educated for certain groups of organisms. ➢ The monitoring of the otter (Lutra lutra), a species from Annex II of the Bern Convention, started in 2011 in the Skadar Lake National Park and it has been implemented since then through the programming activities of the National Park. In 2013 and 2017, GIZ funded the otter monitoring on Skadar Lake through the project "Conservation and sustainable use of biodiversity at Lakes Prespa, Ohrid and Shkodra/Skadar (CSBL)", and the implementer of this project in 2017 was the NGO Centre for Protection and Research of Birds. The Agency for Nature and Environment Protection was also involved in both the first and second phase of the project and has the data on the findings of otter monitoring. Furthermore, the Protocol for Otter Monitoring on Skadar Lake was developed, under which the monitoring was carried out. In 2017, through the abovementioned project, this Protocol was harmonized with the Protocol used by the colleagues from Albania and North Macedonia and it will soon be forwarded to the National Environmental Protection Agency. A graphic representation of the findings of otter monitoring will be provided in Annex I. ➢ The Ministry of Sustainable Development and Tourism currently has only a working version of the digitalised border of the Skadar Lake National Park, which was made for the needs of development of the Special Purpose Spatial Plan for the Skadar Lake National Park. ➢ The preparation of the Special Purpose Spatial Plan for the Skadar Lake National Park was suspended on 31 December 2018, pursuant to Article 217 of the Law on Spatial Planning and Construction of Structures ("Official Gazette of Montenegro" No. 64/17; 44/18 and 63/18). ➢ Preparatory activities are underway for the commencement of the development of a new planning document – the General Regulation Plan of Montenegro, under which, the area of the Skadar Lake National Park will be elaborated, as one of the segments of the Plan, in accordance with Article 17 of the Law on Spatial Planning and Construction of Structures. When drafting the planning document for the area of Skadar Lake, the solutions of the Spatial Plan of the Special Purpose Area of the Skadar Lake National Park from 2001 will

	be used as the baseline. Areas that should be proclaimed as Zone I of Strict Protection will be considered when drafting the planning document and incorporated into it after the competent environmental protection institutions have submitted guidelines and requirements. ➢ The areas of Zone I as well as the protection belt, will be considered through the process of development of the new General Regulation Plan of Montenegro, under which the area of the Skadar Lake National Park will be elaborated, after the competent institutions have developed the Revision Study of the Protected Area. ➢ The development of the Special Purpose Spatial Plan for the Skadar Lake National Park was suspended on 31 December 2018, pursuant to Article 217 of the Law on Spatial Planning and Construction of Structures ("Official Gazette of Montenegro" No. 64/17; 44/18 and 63/18). Preparatory activities are underway to commence the preparation of a new planning document – the General Regulation Plan of Montenegro, under which, the area of the Skadar Lake National Park will be elaborated, as one of the segments of the plan, in accordance with Article 17 of the Law on Spatial Planning and Construction of Structures. ➢ The areas that should be proclaimed Zone I of strict protection will be considered during drafting of the planning document and incorporated into it after the guidelines and requirements have been submitted by the competent environmental protection institutions. ➢ On the use of speedboats and personal water crafts (scooters) and other activities which can harm the floating vegetation: ➢ Article 16, paragraph 1, item 42 of the Law on National Parks (Official Gazette of Montenegro 28/14 and 39/16) prescribes the prohibition of the use of vessels with an engine of more than 10 hp (boats, speedboats, scooters, etc.) without approval, except for the needs of state administration bodies. In addition, the Ministry of Transport and Maritime Affairs will increase the number of maritime navigation safety inspectors in the coming period, which will certainly contribute to the more intensive implementation of the control of navigation and vessels on Skadar Lake. ➢ In order to increase the safety of navigation on the lake, it is planned to set up the AIS base station on the shore of Skadar Lake, and to enable the installation of AIS transmitter in the navigation vessels for transportation of passengers. Thus, the coast station "BARRADIO" will have a realistic picture of movement of passenger vessels on Skadar Lake at any moment. ➢ Moreover, the construction of the Port of Virpazar is planned, which will be the base for all AIS vessels navigating on Skadar Lake. For the purpose of more efficient fight against all types of unlawful actions in the area of the Skadar Lake National Park, at the beginning of 2018, a Working Group was formed with the representatives of the Ministry of Sustainable Development and Tourism, the Administration for Inspection Affairs, the Police Administration, the Maritime Safety Department and the Harbourmasters' Office, who, at periodic meetings, analyse the measures undertaken and agree on the activities to efficiently protect this protected area and, inter alia, particularly observe the provisions related to the restrictions regarding the navigation on Skadar Lake. ➢ At the next meeting of the Working Group, discussion about these prohibitions regarding the negative impact on floating vegetation, is envisaged. Furthermore, the activities on establishment of communication with the local population are going to be undertaken in the coming period, as well as on raising awareness of the significance and values of the National Parks with the aim of complying with legal restrictions and protecting the aquatic vegetation of the lake. ➢ The implementation of the Water Framework Directive sets a number of common technical challenges for EU Member States and candidate countries. A common understanding and approach is crucial for the successful and efficient implementation of the Directive in Montenegro. Therefore, in accordance with the Water Directive, the issue of zoning of the Skadar Lake National Park will be

	considered in cooperation with the Water Administration. Through planning cooperation, the Public Enterprise for National Parks and the Water Administration will also define the guidelines for the implementation of control and prohibition of works defined by the said Directive in the zones of Category I (high) and Category II (good). ➢ In addition, the bans on installations or constructions in the lake zones can be an integral part of the planning document guidelines, which will be discussed during the process of finalization of a new Spatial Plan - the General Regulation Plan of Montenegro. **II) Includes the Porto Skadar Lake development on the urban planning plot UP1 and, in addition the development known as White Village on urban planning plots UP2 and UP3 of Mihailovići location as well as any other development on this location.** ➢ For all further steps undertaken with regard to the development of the Porto Skadar Lake and White Village project, the opinions and recommendations of the Bern and Ramsar Conventions, as well as EU delegation to Montenegro. **III) Examines whether any building permit related to the location issued after October 2017 were valid as according to article 4 of the Decision on the adoption of SSL Mihailovići, the latter is valid until 2020, but respective building permits shall be issued within a three-year period only. In additon, the validity of SSL Mihailovići should not be renewed and the provisions of article 4 of the above mentioned Decision should be applied in a way that through amandments the remaining facilities such as the landing place in front of UP1 shall be deleted.** ➢ SLS "Mihailovići" is valid until 2020 and its validity will cease at the moment when the new Spatial Plan has been adopted. The Directorate for Construction in the Ministry of Sustainable Development and Tourism, after October 2017, has not issued any building permits in the area within the scope of the State Location Study "Mihailovići". In this area, the following building permits were issued before October 2017: ➢ to the investor "Montenegro resort company MRC", for the construction of a tourist resort on UP1, number: UPI 0503-836/12-2014 of 27 March 2015, and ➢ to the investor "MJ Property", for the construction of a tourist resort: a 5-star category hotel with annexes, on UP2 and UP3, number: UPI 1054-87/12 of 6 June 2016. ➢ Moreover, in the said building permits, pursuant to Article 97 of the Law on Spatial Planning and Construction of Structures, a condition is laid down that works must commence within 2 years from the date of issuance of a building permit and that otherwise the construction right will cease to apply. According to the data obtained from the Directorate for Inspection Affairs and Licensing in the Ministry of Sustainable Development and Tourism, the investor "MJ Property" doo Podgorica, submitted a notice of commencement of construction works, and started preparatory works on 1 June 2018, under the number 107/4-1522/1 within the legal deadline. ➢ With regard to the issued building permit, the investor "Montenegro Resort Company" submitted a notice of commencement of works on 10 February 2017, also within the legal deadline. ➢ The above-mentioned building permits were issued for the preliminary design. The Urban-Planning and Technical Conditions for berths are issued separately, independently of Urban-Planning and Technical Conditions for the construction of other parts of tourist resorts.

Accordingly, the berth permit is issued in a special procedure and it requires development of an Environmental Impact Assessment Study. However, at the UP1 location, a permit for the construction of a berth was not issued because it was not the subject of a building permit.

IV) Carefully examines the procedure which led to the issuing of a landing place in the case of the White Village development and if necessary, revise or revoke the respective building permit. Pursuant to the provisions of SSL Mihailovići such a landing place must be subject to a seperate environmental impact assessment.

- According to the Urban-Planning and Technical Conditions, permits for berths are issued separately, independently of Urban-Planning and Technical Conditions for the construction of other parts of tourist resorts. It is stipulated that the berth permit is issued in a special procedure and it requires development of an Environmental Impact Assessment Study.
- Building permits for UP1, UP2 and UP3 are issued for the preliminary design, which means without the approvals obtained from the competent authorities for urban-planning and technical conditions in accordance with special regulations.
- A license for a berth in the White Village case has not been issued.

V) Provides and determines clear basic technical specifications and requirements in the appropriate planning documents which are related to the construction of any landing place or waste water treatment inside the protected area. Those specifications and requirements must fully consider the integrity and dynamics of the sensitive ecosystem of Skadar Lake National Park, Ramsar Site and Candidate Emerald Site.

- The Law on Strategic Environmental Impact Assessment ("Official Gazette of Montenegro" No. 59/11 and 52/16) stipulates the conditions, manner and procedure for carrying out an assessment of the impact of certain plans and programmes on the environment through the integration of environmental protection principles in the process of preparation, adoption and implementation of plans and programmes that have a significant impact on the environment. This Law is 100% harmonized with the SEA Directive.
- With regard to the technical specifications and conditions for the construction of berths, permits are issued in a special procedure and independently of urban-planning and technical conditions for the construction of other parts of tourist resorts. It is necessary to prepare an Environmental Impact Assessment Study (EIA Study) in order to obtain a permit. EIA procedure is conducted in accordance to the Law on Environmental Impact Assessment which is 100% harmonized with the EIA Directive.

VI) The floating vegetation with large carpets of white water-lily and water chestnut is a special habitat on Skadar Lake. It is the very sheer size of theses habitat complexes that makes them representative on European level. Any reduction of those habitats shall be prohibited;

- The protection of floating vegetation will also be elaborated during the development of the new Spatial Plan of Special Purpose for National Park Skadar Lake, and accompanying Strategic Environmental Assessment Study.

VII) Establishes an effective dialogue mechanism with and participatory approach to all stakeholders in order to ensure information exchange as well as to consider any biodiversity data gathered by NGOs and the scientific community.

- Ministry of Sustainable Development and Tourism is strongly devoted to the collaboration with professional ecological NGOs since this kind of cooperation should be of great use in terms of providing guidelines and recommendations which would assist in

	implementation of proper environmental policies. In addition to that, open dialogue and cooperation with all relevant stakeholders are necessary since Montenegro builds its future on the principles of sustainable development along with promotion of responsible attitude towards environment. ➢ Also, all Laws in the area of environment in Montenegro emphasize involvement of NGOs and civil society in decision making procedure. Based on the previous correspodance made on the matter of development of the commercial projects on Skadar Lake, it was reported that during the procedure of development od planning documents as well as environmental impact assessment studies, no comments and suggestions were received from NGOs. **VIII) Considers hosting the upcoming biogeographical seminar on Emerald sites in SEE.** ➢ Ministry of Sustainable Development and Tourism is with great enthusiasm ready to be the host of the biogeographical seminar. The holding of the biogeographical seminar would be possible in the second half of 2019, due to the necessity to finalize List of habitats (during May 2019). **IX) Identifies and defines appropriate mitigation measures;** ➢ Appropriate guidelines and measures for the prevention, reduction or elimination of harmful impacts on environment have been identified through the process of Strategic Environmental Impact Assessment and Environmental Impact Assessment. ➢ The definition of mitigation measures will be possible at a time when the concept of lake zoning becomes clear, since the optimum zoning is a prerequisite for the future development and preservation of Skadar Lake on the principles of ecological sustainability. Attention will also be paid to reducing the process of eutrophication through the reduction of pollution, not only of the aquatic environment, but also of the surrounding area in the entire basin of Skadar Lake. The monitoring system should be strengthened and improved through the selection and regular monitoring of indicator parameters. As far as birds are concerned, this system is already operative through regular monitoring of nesting and wintering populations within several European schemes. ➢ Through drafting of the planning documents, rules for the construction of structures in national parks will be obeyed. Also, a plan of management, administration, hunting and protection of the fishing stock (through the development of the Fishery Base) will be developed. ➢ Regular and strict enforcement of criminal law provisions will demotivate and eliminate the illegal collection of protected and/or rare species (plant and animal) for commercial and collecting purposes. **X) Takes measures to preserve and improve the ecological value of protected areas and potential Natura 2000 and Emerald Network sites such as Ulcinj Salina, Lake Skadar and river courses, as stated in the recommendations of the latest EC Montenegro 2018 Report of April 2018. Better coordination is needed with the 'appropriate assessment' procedure under the Habitats Directive. Implementation of EIA and public consultations need to improve, especially at the local level. Potential investments in hydropower and touristic developments need to comply with nature protection requirements.**

	➢ Montenegro is committed to protecting the environment, and an increased attention is paid to the prevention, reduction to the extent possible, eliminating pollution completely and ensuring reasonable management of natural resources, especially in relation to the growing level of pollution of the ecosystem due to uncontrolled discharge of ballast waters, invasive species propagation, emission of pollution from land-based sources, and disturbance of the natural balance due to the urbanization, etc. ➢ In accordance with Article 8 of the Law on Environmental Impact Assessment ("Official Gazette of Montenegro", No. 075/18 of 23 November 2018), the obligation to obtain an approval for an impact assessment has been established. The holder of the project for which it is required Elaborate or project for which a decision has been taken on the need to develop Elaborate, can not approach the execution of the project, or obtain approval for performing the activity without the consent of the study or decisions that the elaboration of the study is not necessary. ➢ Also, it is stipulated that, when the impact assessment process involves the implementation of the appropriate assesment procedure, the admissibility appropriate assessment procedure is carried out within the framework of the impact assessment procedure in accordance with the Law on Nature Protection. ➢ When the impact assessment procedure is conducted under other procedures in accordance with special regulations, these procedures shall be implemented in a coherent manner. ➢ In accordance with the National Strategy with Action Plan for Transposition Implementation and Enforcement of the EU acquis on environment and climate change 2016-2020, additional training is planned at both the state and local levels. The first in a series of trainings, is being realized at the end of march this year, especially with accent on the local level. Experts from member states will present experiences in the context of the implementation of strategic and environmental impact assessment, as well as the dissemination of information and public consultations. In the context of better public consultation, besides the relevant authorities, the Aarhus Centers play a special role. ➢ The appropriate assessment process is incorporated into Montenegrin legislation, and according to the Law on Nature Protection, one of the most important mechanisms for the protection and preservation of the ecological network. The procedure for the appropriate assessment pursuant to Article 46 of the Law on Nature Protection consists of the previous and the main assessment. ➢ Appropriate Assessment is carried out when there is a possibility to plan, program, project, especially in combination with other plans, programs and projects can have a negative impact on the targeted species and habitats and to the conservation objectives and ecological integrity of the ecological network. It does not matter whether the procedure located in the area or outside of it, it is important to examine its potential impact. Thus, for example, regulation of the river upstream can have an impact on the area of the ecological network (target species and habitats) kilometers downstream. ➢ The Ministry of Sustainable Development and Tourism has adopted the Rulebook on the Accurate Content of the Study on the Appropriate Assessment for the Ecological Network Area ("Official Gazette of Montenegro", No. 45/17). ➢ After the EU accession, all projects (eg infrastructure), all plans (eg forest management plans, water management plans, waste management plans, land use plans) and any strategies that take place inside or near certain Natura 2000 sites will be subject to the Appropriate Assessment (AA) process and will have to meet all the requirements set out in Article 6 of the Habitats Directive. ➢ At its session held on 4 October 2018, the Government of Montenegro adopted the Information on the Project "Finalization of the Study on Protection of the Ulcinj Salina Area" with the proposed further steps in the continuation of the process of proclaiming Ulcinj Salina

	the protected area. On 17 October 2018, the Ministry of Sustainable Development and Tourism submitted a Study on Protection of Ulcinj Salina to the Municipality of Ulcinj, so that the Municipality could continue to implement the procedure for the establishment of protection of Ulcinj Salina by organizing a public debate for the Study on Protection, the Proposal of a Decision on Proclamation of a Protected Nature Reserve and Proposal of a Decision on Appointment of the Manager, in accordance with the Law on Nature Protection. ➢ Ulcinj Municipality started a public hearing at the end of December 2018 and it was completed on January 31 2019. Consideration of received suggestions and integration of comments from the Public Hearing in the Protection Study is under way. After that and followed by an opinion from the Ministry of Agriculture and Rural Development and approval from the Ministry of Sustainable Development and Tourism, Ulcinj Municipality will send the documents for the adoption and proclamation of Ulcinj Salina as nature park by the Assembly of Ulcinj Municipality. The authorities provide a workplan on the implementation of the Recommendation No. 201 (2018) in the report.
Bureau meeting March 2019	➢ The Bureau thanked both the authorities and the complainant association for their reports and welcomed progress by the authorities on the implementation of Recommendation No. 201 (2018). It welcomed the information that the draft Spatial Plan for the National Park was withdrawn from Parliamentary procedure due to important quality issues. ➢ The Bureau will continue to closely monitor progress in the implementation of the recommended actions and advised the national authorities to seek additional financial resources, including external ones, for improving its administration capacities and ensuring the follow-up of the current project on Natura 2000. This project provides valuable information also for the setting-up of the Emerald Network to be developed.
Secretariat letter to authorities July 2019	➢ After a signal from the complainant organization, the "Informal citizens Group from Virpazar", that constructions have commenced at the White Village (UP2/UP3) site in the Skadar Lake. ➢ On 5 July the Secretariat addressed a letter to the Ministry of Sustainable Development and Tourism, recalling their commitment to implement Recommendation No. 201 (2018)
Complainant report August 2019	➢ The Montenegrin authorities, primarily the Ministry for Sustainable Development and Tourism, are in direct breach of their commitments to the Bureau's Standing committees 201(2018) recommendations point 1 (i) and (xi). ➢ Preparatory ground construction on a new road, ground leveling and drainage work on a new development began in March 2019 and lasted for approximately 20 days. ➢ The Directorate for Inspection Affairs and Licensing in the Ministry of Sustainable Development and Tourism visited the site on 25th March 2019 as part of monitoring adherence to EIA, and concluded that activities are in accordance with the current building permit 1054/87/12; with the EIA appoval 02UPI-1595/42; and the permit for road construction UPI-101-1556/1-2-136/16. ➢ From the available evidence, it seems that this latest activity on the ground is in fact the actual true commencement of field works. This is contrary to MORiTs claims in the last report that they started field works on the 1st June 2018. If it is true that they only started work

	in March 2019, this would be well after the legal time limit of 2 years from the date of initial granting of their permit. Therefore, this would mean the latest activity is of questionable legal status, as it is not covered by a valid building permit. ➢ This means that the Investor has been allowed to continue with the degradation of the location, despite the fact that the recommended mapping of the habitat of the area has not even started. In May 2019, on behalf of the authorities and NEPA, the German Society for International Cooperation (GIZ) GmbH commenced habitat mapping of the area with a scale 1:10,000. Their work is not due to be finished until early September 2019 with results following soon after. ➢ This is a clear example of the Montenegrin authorities' ongoing non-compliance with nature protection requirements and practices, and surface-level approach to their commitments and obligations, especially those involving expert and scientific recommendations. ➢ Decades of destructive and unsustainable policies under this administration have led to detrimental effects in previously protected areas that had been free of development. It is extremely unlikely that these government policies are going to change any time soon. ➢ Therefore, if the area of Poseljanski zaliv Bay and Biški Rep is to be designated a Zone I in the new Special Purpose Spatial Plan for Skadar Lake National Park, that same Plan needs to ensure that NP Skadar Lake become an Emerald Site and, further, be fully recognised as a Natura 2000 site to escape any further degradation. As such, it is essential that the authorities actually live up to and deliver to their commitments on the ground in practice, not just on paper. ➢ To ensure that the Montenegrin authorities take recommendations 201(2018) seriously and comply in this matter we strongly urge The Bureau of the Standing Committee of the Convention to consider upgrading the complaint 2016/4 from possible file into open file at its next meeting.
Bureau meeting 9-10 September 2019	➢ The Bureau thanked the complainant for the updated report but noted the lack of an update from the authorities. ➢ It appreciated the authorities' monitoring work, presented in their report for the first annual meeting of the Bureau, but noted that there is a lack of information on the core of the Recommendation and on the situation and developments on the spot. ➢ The Bureau urged the national authorities of Montenegro to be present at the 39th meeting of the Standing Committee and requested that both the authorities and the complainant send persuasive arguments on whether or not the Standing Committee should upgrade the case to an open file. The Bureau's suggestion will be for the opening of the file.
Complainant report November 2019	➢ The evidence submitted in the last report regarding building works on the location of the White Village will be sufficient for the Bureau to OPEN this file. Concerns are stressed regarding this particular project or any other mega or small projects in the National Park Skadar Lake in the current unregulated environment are still standing. Recent developments have only reinforced these concerns. ➢ Therefore, to ensure that the Montenegrin authorities take recommendations 201(2018) seriously the complainant strongly urges the Bureau of the Standing Committee to upgrade the complaint 2016/4 from possible file to OPEN file at its next meeting.
Respondent's report November 2019	**Point 1. The Government of Montenegro should immediately implement a number of conservation and management measures in the 12 months following the adoption of the Recommendation No. 201 (2018):** **I.** The environmental inspection performs regular inspection supervision of the location; during the inspection this year at UP1, it was found that there are no constructed structures of any purpose. Only road cutting works that had been previously carried out have been registered on the location.

	➢ At UP2 and UP3, the road is being extended as a temporary structure for the needs of the future construction site. In addition, it has been found that there are no constructed structures of any purpose on the location. Inspections have been carried out until 17 October. ➢ Mapping of Skadar Lake and preparation of a habitat map with the scale 1:10,000 for the above mentioned locations were carried out with the assistance of GIZ. Final results are expected by December 2019. **II.** As part of the IPA project "Establishment of the Natura 2000 Network", in the period April 2016 - April 2019, a list of species and habitats covering nine Key Biodiversity Areas (KBAs) was prepared. All habitat types of interest to the community from Natura 2000 Habitats, as well as all other habitat types as "non-Natura 2000 habitat" have been mapped. The process began in May and will finish by December 2019. ➢ In addition within the CSBL Project, a "Monitoring Manual for Lake-bound Species and Habitats" was prepared in cooperation with EURONATUR, local experts, NGOs and state authorities. It includes 2 types of lake habitats and 21 species, 14 of which are listed in the EU Birds Directive and the Habitats Directive. The status and conservation measures will also be defined based on habitat mapping results, and afterwards incorporated into the new Spatial Plan of Montenegro. **III.** Regular biodiversity condition monitoring is carried out, involving experts trained for specific groups of organisms.. The Skadar Lake National Park Management Plan for 2016-2020, as well as the Annual Management Program, defines activities for monitoring species on the territory of the National Park. Planned activities were carried out at the end of the second and in the third quarter of 2019 for most species included in the Skadar Lake NP Management Program. ➢ Monitoring of Marsilea quadrifolia revealed that part of the population discovered in 2016 is also to be found in the upper course of the river- by summarizing data from 2016 and 2019, it can be concluded that the population of *Marsilea quadrifolia* species in this location is stable for the time being. However, as the habitat is prone to being overgrown, further monitoring is necessary. ➢ Previously collected field data is also available for *Trapa natans, Caldesia parnassifolia, Quercus robur* subsp. *Scutariensis, Gladiolus felicis, Orchis provincialis,* and *Ramonda serbica.* ➢ For the otter (Lutra Lutra), monitoring began in 2011. In 2019, monitoring was carried out in the period June – October: its presence was confirmed at Vranjina Island, valley and river of Orahovštica, Kunježa Bay, Prevlaka, entrance to the Virpazar Canal, valley and the shore around Kunježa Bay, Debeli Rt, Jovovice Bay, Šišarine Bay, tributaries of the Sutormanska River and Krnjice. The EPA also conducted monitoring and found presence at Orahovštica River, the location of Obid and Donji Murići, Biševina River, as well as the lower course of Rijeka Crnojevića. **IV.** The Ministry of Sustainable Development and Tourism currently only has a working version of the digitized boundary of the Skadar Lake National Park. A GIS habitat map that covers the entire area of the National Park will be completed and submitted to the Ministry of Sustainable Development and Tourism by December 2019. **V.** Preparatory activities are underway to begin drafting of a new planning document - the General Regulation Plan of Montenegro, which will include the area of the Skadar Lake National Park. It will define in detail the goals and measures of the spatial and urban development of Montenegro, taking into account specific needs that arise from regional specificities, elaborateing goals of spatial planning and regulating rational usage of space and sea areas, in accordance with economic, social, environmental and cultural-historical development.

	VI. The areas of Zone I as well as the protection belt, will be considered through the process of development of the new General Regulation Plan of Montenegro, under which the area of the Skadar Lake National Park will be elaborated, after the competent institutions have developed the Revision Study of the Protected Area. **VII.** Development of the Special Plan for Special Purpose for Skadar Lake National Park was discontinued on 31st December 2018- preparations are underway to begin drafting a new planning document - the General Regulation Plan of Montenegro (as above). **VIII.** The Law on National Parks prohibits the use of vessels with a motor of more than 10 hp (boats, speedboats, scooters, etc.) without authorisation, except for the needs of state authorities. In addition, the Ministry of Transport and Maritime Affairs will increase the number of maritime navigation safety inspectors in the coming period. Setting up an AIS Base Station on the shore of Lake Skadar is also planned. **IX.** At a meeting of the Working Group in October 2019, it was decided to continue the "stop poaching" campaing, increase supervision at critical points, revise the action plan, and agree on priority actions. More efforts will be made to establish communication with the local population, as well as to raise awareness of the importance and values of National Parks aimed at respecting legal restrictions, as well as protecting the aquatic vegetation in the lake. **X.** (see point 1.8 on the Law). Further, the Law provides speed limitation to four knots at the following locations on Skadar Lake: Mihailovići area, Poseljanski Bay, Biški Rep, estuary of Rijeka Crnojevića, estuary of Bazagurska Matica and the area around Liponjak Island. **XI.** The National Parks of Montenegro and the Water Administration, will cooperate to define guidelines for implementation of control and prohibition of works that have been defined by the said Directive in zone categories I (high) and II (good). ➢ A document "Shorezone Functionality Index - Skadar Lake" was published in 2017, highlighting the key aspect of the WFD - hydromorphological status assessment. It consists of a combination of hydrological and morphological assessments. The results show that 46% of the total perimeter of the lake falls into the high category, followed by the good category with 23.4%, then the moderate category with 24.8%, the weak category with 0.92% and the bad category with 4.9%. **Point 2** ➢ For all further steps made in relation to the projects Porto Skadar Lake and White Village, as well as during preparation of any planning document, the opinions and recommendations of the Berne and Ramsar Convention, as well as of the Delegation of the European Union to Montenegro will be taken into account. **Point 3** ➢ SLS "Mihailovići" is valid until 2020, and its extension is not planned. The Directorate for Construction in the Ministry of Sustainable Development and Tourism, after October 2017, has not issued any building permits in the area within the scope of the State Location Study "Mihailovići". Permits issued prior to then had 2 years to begin works: 2 such projects have begun. **Point 4**

	➢ According to the Urban and Technical Requirements, building permits for moorings are issued separately, independently of the UTRs for construction of other parts of the tourist resorts. The issuance of a building permit for a mooring is envisaged in a separate procedure and an environmental impact assessment procedure needs to be carried out for it. ➢ Building permits for UP1, UP2 and UP3 have been issued on the basis of a Conceptual Design. Also, a building permit for the construction of a mooring has not been issued for location UP1. **Point 5** ➢ The Law on Strategic Environmental Impact Assessment stipulates the conditions, manner and procedure for carrying out an assessment of the impact of certain plans and programmes on the environment through the integration of environmental protection principles in the process of preparation, adoption and implementation of plans and programmes that have a significant impact on the environment. This Law is 100% harmonized with the SEA Directive. ➢ Regarding technical specifications and requirements during the construction of a mooring, building permits are issued in a separate procedure and independently from the Urban and Technical Requirements. **Point 6** ➢ The Law on Nature Protection enables the manager to conduct control of activities on the lake related to preventing endangerment of floating vegetation by controlling waterways and fishing organised with nets. Further as above, prohibitions on speedboats and poaching will come into force. Protection of floating vegetation will further be considered in future Plans. **Point 7** ➢ There is continuous dialogue between the Government and civil society in accordance with the Laws which set out mechanisms for public participation in the decision-making process, including through the work of four Aarhus Centres. Until 26th March 2019, four calls for NGOs to participate in the drafting of laws and by-laws were announced, whereas for three no candidates applied and for one of the calls two NGOs applied. During 2019, three public discussions were held. ➢ Trainings supported by the OSCE Mission to Montenegro, have been conducted to strengthen the dialogue of both sectors. Since June 2018, approximately 250 representatives of the interested public have attended public discussions for EIA studies. **Point 8** ➢ The Ministry of Sustainable Development and Tourism is with great enthusiasm ready to be the host of the biogeographical seminar. **Point 9** ➢ Appropriate guidelines and measures for the prevention, reduction or elimination of harmful impacts on environment have been identified through the process of Environmental Impact Assessments. The definition of mitigation measures will be possible at a time when the concept of lake zoning becomes clear, since the optimum zoning is a prerequisite for the future development and preservation of Skadar Lake on the principles of ecological sustainability. Regular and strict application of legal penalty provisions will demotivate the potential occurrence of illegal collection of protected and/or rare species for commercial and collector purposes.

	Point 10 ➢ Montenegro is working dedicatedly on issues such as uncontrolled discharge of ballast water, invasive species expansion, emissions from land-based sources of pollution, and disruption to natural balance due to increasing urbanisation. ➢ Pursuant to Article 8 of the Law on Environmental Impact Assessment, the obligation to obtain EIA approval has been established. ➢ In accordance with the National Strategy with Action Plan for implementation, transposition and enforcement of the EU Acquis on Environment and Climate Change 2016-2020, trainings are planned : the first was carried out in March 2019, with a focus on the local level, where experts presented experiences in the context of conducting strategic EIAs, as well as disseminating information and public consultation. ➢ According to the results of a Conservation Study, which was carried out during the process of declaring Ulcinj Salina a Nature Park, it fulfilled 6 out of 9 criteria for application for inclusion in the Ramsar List- it was thus added to the list on September 9th, 2019. ➢ With regard to Lake Skadar, the implementation of the Berne Convention recommendations is underway. ➢ With regard to the Tara River Canyon, in the context of the highway construction, a control mechanism has been set up through the work of competent inspection bodies; regular monitoring of the bottom fauna is carried out by the expert team of the Faculty of Science. ➢ Strategies, spatial plans, plans for the installation of temporary structures, plans and programs for the management and use of natural resources all must include guidelines and conditions for nature protection. **Point 11** ➢ The draft of Working plan is prepared in form of table wich is provided in Annex III. **Point 12** ➢ Montenegro will regularly report to the Bureau of the Bern Convention on the progress of implementation of the recommendations in accordance with the request of the Standing Committee.

Standing Committee December 2019	➢ Noted the efforts of the national authorities on mapping the area and its habitats. However, considering the evidence submitted by the NGO regarding the building works on the location of the White Village and the lack of concrete implementation in particular of operational paragraph 1 of the Recommendation No. 201 (2018), **the Committee decided to open a case-file**, supported by a large number of Parties; ➢ Urged the national authorities to halt any further development in the area and to speed up the process of development of all required assessments and measures foreseen in Recommendation No. 201 (2018), and to report to the Bureau in Spring 2020.
Complainant's report February 2020	➢ Welcomes the opening of the case-file, and since then notes that it is encouraging that no further building activity has been noted at the site of SLS Mihailovici, mapping has been concluded, the previously ill-conceived Spatial Plan for NP Lake Skadar has been withdrawn from parliamentary procedure in 2018. ➢ However, negative actions continue such as ongoing inadequate protection of the lake despite the recent fishing ban, continued use of speedboats and lack of authoritative sanctions, the new border crossing with Albania threatening to pose problems. ➢ The major concern remains that SLS Mihalovici is just the beginning of the more unsustainable development on the lake. ➢ Current development plans of the government including the proposed motorway across Rijeka Crnojevica, upgrade of the road infrastructure, increase in tourist facilities and building up marinas and ports go against the various recommendations of international bodies including the Bern Convention and the EC. ➢ Calls for abandoning completely SLS Mihalovici and revoking building permits for Porto Skadar Lake and White Village. ➢ Calls for ensuring that the new Spatial Plan is rezoned according to Recommendations 201, Shore Functionality Index study and recent biodiversity mapping. ➢ Calls for initiating and establishing efficient and effective methods of monitoring implementation of existing laws, executed in a manner that is visible on the lake. ➢ Wants to see this file closed at the next meeting if the authorities fulfil the recommendations, as this would send out a strong signal as regards EU accession talks, thanks to commitment to nature protection.
Respondant's report, February 2020	**1.1** There has been no change in the situation since the last report regarding site construction work. Mapping of the area was finalised in December 2019, and the Reference List of Skadar Lake Habitats, as well as a GIS Habitat Layer covering the entire national park area is available. **1.2** Following the fieldwork mentioned in the previous report, results were verified for the Montenegrin part of Skadar Lake, and a new and improved Preliminary Reference List of Habitats for Montenegro and Albania was created. The common list contains 24 habitat types, 6 of which have been reported for the Albanian part of Skadar Lake and 21 for the Montenegrin part. Also, the final list for non-natura 2000 Montenegrin habitats consists of 10 habitat types. **1.3** In January 2020, counting of birds was completed, and results shared with the IWRB and Bird Life. At the end of 2019, cleaning of pelican nesting platforms was done. The Program of management of NP Skadar Lake for 2020 defines several activities of monitoring and protection measures: this includes monitoring of the otter during 2020. **1.4** As mentioned under Point 1 above, a GIS habitat map has been completed and is available.

	1.5 As mentioned last year, a General Regulation Plan of Montenegro is being drafted, and has been submitted to all units of local self-government, in order to provide guidelines for the preparation of the program assignment. Also, the selection of the manager of the development of the Plan is underway, following a public invitation issued by the Ministry. **1.6, 1.7, 1.8** No changes since last report. **1.9** The authorities continue to protect the water habitats and have eliminated negative impacts. Furthermore, employee training and further cooperation with state institutions and the local population are envisaged. **1.10, 1.11** No changes since last report. **2.** Opinions and recommendations of the Bern and Ramsar Conventions and Delegation of the EU to Montenegro will be considered. **3.** No changes since last report. **4.** As a development from the last report, building permits for construction of a mooring have not been issued for UP2 and UP3 urban parcels at the White Village location. **5.** No changes since last report. **6.** Based on several years of monitoring the status of floating vegetation, the Public Enterprise for the National Parks of Montenegro is of an opinion that no additional protection measures are required for these species: water lily and water chestnut populations are numerous and stable. No further changes since last report. **7.** There is continuing good dialogue with citizens and NGOs, who are considered vital during negotiations with the EU on accession. Until December 2019, there were 4 calls for NGOs to participate in the drafting of laws, of which there was application for just one. A cross-sector round Table was also organised on environmental protection in December 2019 in order to enhance collaborations. Trainings also continue to be held. Finally, NGOs participated in EIA evaluations for several sites. **8.** No changes since last report. **9.** The spread of allochthonous invasive species is a large threat, especially the species Amorpha fruticose, and conservation measures are planned during 2020. Also, it is necessary to comply with the rules for construction of structures in national parks in accordance with the Rulebook on closer conditions for the erection or construction of temporary facilities, devices and equipment. **10.** The establishment and functioning of Aarhus centres improve the implementation of the Aarhus convention and public involvement- capacity building is to be continued in 2020. Regarding Ulcinj Salina, on 15th January 2020, a Working Group was formed by the Municipality of Ulcinj to prepare a 5-year management plan for the protected area "Nature Park Ulcinj Salina". No further developments since the last report. **11.** The draft was already prepared. **12.** The Bern Convention will continue to be regularly reported on updates.

Bureau meeting 7-8 April 2020	➢ The Bureau thanked both the authorities and complainant for their timely and detailed reports. It welcomed the progress in certain areas of the authorities, such as the mapping of the site, the counting of birds, the reference list of habitats, the withdrawal of the original plan for the commercial project, and the setting up of a working group for the elaboration of a management plan the protected area "Nature Park Ulcinj Salina". The Bureau was however concerned about the new plans regarding the proposed motorway across Rijeka Crnojevica, the upgrade of the road infrastructure, the increase in tourist facilities and the building of marinas and ports which are in contradiction with the provisions of Recommendation No. 201 (2018). ➢ The Bureau encouraged the authorities to keep it updated on the implementation of Recommendation No. 201 (2018), focusing on new developments in its next report, as well as to react to the continuing concerns of the complainant. The file remains open and both parties are requested to report again for the next Bureau in September.
Complainant report July 2020	➢ No meaningful progress from Montenegrin government, and evidence of new road infrastructure under development. ➢ No new developments regarding revisions to or replacement for the Spatial Plan for NP Skadar Lake. ➢ Geometric markings for a future road connecting the village of Mihailovici and White Village site have been noted in June 2020. ➢ Reiterates call for: - the development and delivery of a new spatial plan for the National Park, as previously committed to by the Montenegrin authorities; - abandoning SLS Mihalovici entirely and revoking all building permits for Porto Skadar Lake and White Village; - ensuring that the new Spatial Plan is rezoned according to Recommendation No. 201 (2018), the Shore Functionality Index study and recent biodiversity mapping; - initiating and establishing efficient and effective methods of monitoring implementation of existing laws, executed in a manner that is visible on the lake. ➢ For additional context: - Negative actions continue: Arsonists have attacked the property of prominent activist Mr Pajovic from NGO Carp Security, a vocal critic of the authorities responsible for managing NP Skadar Lake and their passive approach to illegal fishing on the lake, in May this year. Please see: https://balkaninsight.com/2020/05/08/montenegro-greens-protest-after-lake-conservationists-home-is-torched/ - Fort Besac from the 15th century was reconstructed with the aid of EU grants, intended expressly to support the promotion of local heritage and sustainable tourism. The Fort has now been redeveloped as a museum, gift shop and vine cellar in accordance with this aim. However, the Montenegrin Government is now offering the reconstructed fort to be leased to *private* investors with the prospect of building accommodation facilities on the site and in its proximity. This indicates that public EU money is being redirected to the private sector for private profit. Please see: https://eeas.europa.eu/delegations/australia/39344/magical-fortress-lake-skadar_en - A new road and border crossing in the village Ckla is to go ahead. The Montenegrin government decision 07-3373 dated 28.06.2018 does not contain any requirements for an environmental impact assessment to be carried out. The NGO Green Home has requested the

	relevant Environmental Impact assessment report from the Nature and Environmental Protection Agency of Montenegro. At the time of writing, the Agency has still not responded. - There are also plans to build a new Port of Virpazar through EU IPA funds.
Respondent report July 2020	➢ **Inspection:** - In the procedure of control and inspection of these locations covered by the Project DSL "Mihailovići" Skadar Lake of the Investors LLC "MJ PROPERTY" and LLC "Montenegro Resort Company – MRC" performed on 3 July 2020, the Urban Planning and Construction Inspection established that the structures in question are still in the preparatory phase, and that there are no works at the location in question, which means that the situation has not changed compared to the last reporting period (February 2020). - The Administration for Inspection Affairs, through the environmental inspector, performs inspections in accordance with Article 108 of the Law on Nature Protection, where the inspection control established that there was no change in the construction situation at the Mihailovići location. ➢ **Monitoring of species and sites of NATURA 2000:** - Habitat directive: As per the Annual Management Programme for the Skadar Lake National Park (2020), monitoring for these three species and their habitats is planned for the period July-September 2020. - We note that conducting of field researches is planned to take place in the NP Skadar Lake in 2020 under the Project "Mapping of Natura 2000 Habitats and Species" implemented by the Nature and Environment Protection Agency, and part of the researches on otter status will be conducted through this Project. ➢ **Defining measures to prevent jeopardizing habitats and to mitigate negative impact of the ecosystem of the NP Skadar Lake:** - Regular research and monitoring takes places; guidelines for the implementation of control and prohibition of works in zones of category I (high) and II (good) will be defined in accordance with the Water Framework Directive. ➢ **Planning documents – Special Purpose Spatial Plan for the NP Skadar Lake:** - Government of Montenegro has adopted the Decision on Drafting the General Regulation Plan, which will also cover the area of the Skadar Lake National Park, and the Decision on appointing the manager for drafting the General Regulation Plan of Montenegro and the amount of remuneration for the manager and expert team for drafting of the Plan (Official Gazette of Montenegro 052/20 of 3 June 2020). The deadline for drafting of the Plan is 24 months from the day of signing of the contract with the manager for drafting of the Plan (signing of the contract is expected). The Plan will incorporate, inter alia, the recommendations of the Standing Committee of the Bern Convention regarding construction on Skadar Lake in order to ensure their adequate implementation through the planning document.

	- On 23 June 2020, the Ministry of Sustainable Development and Tourism requested from all relevant institutions to provide available data, proposals, and guidelines for the purpose of drafting of the General Regulation Plan of Montenegro. ➢ **Highway section though Rijeka Crnojevića:** - The initial results of the Strategic Environmental Impact Assessment of the Bar - Boljare Highway indicate the need to analyse alternative solutions in conflict areas such as Skadar Lake. - In order to prepare technical documents for the construction of the Bar – Boljare highway, the Ministry of Transport and Maritime Affairs started in the previous period drafting of the Feasibility Study for the highway which will, inter alia, provide the optimum route based on a multicriteria analysis. In particular, the variant for the section Đurmani-Farmaci, which crosses Skadar Lake, was evaluated as negative due to strict environmental restrictions, and it was proposed that solutions in the hinterland of Skadar Lake are considered further in the process of developing the Study. Further elaboration of the Study and development of the Preliminary Design, taking into account all limitations, will create conditions for a more detailed presentation of the highway route, where the intention and position of the Ministry of Transport and Maritime Affairs is to minimize environmental impacts. - The Spatial Plan of Montenegro, whose development is also ongoing, will examine, inter alia, the solutions of the valid planning documents, as well as variant solutions of the Detailed Spatial Plan of the Bar - Boljare highway. ➢ **Construction of marinas and harbours:** - The Ministry of Transport and Maritime Affairs has received funds (IPA & national funds) intended for the revitalization of the Port of Virpazar. The deadline for the completion of the Project is June 2022. - With respect to the speed of navigation on Skadar Lake, the Ministry of Transport and Maritime Affairs has started drafting the Law on Amendments to the Maritime Navigation Safety Law having in mind, inter alia, Recommendation No.201 (2018). - Regarding the number of inspectors for lake navigation safety, the said Proposal Law envisages that inspections will be performed by navigation safety inspectors, and an increase in the number of inspectors is expected, both at sea and on the Lake. ➢ **Measures taken to preserve and improve the ecological values of protected areas and of potential NATURA 2000 and Emerald network such as Ulcinj Salina, Skadar Lake and rivers:** - <u>With regard to Ulcinj Salina:</u> - Further measures and activities were continued in order to preserve and protect the ecosystem and to renew the infrastructure at the Salina in order to ensure further protection and sustainable management of the Nature Park “Ulcinj Salina”. The Terms of Reference were prepared in the previous period for drafting of technical documents (Main Design for the reconstruction of structures (canals, embankments)) in the territory of the Salina in Ulcinj.

	- The Draft Management Plan for the Nature Park "Ulcinj Salina", prepared by the Working Group set up by the Municipality of Ulcinj in January 2020, is currently subject of public discussion. For 2020, funds have been allocated for the management of the Nature Park "Ulcinj Salina" and the temporary management of this area by the Public Company National Parks, for the period until the end of August 2020. - As part of the Montenegro's accession negotiations with the EU under Chapter 27 - Environment and Climate Change, the Working Group for the Preparation and Conduct of Negotiations on the Accession of Montenegro to the European Union in the area of the EU acquis relating to the negotiating Chapter 27 prepared Draft Action Plan for fulfilling closing benchmarks in Chapter 27 - Environment and Climate Change. - As part of the cooperation with Germany, ToR have been prepared for an expert to provide support to the Municipality of Ulcinj in defining the optimum management model for this protected area, as well as in the implementation of protection measures. - Montenegro reports to the EC on a quarterly basis on the implementation of activities undertaken to protect Ulcinj Salina. So far, 3 reports have been sent: on 31 December 2019, 31 March 2020, and 30 June 2020. - <u>With regard to Skadar Lake</u>: - A field work plan for ornithofauna and a work plan for habitats and other species have been developed for the establishment of the Natura 2000 ecological network. Experts have begun conducting field research. - <u>With regard to Tara River:</u> - As part of the biological monitoring of the Tara River in accordance with the Water Framework Directive, the results obtained by this year's monitoring will be compared with the results from the first year of monitoring (2019).
Bureau meeting 15-16 September 2020	➢ The Bureau thanked both the authorities and complainant for their timely and detailed reports. It welcomed the progress in certain areas of the authorities and their responses to some of the allegations of the complainant. However, it also noted the continued concern of the complainant that no meaningful progress has been achieved. ➢ It encouraged the authorities to keep it updated on the implementation of Recommendation 201 (2018), including on the status of the proposed highway and construction of new ports and marinas. ➢ The file remains open and both parties are requested to present an update at the 40th Standing Committee meeting.
Complainant report October 2020	➢ There has still been no meaningful progress from Montenegrin government on Recommendation 201, and worsening situation for Skadar Lake's biodiversity. There have also been no new developments regarding revisions to or replacement of the Spatial Plan for NP Skadar Lake. ➢ Large fires broke out in various, poorly accessible locations across the park in September, leading to speculation that poachers were responsible, with their goal being to gain easier access to the water and continue illegal activities. These fires were largely ignored by the authorities and eventually extinguished (mostly by rainfall) after 20 days, causing large scale biodiversity loss. ➢ Illegal fishing has become widespread in the Park. Highly destructive methods of fishing with electricity and dynamite have now become endemic. Social media is flooded with evidence by the public and NGOs on a daily basis, yet very few poachers are prosecuted and, as a result, activity becomes widespread.

	➢ Some 25000t of highly toxic caustic soda has been inappropriately stored in the Aluminium smelting plant adjacent to the main contributory of Skadar Lake - Moraca river. This highly toxic material has been dumped on the grounds of the plant, seeping into the ground and into Moraca river causing major concerns of imminent ecological threat to the lake. ➢ The new parliamentary majority has been given a chance to form a new government after 30 years of one-party rule. Hopes are high for the new government to implement positive reforms- once it is formed, the aim is to establish and improve direct communication. ➢ Reiterate the main concerns to: ➢ as highest priority, develop and deliver a new spatial plan for the National Park, as previously committed to by the Montenegrin authorities, and ensuring that it corresponds to Recommendation 201 (2018); ➢ abandon SLS Mihalovici entirely (currently valid until 2020) and, in the light of current evidence, revoke all building permits for Porto Skadar Lake and White Village; ➢ initiate and establish efficient and effective methods of monitoring implementation of existing laws, executed in a manner that is visible on the lake.
Authorities report October 2020	➢ On 3 July 2020, the Urban Planning and Construction Inspection established that the structures in question are still in the preparatory phase, and that there are no works at the location in question, meaning the situation has not changed since February. ➢ During the inspection control of 16 October 2020, it was concluded that there had been no changes in the state of construction at the Mihailovići location, i.e. roads that had been made previously are covered in vegetation and no activities are taking place. ➢ On 16 October 2020 the Ministry of Sustainable Development and Tourism was informed that the company "Montenegro Resort Company-MRC" had not started any works on the access road to the future tourist complex Porto Skadar Lake, because the process of obtaining the construction permit had still not been completed. The purpose of the activities conducted at the location was only to obtain the expropriation study, and these activities could not have caused any damage. ➢ Monitoring of Natura 2000 species including 10 plant species and the *lutra lutra* was carried out during 2020. ➢ Water lilies and water caltrops are widespread on the waters of Lake Skadar, are not considered endangered, and are protected by several laws and measures. ➢ The most significant threats and pressures to the general ecosystem are the pollution and eutrophication of the entire water surface of Lake Skadar. As many of these enter from external sources, measures to mitigate them must be comprehensive, complex, and implemented in cooperation with all the competent institutions in Montenegro and the Republic of Albania. ➢ Cooperation has also been established with the NGO sector to protect the Park area from illegal activities, including poaching, raising awareness on the importance of the values of the park and nature, and other projects are ongoing with international partners. ➢ The PENPM professional service performs regular research and monitors the spread of invasive alien species.

	➢ Guidelines for the enforcement of control and prohibition of works in the Categories I (high) and II (good) will be defined in accordance with the Water Framework Directive; and there is a plan to establish the baseline (zero) condition based on which monitoring will be performed and the environmental status and quality of bodies of water in Montenegro will be determined. ➢ The Montenegrin Government in May 2020 adopted the Decision on the Development of the General Regulation Plan of Montenegro, the deadline for the development of which is 24 months. The Ministry of Sustainable Development and Tourism is helping to coordinate it and will incorporate all recommendations of the Standing Committee regarding Skadar Lake. ➢ The Spatial Plan of Montenegro which is in development, will, among other things, reconsider the solutions from the existing planning documents, including the alternatives of the Detailed Spatial Plan of the Bar – Boljare Highway. ➢ A transport project between Albania-Italy-Montenegro includes the revitalisation of the former Virpazar port at the entrance to Virpazar, which should lean on the existing wastewater collector in this settlement, outside the National Park- the deadline for the completion of the project is June 2022. ➢ Funding of €1,000,000 was allocated in the capital budget for 2020 for infrastructural works on the Salina. €200,000 was also allocated by the Municipality of Ulcinj and €185,000 by the Public Enterprise for National Parks for the management of the "Ulcinj Salina" NP. ➢ A working group to develop the Management Plan for the "Ulcinj Salina" NP for a period of five years was formed in 2020. ➢ In Summer 2020, a public discussion process was organised regarding the Draft Action Plan for the meeting of the final benchmarks in Chapter 27 – Environment and Climate Change, of the EU accession process. ➢ Draft ToR was prepared for a German expert who would provide support to the Municipality of Ulcinj in defining the optimum model for the management of this protected area, and in the implementation of protection measures. ➢ Field work of four experts for ornithofauna started on 6 June 2020, and by 20 October, a total of 68 field research days were realised. The remaining days will be realised by mid-December 2020. ➢ Regarding field work of species experts it ran from June to 20 October, completing 70% of the planned field work. The research was done in the localities of mounts Orjen and Visitor for all groups, and additionally for invertebrates and mammals on Lake Skadar NP. Ichthyofauna was covered on the location of Šasko Lake and the plan is to also work on tributaries to Lake Skadar. The remaining planned days will be realised by the beginning of December 2020. ➢ In relation to the database development for the Emerald network, by 20 October, a total of 434 out of 530 field work days were implemented. In the Fulcrum database a total of 6,014 data entries were made, and a total of 68,000 hectares will be mapped, which is 4,93% of the territory of Montenegro. The remaining field work days will be realised at the latest in early November. ➢ In 2020, the monitoring of the fauna of the Tara riverbed (lotic and lentic areas) started in June and will last for one year.
Standing Committee December 2020	➢ The Standing Committee noted some efforts of the authorities such as monitoring activities of several species, field work related to the Emerald Network, and cooperation with NGOs. It also noted the new General Regulation Plan and Spatial Plan of Montenegro which are in development and within which the Ministry intends to incorporate all recommendations of the Standing Committee on Skadar Lake.

	➢ However it also noted the ongoing concerns of the complainant that no meaningful progress towards the Recommendation has been implemented, that a Spatial Plan for the National Park still hasn't been revised, and that illegal activities such as fishing and poaching have continued. ➢ The European Commission recalled that Montenegro is a candidate EU country and is thus expected to fully transpose and start implementing the relevant EU acquis (mainly SEA and EIA legislation, as well as of the Habitats and Birds directive). ➢ The Standing Committee also took note of and appreciated the intervention of the Ramsar Convention on the case, which noted that, while there have been some efforts of the authorities, in general the situation is deteriorating, and unsustainable developments are still being planned. The Committee encouraged continued collaboration of the two Conventions going forward on this case-file. ➢ The Committee urged the Montenegrin authorities to cancel any unsustainable construction developments at Porto Skadar Lake and White Village, and to consider alternative routes for the Bar – Boljare Highway. It also encouraged the revision of the Spatial Plan, and enforcement of existing legislation against illegal activities.
Complainant report February 2021	➢ A positive step is the continuation of mapping and recent **monitoring of the otter** in August 2020 which confirmed the presence of the otter at Biski Rep, strengthening the case of recommendation 201 (2018). It's very clear from the map submitted by the government that the whole north west area of the park including the Mihalovici location is a valuable otter habitat, and as such should have the highest level of protection and any developments in the area would be highly destructive. ➢ Further, replacement of the previous highly damaging **Spatial Plan for NP Skadar Lake**, as previously committed to by the Montenegrin authorities is still in its infancy. The latest government report clearly shows its nationwide brutal treatment of the internationally valuable and protected areas such as River Tara and NP Durmitor (UNESCO). This is a highly embarrassing moment for any government. This complaint has ambitions to prevent anything like that happening in NP Skadar Lake. ➢ A **new law on maritime safety** came into effect last year, in which it states a four knots max at areas in and around Skadar, and forbids fishing and boating in certain areas without permission. However, local fishermen have been already applying for exceptions to this law citing poor weather conditions on the lake preventing them from fishing. It's feared that tour operators will be next and that by granting these exceptions to fishermen and others, there will be more lawlessness in the park. There is a complete lack of education and communication between locals and authorities on this matter. This is a direct breach of recommendations 201. ➢ An optimistic development is that the **new government** will perform better and free from the current culture of corruption and unprofessionalism. The new state secretary for ecology in the newly formed Ministry of ecology, urbanisation and spatial planning is also a positive step. ➢ The conclusions of the recent **meeting of National Parks of Montenegro** organised by its newly appointed head Ms Marina Jocic which called for changes including better cooperation with NGOs is welcomed. ➢ The Ministry of agriculture and rural development has allocated funds in this year's budget for **Skadar Lake's fish stock study**, data used so far were dating back to 1978. This will hopefully help in better protection of fish stock in the lake. ➢ **Reiterate the key concerns:** ➢ **development and delivery of a new spatial plan**;

	➢ **abandon SLS Mihalovici entirely;** ➢ **initiate and establish efficient and effective methods of monitoring implementation of existing laws.**
Government report 12 April 2021	➢ The Government has adopted a Decision on the development of the **General Regulation Plan**, and the Ministry of Ecology, Spatial Planning and Urbanism is evaluating all issues related to this Plan, as well as the overall spatial planning policy. Among other things, the Plan will incorporate the recommendations of the Standing Committee of the Bern Convention regarding construction on Skadar Lake, in order to ensure their adequate implementation through the planning document. It concerns the northern, central and coastal region, as well as the area of national parks and the area protected by UNESCO. ➢ The old Spatial Plan for Special Purpose for Skadar Lake National Park shall remain in force until the adoption of the new Plan. ➢ In addition, the Government started the process of drafting the **Spatial Plan of Montenegro** which is a strategic document defining the state goals and spatial development measures, in accordance with the overall economic, social, ecological, and cultural-historical development of Montenegro. ➢ The Spatial Plan of Montenegro until 2020 determines the corridor of the **Bar-Boljare highway** and the Detailed Spatial plan of the Bar-Boljare highway defines the stage construction, and considers 2 possible routes: the 2nd route bypasses the Lake and was assessed as more acceptable, because it is in line with the criteria of sustainable development. ➢ The initial results of the **SEA of the Bar - Boljare Highway** indicate the need to analyse alternative solutions in conflict areas, such as Skadar Lake. Elaboration of the Feasibility Study and development of the Preliminary Design will continue to take into account all limitations, and conditions will be created for a more detailed presentation of the highway route, with the intention and position of the Ministry of Capital Investments to minimise environmental impacts. ➢ Concerning **construction works on Porto Skadar Lake and White village,** the 2 building permits previously issued are still valid. During the latest inspection, it was found that the project is still in the phase of preparatory works, i.e., the construction of facilities has not started.
Bureau meeting 14-15 April 2021	➢ The Bureau acknowledged certain positive developments such as the continuation of mapping and monitoring of the otter, early stages of the replacement of the Spatial Plan for Skadar Lake National Park, considerations of alternative routes for the Bar-Boljare highway, a new law on maritime safety, and general positive trends towards environmental issues from the new government. It further welcomed the information of the authorities that better collaboration with civil society is foreseen. ➢ The Bureau also took note of the continuing concerns of the complainant, including that despite the positive initiatives, there are still many issues on the ground such as lack of enforcement of law, and of the information of the authorities that construction at Porto Skadar Lake and White village could legally continue. ➢ The Bureau acknowledged that the authorities would send a more comprehensive report in progress on Recommendation 201 (2018) for the next Bureau meeting in September. It requested that they also reply in that report specifically to the concerns of the complainant. The complainant would also be invited to share any updates at the same meeting.

	➢ The Bureau also instructed the Secretariat to request to the European Commission and to the EU delegation in Montenegro for any relevant updates.
Ramsar update June 2021	➢ Ramsar shares the assessment of the Bern Convention Bureau decision above that the situation is far from being satisfactory.
Complainant's report July 2021	➢ There has been no meaningful progress in Rec 201, but at least there was first efforts of authorities to meet with civil society during a panel discussion organised in Virpazar in May concerning development at the lake and Rec 201. ➢ General consensus was that SLS Mihalovici, including within planned Porto Skadar lake and White Village, would have irreversible and highly damaging consequences for the future of the NP Skadar Lake. ➢ It was also acknowledged that rec 201 is here to stay and will be a test for the authorities on their commitment to implement European standards in nature preservation especially in context of EU chapter 27 negotiations. ➢ Unfortunately, there was a lack of commitment from the authorities' representatives to revoke existing permits for Porto Skadar Lake and White Village, citing deficits in the current legal framework. ➢ Speed boat limitations included in the recommendation 201/2018 were also disputed by representatives citing passenger safety. ➢ the lack of progress in the implementation of the recommendations 201/2018 and general lack of protection in the National Park are largely due to the political crisis in Montenegro. Decisions at high level are needed ➢ The recent transfer of ownership of Ulcinj Salina to government hands and its associated protection gives hope that the government will make the right decision regarding complete abandonment of project Mihalovici and incorporate its protection in the future spatial plan, according to rec 201. ➢ The meeting with Prof Danilo Mrdak and director of NP Skadar Lake Mr. Aleksandar Bulatovic was thus considered very positive. ➢ Reiterates 3 key concerns: **abandoning SLS Mihalovici, developing a new spatial plan, enforcing/monitoring existing laws.**
Respondent's report August 2021	➢ The last conducted inspection supervision at Mihajlovići Cadastral Municipality, found that works are still in the preparatory phase, i.e. there is no continuation of the activities. As noted previously, no works on the access road to the future tourist complex Porto Skadar Lake have begun, only an expropriation study. Permits have not yet been issued. ➢ Cooperation has been established with NGOs on the protection of the park area from illegal activities, with a focus on poaching. Environmental and educational events and projects were carried out with local/international partners. ➢ IAS pose a major problem: comprehensive solutions with good cooperation are needed, and regular monitoring is carried out. ➢ The Center for the Protection and Study of Birds has started the implementation of the project "Restoration of wet meadows of Skadar Lake for sustainable and traditional use".

	➢ Furthermore, the number of executors of the Protection Service was increased, more vessels procured, video surveillance and thermal cameras installed. ➢ Meetings were held with inspection services (forestry, hunting and plant protection, freshwater fishing, spatial protection, tourist and construction inspection). ➢ The Proposal of the Spatial Plan of Special Purpose has not been adopted yet; the Ministry is evaluating all issues related to the preparation of new planning documentation, as well as the overall spatial planning policy. ➢ An international expert will support the municipality of Ulcinj in defining the optimal management model for the protected area of Ulcinj Salina, as well as implementing protection measures. Other measures to protect this area have also been taken, and it has been declared property of the state. ➢ Field work continued for identifying potential N2K sites, including marine sites, a first of which was declared in April. ➢ Beech forests of the Biogradska gora National Park have been submitted to UNESCO for the "Ancient and Primeval Beech Forests of the Carpathians and Other Regions of Europe - extension (Montenegro)" category. ➢ Impact of the highway construction on Tara River is being monitored through riverbed and endemic species studies.
EC update Sep 2021	➢ The European Commission continues to include the issue of Skadar lake on the agenda of its bilateral relations with Montenegro, but does not have any specific news at the moment beyond what is already known by the Bern Convention secretariat.
Bureau meeting 15-16 September 2021	➢ Noted with appreciation that cooperation had been established between the government and civil society, including a panel discussion which had led to some positive outcomes. ➢ Noted that there appeared to be consensus on the negative risks associated with the SLS Mihalovici, and urged the authorities to cancel constructions and revoke permits, including related to the Porto Skadar Lake and White Village, and to identify alternative eco-touristic solutions. ➢ Welcomed the transfer of ownership of Ulcinj Salina to government hands and encouraged the authorities to take correct decisions for its management. ➢ Welcomed multiple other projects that the government was implementing along with local and international partners and endorsed these cooperation's; particularly noteworthy was the project on restoration of wet meadows of Skadar Lake. ➢ Appreciated the submission to UNESCO of the forest area, but noted that the submission had failed demonstrating that there are still challenges in that area; asked the authorities to clarify why the submission had been rejected, and what was the future intention. ➢ Again requested the authorities to consider alternative options to the Bar-Boljare highway which could have serious negative effects on the Tara river and its surroundings. ➢ Also urged the government to step up efforts to deliver a spatial plan, as this had been pending already for a long time, as well as to ensure better enforcement of existing laws on the ground. ➢ Invited the European Commission to also present any possible updates at the 41st Standing Committee.

Complainant's update October 2021	➢ The reconstruction of a hotel in the area approved directly by the Minister of Ecology violates and ignores many aspects of the protection of the national park and is an example of possible illegal building practices. ➢ The lack of progress in the implementation of the recommendations 201/2018 and general lack of protection in the National Park are largely due to the political crisis in Montenegro. ➢ The 3 key concerns and positions are reiterated: **abandoning SLS Mihalovici, developing a new spatial plan, enforcing/monitoring existing laws.**
Standing Committee Nov/Dec 2021	➢ Welcomed the beginning of some forms of cooperation between NGOs and governmental authorities. It took note of the oral presentation of the complainant, but noted the absence of the focal point of Montenegro due to illness. ➢ 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 Rec 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 1st Bureau meeting in 2022, using the 12 points of Recommendation no. 201 (2018) as the basis for their reporting.
Complainant's report February 2022	➢ No meaningful progress from Montenegrin government on recommendations 201 due to political instability resulting in the vote of no confidence in the Montenegrin Government. ➢ The 3 key concerns and positions are reiterated: **abandoning SLS Mihalovici, developing a new spatial plan, enforcing/monitoring existing laws.**
Bureau meeting April 2022	➢ Thanked the complainant for the short update which primarily reiterated the three main ongoing concerns, as no progress had been achieved since the last reporting exercise. The Bureau took note of the information of the complainant that the ongoing political instability in the Montenegrin government was likely a factor in the lack of progress and lack of a governmental report. ➢ Decided to postpone a meaningful discussion on this case-file until its next meeting, when it hoped to receive a government report. Meanwhile, it recalled the decision of the last Standing Committee for the parties to continue improving multi-stakeholder co-operation, to abandon totally SLS Mihalovici, develop a new spatial plan and management plan, and enforce/monitor existing legislation on the ground.
Respondent's report May 2022	➢ The Urban Planning and Construction Inspectorate with the last inspection carried out at **Porto Skadar Lake and White village** determined that the works of the investors are underway. DSL "Mihajlovići" Skadarsko Jezero is still in the phase of preparatory works, i.e. the construction of facilities has not started. ➢ Skadar Lake and Bojana River are the **common waters of Montenegro and Albania**. The unfavourable hydrological regime of the lake and Bojana river has become the main obstacle for the rational use of the potential of the entire area. A Montenegrin-Albanian Commission has

	already met several times, and it is expected that conditions will be created as soon as possible for organizing a direct meeting in order to implement joint activities and solve problems in this area. ➢ The old **Spatial Plan for Skadar Lake** is still in force. A revision of the protection of the Skadar Lake NP has been initiated, which will clearly define the importance of the Park. The revision of protection will be the basis for the development of a new Plan. ➢ Promising signs of **pelican numbers** at Ulcinjska Salina & Skadar Lake, but avian flu and illegal fishing affected nesting. ➢ The Ecological Inspectorate determined that the condition of the Tara riverbed in the area of the **Tara 2 bridge** is significantly better, but not satisfactory, so a new monitoring will be done in June to determine the final condition and whether all the requirements for repairing the damage that the Chinese company CRBC was supposed to do have been met. The Environmental Inspectorate submitted two requests for initiating misdemeanor proceedings against the Chinese company. A decision was issued on August 2, 2021, approving the CRBC's proposal for remediation measures and the environmental monitoring program after the implementation of remediation measures in the Tara riverbed in the area of Tara Bridge 2. According to the remediation plan, it was agreed that part of the measures will be implemented during the construction of the highway, while part of the measures will be implemented after the completion of construction works on the construction of the highway. ➢ **Monitoring** and surveys continue at the Tara River.
Complainant's report August 2022	On Rec 201 (2018): ➢ 1.i. Further development on the mainland was stopped. **Habitat mapping** implemented in 2019. ➢ ii. In July 2022 there was organized public debate for the **new Management plan** for the period 2021 – 2025, even though deadline was more than year and a half ago. After the public debate, until now Management plan was not adopted. ➢ iii. As above. ➢ iv. Not implemented according to the available information. ➢ v-vii. **Draft on Special Purpose Spatial Plan** for Skadar Lake NP until 2025 has not yet been finalised and adopted. ➢ viii-x **Law on National parks** is not implemented and there are no limits for speedboats on the lake. ➢ xi. No available information on this question. ➢ Concerning Porto Skadar Lake and White Village, construction is stopped. However, there is no remediation implemented in the access roads where construction started. Additionally, several weeks ago a fire was set in the area. ➢ On cooperation, a mechanism that could be used for the effective dialogue between stakeholders could be socio economic council already established for all five national parks. However, during last year there was not organized any meeting. Also, Scientific Advisory Board of the NPs is not functioning. It should be used as a mechanism of information exchange. ➢ On nature protection, in EC Montenegro report 2021, Montenegro has some level of preparation in this area. Limited progress was made in further alignment with the EU aquis, on nature protection and to develop the National Energy and Climate Plan. However, Montenegro should

	in particular: "take urgent measures to preserve and improve the ecological value of protected areas and potential Natura 2000 sites such as Ulcinj Salina, Lake Skadar, the Tara river and other river courses". ➢ At Skadar Lake, illegal construction of buildings continues, as does illegal fishing, and for the 1st time in 10 years, pelicans were unable to next due to poaching. Furthermore, there was evidence of construction of specialized marina in Virpazar. This project did not receive consent on the EIA Study by Environmental Protection Agency. ➢ Overall, no meaningful progress from Montenegrin government due to ongoing political instability. The 3 key concerns and positions are reiterated: **abandoning SLS Mihalovici, developing a new spatial plan, enforcing/monitoring existing laws.**
Bureau meeting September 2022	➢ took note of the remark of the complainant that the ongoing political instability in the Montenegrin government was a factor in the lack of progress, however it did welcome some developments mentioned in the governmental report, such as the monitoring and surveys at Tara River, remediation for environmental damage at the site of Bar-Bolare highway, and cooperation with Albania. Concerning the Spatial Plan for Skadar Lake, the Bureau asked if there was a timeline for this. ➢ appreciated progress, stressed again the importance of protecting these Emerald Network and possibly future Natura 2000 sites, and it reiterated the decision of the Standing Committee for the parties to continue improving multi-stakeholder cooperation, to abandon totally SLS Mihalovici, develop a new spatial plan and management plan, and enforce/monitor existing legislation on the ground. ➢ decided to recommend to the Standing Committee to reduce the file to an annual monitoring, and it looked forward to seeing the presentations of both parties at the Standing Committee. The file stays open.
Respondent's report November 2022	➢ In the report period, according to the mentioned Inspectorate, no construction work is underway at Porto Skadar Lake and White village. ➢ Representatives of UNDP in Montenegro and the CeS.TRA project team from Belgrade presented technical solutions for the reconstruction of the embankment system on the right bank of the Bojana River in Montenegrin territory, which is being implemented through a regional project. The general conclusion is that the planned works on the embankments on the right bank will not have a significant impact on the flow regime in the bed, as well as in the flooding zone on the left bank. ➢ The President of the Montenegrin Commission sent a request to the Albanian Party, if there is a possibility to measure the leveling loops Bar-Durra, as one of the preconditions for determining a common zero level of high accuracy, where they could accurately define benchmarks on the Bojana River, in order to be fully uniform. ➢ The result of the initiated advisory process for resolving disputes regarding the construction of the mHPP on the Cijevna River is the establishment of expert working groups which, as agreed, will meet as soon as possible, review the situation, and inform the Commission with a proposal for measures regarding the possible impact on the water level, water quality and biodiversity. ➢ A PA revision study of the Skadar Lake National Park has been initiated by the Ministry and the Draft has been prepared by the Environmental Protection Agency. Public Hearing will be organized in the coming months. The Revision study will include the existing state of resources, spatial distribution of the most important habitats and species, so as the proposal of possible new boundaries and zonation. This study will be the basis for the development of a new Spatial Plan for Special Purposes for Skadar Lake National Park, given that the current SPSP is from 2001.

	➢ According to the last bird ringing at Ulcinj Salina conducted in September 2022, 287 birds were ringed or 23 different species. Out of the total number, night ringing of shorebirds was done for the first time, when 21 birds (7 species) were ringed. ➢ With the support of NGO CZIP, two important documents were prepared in the last few months: a Study of the hydrology of Ulcinj Salina Nature Park and a geodetic survey of the whole area in a 1:5000 scale (cadastre). ➢ With the aim of ensuring adequate management of this PA, the Ministry has organized from July 2022 onwards several meetings with relevant decision-makers. As a result, it is decided that the most convenient and effective management structure would be a Ulcinj Saline Nature Park Ltd. with the Municipality of Ulcinj and the Government of Montenegro as co-founders. The plan of the Government is to establish the Ltd. by the end of 2022.
42nd Standing Committee 2022	➢ Took note of some progress of the authorities such as that no construction has been monitored at Porto Skadar Lake and White Village, the PA revision study of the Skadar Lake NP is underway, and several activities have been undertaken or are planned at Ulcinj Salina and Tara River. ➢ Took note of the information of the complainant that there had still been no meaningful progress of the authorities in implementing Rec 201 (2018), particularly on progress on the Draft on Special Purpose Spatial Plan, and that ongoing illegal activities and urbanisations continue. ➢ Reiterated the three key concerns: to abandon SLS Mihalovici and revoke all building permits for Porto Skadar Lake and White Village; to develop and deliver a new spatial plan and management plan for the National Park ensuring that they comply with Recommendations no. 201 (2018), and; to initiate and establish efficient and effective methods of monitoring implementation of existing laws.
Govt report August 2023	➢ According to the inspectorates, no construction ongoing in Porto Skadar Lake and White village. ➢ The Management Plan for NP Skadar Lake 2021-2025 is in its final phase. Also, the EPA has prepared a draft of the Protection Study which will be the basis for the preparation of the Special Purpose Spatial Plan for the Skadar Lake NP. In accordance with the legislation of Montenegro, it is necessary to organize a Public Hearing for the Protection Study, where, in the event that there are changes to the boundaries of the national park, initiate the Amendments to the Law on National Parks as well. After the completion of the mentioned procedure, the preparation of the Special Purpose Spatial Plan will be started, considering that the plan from 2001 is currently in force. ➢ Biodiversity monitoring of NP Skadar Lake is carried out on some targeted species and continued throughout 2022. ➢ Illegal fishing represents the greatest pressure on NP Skadar Lake. Illegality is reflected in the use of illegal means and methods, hunting during prohibitions established for the purpose of spawning and hunting in permanently prohibited areas such as Okas, which are fish wintering grounds and therefore important for conservation their populations. Preventing illegal actions and monitoring on the ground is the job of the Protection Service of NP Skadar Lake and Control and Monitoring Service. In 2022, 83 illegal fishing activities were identified. ➢ Also, the Ministry of Agriculture, Forestry and Water Management established a working group to combat illegal fishing. During 2022, the working group held several meetings and for the last year it proposed activities and adopted the action plan. ➢ The "Amendment to the Order on fishing bans, fishing conditions and minimum sizes of fish and other aquatic organisms below which fishing is prohibited" was also adopted. The problem of catch records has not yet been resolved, and in the coming period, through cooperation with the Ministry of Agriculture, Forestry and Water Management, attempts will be made through meetings and new measures will influence the fishermen to regulate this part of the fishery as well. Meetings were also held with representatives of fishermen.

	➢ Actions to prevent illegal fishing in Skadar Lake NP were also covered by the media in order to raise awareness of illegal fishing and to inform about the activities undertaken by the Skadar Lake NP to prevent them. ➢ Several laws from different sectors are implemented on Lake Skadar: The Law on Nature Protection and the Law on National Parks, but also laws from the domain of fisheries, water management, hunting, forestry, agriculture, space protection, customs and others. NP Skadar Lake, primarily its Protection Service, has very limited powers in this regard, and law enforcement must be done in cooperation with other institutions - primarily the police. Cooperation exists, and many joint actions are organized, but the limited legal power of the Park represents one of the big barriers in this context, and lawsuits that end with modest fines are not discouraging for those engaged in illegal activities.
Bureau September 2023	➢ regretted lack of complainant report. ➢ noted that no constructions were ongoing in Porto Skadar Lake and White village following inspections. It noted that the MP for Skadar Lake NP 2021-2025 is in its final phase, with the Special Purpose Spatial Plan also on the horizon. It further took note of continued biodiversity monitoring at Skadar Lake NP. ➢ welcomed that measures to improve enforcement of existing laws as regularly called for by the StC appeared to be taking effect in particular as regards illegal fishing. The Bureau noted the concerns of the government that an obstacle to good enforcement is the complex responsibilities of multiple institutions, and it encouraged the authorities to continue working towards effective solutions with all concerned stakeholders. ➢ asked the government to provide information on the state of play of SLS Mihalovici, and on whether the adopted water management plan is already being implemented.
Comp report October 2023	On Rec 201 (2018): ➢ 1.i. No Further development. ➢ ii. **Management plan (MP) for Skadar lake NP for the period from 2021 – 2025, was adopted on 03.08.2023**. It states that special attention will be paid to: Encouraging scientific and research work in the area of the park in order to define future NATURA 2000 habitats. ➢ iii. New MP does not apply special obligation to monitor otter (*Lutra lutra*). ➢ iv. Not implemented according to the available information. ➢ v-vii. No updates. ➢ viii-x Proposal for the Law on Amendments to the Law on Safety of Maritime Navigation5 - 26.05.2023: A legal entity will be fined from EUR 1,500 to EUR 20,000 for a misdemeanour in Lake Skadar uses a water jet-powered vessel and a floating object with an engine of more than 7.25 kW, without a permit issued in accordance with the law governing national parks. ➢ xi. No available information on this question. ➢ 10. In EC Montenegro report 2022 Montenegro, limited progress was made in further aligning with the EU acquis, on water, nature protection and climate change. Significant efforts are still needed on implementation and enforcement, in particular on waste management, water quality, nature protection and climate change. Montenegro should considerably step up its ambitions towards a green transition. In the coming year, Montenegro should in particular: → intensify implementation and enforcement work for the fulfilment of the closing benchmarks in the Chapter 27, in particular in the water, nature protection, and climate change sectors; → finalise the waste management law and the national

	waste management plan; → finalise, adopt and start implementing the national energy and climate plan in a transparent manner, in line with the EU's 2050 zero emission target and the Green Agenda for the Western Balkans. ➢ Overall, no meaningful progress from Montenegrin government. The 3 key concerns and positions are reiterated: abandoning SLS Mihalovici, developing a new spatial plan, enforcing/monitoring existing laws.

2010/5: GREECE: THREATS TO MARINE TURTLES IN THINES KIPARISSIAS

Date submitted	08/2010
Submitted by (Complainant)	MEDASSET (The Mediterranean Association to Save the Sea Turtles)
Respondent State (Respondent)	Greece
Specie/s or habitat/s affected	NATURA 2000 site (THINES KYPARISSIAS - GR2550005) and *Caretta caretta* (Appendix II)
Background to complaint	➢ Uncontrolled development on the site (summer houses building, construction of coastal roads, occupation of the beach by, among others, bars, umbrellas and deck chairs) and expressed concerns over the intensive pressure on the nesting activity of turtles, which can lead to reducing the unique population of *Caretta caretta*. ➢ *Caretta caretta* is also protected by other international agreements, among which CMS, CITES and the Barcelona Convention for the protection of the Mediterranean Sea against pollution, and the EU Habitats Directive.
Respondent's report March 2011	➢ Consisted of a forwarded copy of the response sent on 22nd December 2010 to a letter of the European Commission in relation to the protection of priority species in the Natura GR 2550005 site. ➢ A law concerning Conservation & Biodiversity had been approved by the Greek Parliament to ensure a more effective protection regime for the priority species in all Natura 2000 sites. The law should have entered into force by the end of March 2011. The Ministry of Environment was in the process of drafting a Joint Ministerial Decision, based on a specific environmental study of 2002, which should regulate all activities within the GR 2550005 Natura 2000 site by providing a specific legal protection regime. The Joint Ministerial Decision should allow combatting of conservation problems in an integrated way for the whole Thines Kyparissias Natura 2000 site. ➢ National authorities forwarded to Local Authorities the specific environmental study mentioned above, along with a Presidential Draft Decree which included a Management Plan for the Area, with the request of taking these into account to enforce the necessary Environmental Protection measures. a recently adopted Ministerial Decision required the official approval of the Ministry of the Environment for any license of exploitation of the sandy seashore sites issued by the Local Authorities. However, the responsibility concerning the compliance with obligations related to the exploitation itself lies down to the Local Authorities and the State Property Service.
Complainants report September 2011	➢ Although the law on Conservation and Biodiversity entered into force in March 2011, enforcement of specific protective measures was still poor, and a number of illegal activities continued to exert a considerable amount of pressure on the nesting activity of marine turtles. In addition, the Joint Ministerial Decision announced by Greek authorities was not yet drafted and none of the demolition protocols issued by the State Property Service of the Prefecture of Messinia for the illegal constructions in the area were executed. ➢ Denounced the degradation and erosion of the sand dunes and coastal forests, due to roads and buildings illegally developed; the lack of restoration measures to compensate the destruction part of the sand dunes; the absence of specific protection measures and lack of provision of appropriate information to local residents. It would be appropriate to draft an updated Special Environmental Study (the current one was prepared

	in 2002), which would take into account the new developments and assist competent Local Authorities to identify specific conservation measures for the area in question.
Bureau Meeting September 2011	➢ Took note of information which questioned the effectiveness of the measures undertaken by authorities. Because of the lack of reply by Greek authorities, as well as of new information from the European Commission, the Bureau was not in a position to properly assess the situation. Complaint placed on stand-by.
Respondent's report March 2012	➢ The procedure for the special protection of the above area and the issuance of a Joint Ministerial Decision (J.M.D.) applicable for a period of 2 years would be jointly prepared by the competent Legislative authority of the Ministry. The updating of the Special Environmental Impact Assessment (S.E.I.A.) prepared specifically for this referenced area had been included in the overall planning for the time period 2012-2015. ➢ The Administration of Messinia Prefecture had been instructed on the need to protect the site in order to ensure that the requirements set under the EC Directive 92/43 were met.
Complainant's report March 2012	➢ Informed that enforcement of the specific protective measures for Thines Kyparissias, included in the law concerning the Conservation and Biodiversity (entered into force at the end of March 2011) was lacking. At the same time, the provision of information to local residents by the Prefecture of Messinia regarding appropriate use of the nesting beach was also missing, while a number of activities and illegal constructions on the site continued to exert a considerable amount of pressure on the nesting activity of marine turtles. ➢ The situation remained unchanged since last reporting, as the JMD had not yet been drafted by the National authorities and in the meantime local authorities had not prepared any specific protection measure for the area. ➢ None of the demolition protocols issued by the State Property Service of the Prefecture of Messinia for the constructions illegally built in the area had been executed; extensions of already existing beach bars were recorded by the Land Property Service in 2011 for which new demolition protocols were issued but not executed. The same concern remained for the three beach bars that operated illegally in 2011 within the core zone of the protected area (Kalo Nero) which the NGO feared that they could restart their illegal activity soon.
Bureau Meeting April 2012	➢ Complaint deemed to be a possible file and forwarded to the Standing Committee to decide whether or not to open a case-file. ➢ Secretariat to organise an on-the-spot appraisal for putting mediation in place and gathering additional information for the attention of the Standing Committee.
Secretariat's action June 2012	➢ Addressed an official letter to the authorities requesting agreement to an on-the-spot visit which would serve to gather additional information for the Standing Committee's attention. In September 2012 Greek authorities informed the Secretariat that its request was being duly considered and that a reply would be communicated soon.
32nd Meeting Standing Committee November 2012	➢ No new information had been received. ➢ In the absence of delegates from Greece, the Chair gave the floor to the representative of MEDASSET, whom summarised the content of the reports submitted in 2012. Examples of degradation collected in 2011-2012 were shown. MEDASSET reported that the Municipality of Trifylia continued the construction of a road network within the Natura 2000 area without either an Environmental Impact Assessment or authorisation from the Ministry of Environment. The Ministry was alerted to these works, which nevertheless continued unabated in 2012.

	➢ Delegate of the European Union referred to the report sent to the Secretariat, informing that a field visit was carried out by the Commission services in July 2012. In the light of the findings, as well as the reply of the Greek authorities to the Letter of Formal Notice, the Commission issued in September 2012 a Reasoned Opinion under Article 258 of the Lisbon Treaty for insufficient protection of the area. In case of referral to the Court of Justice of the EU, the Commission would not exclude to ask the Court for interim measures. ➢ Committee further stressed the lack of relevant and substantial communications from the authorities. Complaint to be maintained as possible file. Secretariat to request from the authorities, the NGOs and the EU, updated and complete reports.
Respondent's email 15 March 2013	➢ Summarised the content of a letter sent by Greek authorities to the European Commission about the official schedule foreseen by the Greek Government to prevent further degradation of the natural habitats and the improvement of the situation.
Complainant's report March 2013	➢ A detailed Action Plan for the protection of the area in question was being elaborated with the aim to halt any development works in the area until the issuance of a Ministerial Decision, which would constitute the basis for the protection of the area until a Presidential Decree would be in place. ➢ The Ministerial Decision should be drafted based on the Special Environmental Study (SES) carried out by ARCHELON in 2002. A Steering Committee consisting of members representing Local and National Authorities, NGOs and experts was established in order to supervise the implementation of the afore mentioned Action Plan. ➢ Despite assurances of the Ministry, the building – in November 2012of three houses in the sand dunes of the core nesting area near Vounaki hill, for which a permit was issued outside the city planning area, took place. ➢ On 20th February 2013, a part of the back of the beach in the core nesting area was ploughed, resulting one more time in the destruction of dune vegetation.
Bureau Meeting April 2013	➢ Reiterated its request to Greek authorities for timely communication and sound information, and noted that enforcement was still a major issue. ➢ Decision taken to again screen the complaint at its next meeting. ➢ Secretariat to urge Greek authorities to send an official progress report informing: on the state of conservation and management of the area; on enforcement of relevant legislation and administrative decisions (including more particularly the execution of the demolition protocols); on the adoption of the measures whose implementation is envisages as of June 2013; and on the progress made over the Action Plan, particularly regarding the cessation of disturbing activities and infrastructures.
Secretariats action	➢ The letter to the authorities of May 2013 and the reminders sent until end of July remained unanswered.
Complainant's report August 2013	➢ On Kalo Nero Beach (O Sector): the Illegal wooden platforms remained despite the demolition protocols that were issued from the Land Management Agency of Kalamata. Sunbeds and umbrellas placed late May without the necessary permissions still occupied almost the whole beach and were not removed at night-time. Other disturbances were intense light pollution and excessive vehicular traffic on the coast road of Kalo Nero. The Municipality of Trifylia did not equip the area with informative signs and prevented Archelon to erect the seasonal information station. The complainant denounced a worsening situation and an increase in the number of tourists on the beach at night.

	➢ Beach Sector between Neda River and Kalo Nero beach (A, B, C Sectors): The Plowing of the dunes recorded in February 2013 was repeated in April 2013 (with the blessings of the Mayor of Trifylia). The construction of the houses was progressing, while planning permission was issued for the construction of another 2 buildings in the area. However, the issuance of building permits had been suspended for a part of the NATURA 2000 site since late May 2013 (Bill (FEK): 180/24-5-2013). Intense light pollution at night and lack of informative sign-posting were a threat also to this area. ➢ ARCHELON's investigations found that adult turtles that attempted to nest returned to the sea without successfully doing so. In addition, a high number of nests were purposefully vandalised almost on a daily basis since the start of the nesting season. Moreover, ARCHELON's personnel had been victim of physical and verbal offences and the scientific equipment was stolen. ➢ No Action Plan had been elaborated for the area in question at that time, while the Steering Committee responsible for supervising the implementation of the Action Plan and for drafting a Ministerial Decision (MD) met only twice.
Bureau Meeting September 2013	➢ Regretting lack of concrete information on the conservation and management of the area, as well as the enforcement of relevant legislation case file should be discussed as a file open at the 33rd Standing Committee meeting.
Respondent's report October 2013	➢ The Ministerial Decision of Suspension/Prohibition of all construction and agricultural activities in the broader coastal area was issued in May; a Ministerial Decision issued in July had put in place a basic set of management measures concerning the reproduction of the sea turtle; in June the authorities commissioned to a Professor of the University of Athens a detailed study of the area in order to provide all the necessary environmental data that should form the basis of a Joint Ministerial Decision. ➢ In January 2014 there was to be a Decision offering a specific legal protection regime for the site (GR 2550005) during the next 2 (+1) years. This should have included an integrated management plan and measures for the cessation of all disturbing activities and infrastructures with an emphasis to sand dune restoration, where possible.
33rd Meeting Standing Committee 3-6 December 2013	➢ Examined the presentation of the complainant, which provided examples of habitat degradation due to the recent development of roads, large and small-scale housing development plans, installation of green-housing, and the presence of heavy machinery and vehicles on the nesting beaches the Committee expressed worries for the continued developments in the Natura 2000 site and the possible threats that these may cause to the habitats and species of the area. ➢ The case file was kept open. Secretariat to seek the agreement for an on-the-spot appraisal to be carried out in the first semester of next year.
On the spot appraisal 14-16 July 2014	➢ Dr Paolo Casale, Research fellow at the University of Rome "La Sapienza", scientific coordinator of the sea turtle project of WWF Italy and Member of the IUCN SSC Marine Turtle Specialist Group led the visit. The expert, accompanied by a member of the Secretariat as well as representatives of the authorities and of the NGOs, visited the authorities in Athens and conducted both night-time and daylight visits to the core nesting area in Thynes Kyparissias. ➢ According to the expert, the most urgent problem was the building of 50 houses along in the dune area. This development would directly and indirectly induce a high increase of disturbance to nesting females and hatchlings at the nesting beach. Moreover, the expert identified a series of problems which confirmed some of the fears expressed by the complainants and namely: light pollution from tourism infrastructures, private

	houses and public lights; the presence of six roads perpendicular to the seashore and over the dunes; camping on the beach; attacks from feral dogs. ➢ The expert also acknowledged an improvement of the situation in comparison to what reported by the NGO in the past years, particularly thanks to actions undertaken by the municipality of Trifylia and the Ministry of Environment in respect to the delivery of construction licenses (halted by decree), the removal of canteens on the beach, the closing of the roads perpendicular to the seashore, and the management of beach furniture. ➢ The expert prepared a set of recommended actions. The main recommendation was to give the most important areas for marine nesting a protection status equivalent to the one of National Park, and to permanently prohibit the construction of any villas, buildings, roads or infrastructure in order to keep those areas in a natural state. Other measures concerned the restoration of the original dune and forest habitat, the proper management of the area, the management of the problem of photo-pollution and the control of feral dogs. The report and recommended actions were made available in document T-PVS/Files (2014) 49, and forwarded to Greek authorities for comments.
34th Meeting Standing Committee December 2014	➢ The European Union informed that, following the assessment of the Reasoned Opinion received from the Greek authorities in 2013, the Commission decided in March 2014 to refer the case to the Court for breach of EU legislation (Directive 92/43). The application was being prepared. ➢ The delegate of Greece and the representative of MEDASSET presented their respective comments to the expert's report, as well as to the draft Recommendation. The latter was slightly amended and further adopted. The Committee kept the complaint as an open file and decided to review the monitoring of the implementation of the relevant Recommendation at its next meeting.
Respondent's report August 2015	➢ The efficient implementation of a whole set of measures to ensure the proper conservation of the protected site, in close cooperation with the NGO ARCHELON had been carried out. Among these measures, the newest ones relate to, provisions to suspend the issuing of new building permissions and the prohibition of other works, restrictions for licensing of installations for bathers on the beaches for this summer and new procedures for the appropriate assessment of development plans and projects. ➢ Working on a body of regulations that should allow for a unified legal protection framework for all concerned SAC. However, some procedural/formal obstacles prevented to achieve faster progress with the adoption of the relevant Presidential Decree. (It should be noted that the expert in charge of the legal report on the implementation of the Convention in Greece says that one of the reasons why the draft Presidential Decree on the operation of the Kyparissia protected area was rejected by the Council of State was that it declared the park to be a regional park rather than a national park, thereby allowing additional activities to take place in the park. A new draft Presidential Decree is expected in the autumn of 2015). ➢ List the rules included in the Ministerial Decision issued for fixing the restrictions on the beach area for summer 2015. Further inform that the issuing of building permits and execution of works is suspended in the egg-laying zone and the surrounding terrestrial area since 2013, by mean of consecutive Decisions that are renewed every year since.
Complainant's report August 2015	➢ Analysed each of the recommendations made by the Standing Committee, and concluding that there was no improvement in the protection and management of the sea turtle beaches in Kyparissia over the past year.

	➢ On the draft Presidential Decree, MEDASSET confirm that it was rejected because of procedural/formal problems, but clarifies that the Council of State took the opportunity for further commenting on the substance, finding that the designation of the Natura 2000 site as a regional park would not grant to the area a sufficient degree of protection. The Court also recommended that sand gravel extraction throughout the park be forbidden. ➢ The recommended restoration work has not taken place, and the temporary blocking of the roads leading to the beach have been removed. No actions have been taken to reinstate the previous dune ecosystem in houses built within the vicinity of nesting areas, nor have any actions been taken to reduce photo-pollution, with unlicensed taverns still operating on or close to the beach at night. Furthermore, cultivation of water melons and market vegetables continues on the dune area, beach equipment is not removed at night, fishing with nets near the beach is not forbidden and is a widespread practice. It further seems that there are no controls or measures to avoid the access of people and cars to the beach at night, and that the issue of feral dogs, which is under the responsibility of the local council, didn't receive an adequate response.
35th Meeting Standing Committee November 2015	➢ Complainant expressed concern over the lack of progress during the 2015 nesting season, despite the adoption of a specific Recommendation in December 2014. ➢ The Standing Committee decided that the issuing of a new Presidential Decree enabling for granting the appropriate protective status to the area is probably the most urgent measure that should be taken by the authorities. It therefore decided to keep the case-file open, and to call on the Greek Government for the urgent and full implementation of the Recommendation No. 174 (2014). ➢ Regretted the absence of delegates of Greece and invited the country to ensure that next year the Bureau receives full reports on specific measures.
Secretariats action	➢ Issued a reporting request to the Greek authorities, but the request remained unanswered by the second Bureau meeting.
European Union's updated report July 2016	➢ On 18th February the Advocate General of the Court of Justice of the European Union issued her conclusions on case number C-504/14 and that the Court ruling is currently awaited. a) According to the advocate general conclusions': b) the Hellenic Republic failed to ensure the necessary conservation measures for the *Caretta caretta* sea turtle in the Kyparissia Sand Dunes' site (Natura 2000 code GR2550005); c) failed to ensure the granting of consent for three holiday homes in Vounaki and construction measures in Agiannakis, are subjected to an appropriate assessment of the compatibility of its implications with the conservation objectives for the Kyparissia Sand Dunes' site and; d) failed to adopt a comprehensive legislative framework to protect the *Caretta caretta* sea turtle in the "Kyparissia Sand Dunes" special area of conservation.
Complainant's report August 2016	➢ Detailed the current situation on the spot regarding the different recommendations from Recommendation No. 174 (2014) with accompanying photos. ➢ On 24th May 2016, the Ministry of Environment issued a new Ministerial Decision that halts any type of construction activity in the area for the next two years. Because of the temporary nature of the Decision, the need for a Presidential Decree remains high.
Respondent's report	➢ The Presidential Decree for the protection of, both the marine and terrestrial areas of Kyparissia Bay has been sent for legal review to the relevant department of the Ministry of Environment and Energy. After the legal-technical treatment, the Presidential Decree will be sent initially for

August 2016	approval to the Alternate Minister and Minister of Environment and Energy and then to the Council of State in order to process it. Further stressed that until the adoption of a management plan for the area, a Ministerial decision restricts the activities on the nesting areas of the species *Caretta caretta* for a period of 3 years.
Bureau meeting September 2016	➢ Welcomed the adoption of a new Ministerial Decision that halts any type of construction activity in the area. ➢ Case-file to be kept open. No information was submitted by the authorities on the measures taken for the implementation of Recommendation No. 174 (2014). Authorities to report more concretely on their efforts in ensuring they comply with the Recommendation and their plans and timetable for the adoption of the Presidential Decree.
Complainant's report October 2016	➢ Informs point by point the follow-up given to the operational parts of the Recommendation No. 174 (2014) and similarly to the information submitted by the NGO ARCHELON, they inform on little pro-active measures taken by the national authorities.
36th Meeting Standing Committee November 2016	➢ Delegate of Greece informed the Committee that the Greek Government was examining carefully the European Court of Justice Decision on the country's failure to protect sea turtles in the bay of Kyparissia. The Committee dully noted the considerable legal complexity of the case and the readiness of the Government to issue a new Presidential decree. ➢ Representative of MEDASSET expressed concern by the negative impacts of the existing houses and denounced that over 150 nests had been vandalised in 2016. The complainant further warned that the Government was failing to protect marine turtle as some of the beaches had illegal roads, beach furniture and bars, particularly in Kalonero beach. It appears, according to the complainant, that fishing activities also continue. ➢ Case file to be kept open. Authorities to provide a report on the implementation of the relevant Recommendation and the plans on how the ECJ's decision will be implemented for the meeting of the Bureau scheduled for September 2017.
Complainant's report 28 August 2017	➢ In April 2017 the Greek Ministry of Environment (MoE) submitted a revised draft Presidential Declaration (PD) for Kyparissia Bay to the Council of State. In July 2017 the Council of State issued the new decision, with which postpones the elaboration of the Presidential Decree (i.e. the issue of final approval or rejection of the new draft PD), until the MoE justifies that an appropriate environmental study and assessment of the Kyparissia Bay and the surrounding areas was conducted. ➢ On 24 May 2016 a new Ministerial Decision was issued according to the article 6, paragraph 9 of the law 3937/11. This prohibits temporarily (for the next 2 years only) the construction of any villas or other buildings, new roads or other infrastructure in the area. The ministerial decision expires on May 2018. ➢ No restoration actions have been taken in relation to the ploughed dunes or demolition work of the roads perpendicular to the shoreline. Temporary blocking of the roads leading to the beach does no longer exist and vehicles can freely access the nesting beaches. ➢ No action has been taken to reinstate the previous dune ecosystem in the housing area built within the vicinity of nesting zones, nor have any actions been taken to reduce photo-pollution. ➢ The cultivation of water melons continues in the dune area.

	➢ In Kalo Nero Beach illegal taverns continue to operate on or close to the beach and produce light pollution. Illegal camping close to or on the beach is very common in this area. Beach furniture used in this area cover a zone of 1.2 km and that are rarely removed at night. Illegal wooden platforms remain despite demolition protocols. ➢ Fishing in the waters off the breeding beaches in the Kyparissia area still is not adequately curtailed. Fishing nets are permitted and very often adult turtles and hatchlings get caught accidentally. ➢ No measures have been taken to keep people and cars off the beach at night and there are no signs warning people to stay away. ➢ Sand and gravel extraction has not been an issue this year. No recorded feral dog attacks this year.
Standing Committee November 2017	➢ Took note of the information presented by the Government of Greece, the NGOs and the European Commission. It welcomed the news of a planned new Presidential Decree forbidding building in the Natura 2000 sites and regulating the whole area and hoped the Greek Parliament would agree to the creation of a National Park. The Standing Committee decided to keep the case-file open and encouraged Greece to fully implement its Recommendation No. 174 (2014), avoiding any further deterioration of the nesting beaches and their surrounding area and especially controlling activities on the beach that may interfere with successful marine turtle nesting.
Bureau meeting September 2018	➢ Expressed its concern that no report from the authorities had reached the Bureau and urged them to send their report ahead of the 38th Standing Committee meeting of the Convention and to attend the meeting itself to present a comprehensive and complete timetable of the actions planned to implement Recommendation No. 174 (2014).
Respondent's report September and update October 2018	➢ The Presidential Decree for the protection of Kyparissiakos Gulf has been published in the Government Gazette, and is in effect, beginning on the 3rd of October 2018.
Complainants' Report October 2018 (Archelon)	➢ Almost two years after the Judgment of the European Court of Justice (November 2016) and three years after the Bern Convention Recommendation (December 2014), the Presidential Decree for southern Kyparissia Bay was issued in October 2018 (Government Gazette D 391/03-10-2018 as corrected by Government Gazette D 414/12-10-2018 due to error on the included map of the area, i.e. the map of the 1st draft Presidential Decree from the year 2014 was included). ➢ the Presidential Decree does not address some major conservation issues for southern Kyparissia Bay in general and for marine turtles in particular. Specifically, the lack of Annex with the legally existing road network, the lack of adequate fisheries regulations in the marine area (PPF3), the lack of beach management measures for the visitors and the beach bars especially in the core nesting area, the lack of ban for new light pollution can now be resolved only through a Management Plan for the area. ➢ Although the Presidential Decree seems to protect Kyparissia Bay from intensive building interests behind the nesting beach, the designation of the whole area as Nature Protection Area (not as National Park), the fact that building is the basic characteristic in the Agricultural Landscape Zone (ZAT) and that the provisions in the whole ZAT are the same (although the neighbouring Nature Protection Areas are different) are expected to risk achieving favorable conservation status for the area in a long-term basis.

	➢ According to the Presidential Decree and the law 4519/2018, the management of Kyparissia Bay is under the responsibility of the Management Agency of Kotychi, Strofilia Lagoon & Kyparissia Bay, based close to Patras. The establishment of a branch in Kyparissia Bay and provision of the required additional funding, which are considered necessary preconditions for the active engagement of the Management Agency, will take at the minimum 2 years before being settled. ➢ Little progress was made during 2018 concerning the implementation of the 12 points of the Bern Convention Recommendation: 1) Protection status: The Presidential Decree, issued in October 2018, designates the whole area as Nature Protection Area (not as National Park). 2) Permanent prohibition of constructions: The Presidential Decree seems to protect Kyparissia Bay from building interests behind the nesting beach. 3) Restoration of original dune and forest habitat: Not only no restoration work took place, but also new illegal actions resulted in further deterioration of the sand dunes (see below in 5.2.). Moreover, during 2018 no barriers existed on any perpendicular road to the beach, so vehicles accessed the sand dunes and the nesting beach on a daily basis. 4) Adjustments to existing buildings: No actions have been taken to reinstate the previous dune ecosystem in houses built within the vicinity of nesting areas, nor have any actions been taken to reduce photo-pollution from the existing buildings. 5) No agriculture on public land and the dune area: The cultivation of watermelons and vegetables continues on the dune area. 6) Photo-pollution reduction: Since 2017 some public lights at the beachfront of Kalo Nero (Sector O) were modified (directed downward and lower to the ground) by the Municipality of Trifylia. However, no efforts have been made to reduce photo pollution from neither public lights in the other three sectors (A, B and C) of the core nesting habitat nor private lights in Kalo Nero. As a result, light pollution remains a serious threat for sea turtle nesting in the core area. 7) Beach equipment management: The beach furniture in Kalo Nero (Sector O) was not managed at all during the whole 2018 nesting season. This was a serious setback, as since 2014 beach furniture was fragmentary stacked during July and August. 8) Sand and gravel extraction: Sand and gravel extraction has not been a significant issue during the 2018 season. 9) Further building outside the urban-planning areas: The Presidential Decree does not allow the expansion of settlements towards the Nature Protection Areas (PPFs). 10) Regulating the navigation of vessels: Fishing with nets near the nesting beach is currently not forbidden by the Presidential Decree, and is a widespread practice leading to adult turtles and hatchlings being caught during nesting and hatching season. 11) Human presence on the nesting beach at night: No measures have been taken to keep people and cars off the beach at night nor were there any signs warning people to stay away. 12) Control of feral or stray dogs: During the 2018 nesting season the field project of ARCHELON did not record any attacks to nesting turtles, as witnessed in years 2014 and 2015.

	➢ Continued illegal actions during the nesting season 2018 – motor cross race took place in the sand dune zone and on the nesting beach, beach furniture, light pollution, heavy vehicles access, etc.
Complainants' Report October 2018 (MEDASSET)	➢ declare support to the content of the report submitted by ARCHELON (above) ➢ Welcomes the new legislation and reiterate the urgent need for the preparation and implementation of a Management Plan, as the Presidential Decree does not stipulate necessary management measures. ➢ Without the adoption of a management plan, the newly declared protected area will lack regulations and measures that will ensure the adequate protection of the sea turtle nesting beaches. ➢ Such regulations are fundamental in order to ensure full implementation of Recommendation No. 174 (2014) on the conservation of the loggerhead sea turtle (Caretta caretta) and of sand dunes and other coastal habitats in Southern Kyparissia bay (NATURA 2000 – GR 2550005 "Thines Kyparissias", Peloponnesos, Greece). ➢ Expresses extreme concern over the contract to explore and extract hydrocarbons in the marine area adjacent to the newly declared protected area, which was signed by the Greek Government simultaneously with the issuance of the Presidential Decree for the protection of Kyparissia Bay. ➢ The adoption of the Presidential Decree does not automatically imply its immediate implementation, hence existing illegal activities and conservation problems will continue in the meantime. ➢ Imperative that the implementation of Recommendation No. 174 continues to be monitored by the Standing Committee.
Standing Committee December 2018	➢ The Standing Committee took note of the information presented by the Greek authorities and acknowledged the important progress achieved through the adoption of the Presidential Decree. ➢ The Standing Committee further noted that the Decree and its scope and provisions do not seem to entirely cover Bern Convention's Recommendation No. 174 (2014), in particular regarding the setting and implementation of management measures for the area. ➢ The Standing Committee decided to keep the case-file open and encouraged Greece to continue to work in the same positive direction towards ensuring a full implementation of Bern Convention's Recommendation for the sake of the effective conservation of marine turtles.
Complainants' Report August 2019 (MEDASSET)	➢ On Point 1 of Recommendation 174 (2014): The Presidential Decree (PD) designates the whole area as a Nature Protected Area. All areas not designated as Nature Protected Areas are designated as Agricultural Landscape Zones where construction is permitted. Part of the coastal area, specifically at Kalo Nero area behind the core nesting beaches, is designated as Agricultural Landscape Zones, putting in extreme danger the reproduction of sea turtles and the adequate protection of the habitat. ➢ On Point 2: The PD failing to be enforced has not led to a suspension or demolishing of the existent constructions behind the core nesting area. Hence, the PD fails to adequately protect and preserve the habitat. No buffer zone has been implemented between the two areas despite requests by ARCHELON, MEDASSET and the 'Nature 2000' National Committee. Furthermore, the PD addresses the existing illegal road network, but it is yet to take any action in its demolishment and the lack of its enforcement leads to the continuous degradation of the site. ➢ On Point 3: No action has been taken for the demolition of the illegal road system perpendicular to the shoreline or the restoration of the area. No measures have been implemented with regards to the prevention of access of cars and caravans close to the nesting beaches, and no blockades

	were placed at the legal roads leading to the beach. Additionally, camping occurs extensively throughout the protected forest habitat that borders the dunes and nesting beach. In regards with the existing illegal infrastructure, the barbed wire fencing surrounding the house at Vounaki was removed in 2017, but the cement base remains. ➢ On Point 4: The existing houses need to make vital changes to reduce light pollution and restore the degraded sand dune eco-system. Due to lack of enforcement, only some modifications have been implemented. Introduced alien plants have not been removed and there has been no effort to reinstate the previous dune ecosystem where houses have been built within the vicinity of nesting areas. Cultivation of the flora continues to maintain these alien species and prevent restoration of the sand dune ecosystem. The invasive species Carpobrotus can be found at various locations. ➢ On Point 5: The cultivation of watermelons still continues extensively across the sand dune area, despite being prohibited by the PD, due to lack of enforcement. ➢ On Point 6: There are still extremely high levels of light pollution at the beach at Kalo Nero by the taverns operating along the beach front, as well as by hotels and street lights. It was noted in 2017 that Trifilia Municipality implemented some mitigation measures for reducing light pollution, by directing artificial lighting downward at a lower height; however, this approach is not extensively implemented. Overnight camping with bonfires also occurs close to and on the beach in Kalo Nero and elsewhere along the nesting area. ➢ On Point 7: The beach furniture used on Kalo Nero beach cover a zone of approximately 1.2 km and tourism business owners remove them only occasionally during night, despite the relevant provisions of the PD. The illegal wooden platforms on the beach remain despite the demolition protocols that have been issued from the Public Land Authority of Kalamata and despite the provisions of the PD for urgent demolition of all illegal constructions. Fixed structures are also present on the beach at Elea near an illegally operating beach bar. ➢ On Point 8: Sand and gravel extraction has not been an issue this year. ➢ On Point 9: The Measure is only partially addressed. The PD fails to adequately protect the nesting habitat, especially at Kalo Nero area, directly behind the core nesting beaches, where building is permitted. Ongoing constructions were observed at Vounaki and Agiannakis Beach. ➢ On Point 10: Fishing activities are regarded as the highest threat to sea turtles and the only maritime restrictions stated in the PD relate to vessel speed limit within one mile of the shoreline and recreational fishing, which is permitted only during the day. Fishers are still permitted to set their nets in the nearshore waters in close proximity to the nesting beach, which presents an extremely high risk of incidental capture of breeding adult turtles and hatchlings. NGOs and experts called on the authorities to include protective measures to address fishing threats in the PD, but as stated by the Ministry of Environment these issues should be addressed within the Management Plan, which is yet to be developed. Furthermore, there is no enforcement of the PD six- knot speed limit and prohibited night time recreational fishing activities. Recreational fishing poses a significant threat to sea turtles, with risks of hook ingestion and entanglement with abandoned fishing line. ➢ On Point 11: No restrictions were included in the PD to reduce human presence on the beach at night, but as stated by the Ministry of Environment, these issues should be addressed within the Management Plan. Currently there is a complete absence of measures preventing people and cars from accessing the beach at night. There are no notices informing visitors that this is a sea turtle nesting beach and that visitors should not access

	the beach at night. The lack of blockades allows easy beach access by vehicles at night. As a result, the nesting areas are subject to high levels of disturbance. No attacks by feral dogs have been recorded this year. ➢ On Point 12: No comment. ➢ Hence, MEDASSET calls upon the Bern Convention Standing Committee to 1) Follow-up, discuss and keep the case file open at the 39th Meeting of the Standing Committee; 2) Urge Greek authorities to fully implement Recommendation No. 174 with no further delay.
Bureau meeting 9-10 September 2019	➢ The Bureau thanked the complainant for the updated report and regretted the lack of reporting from the authorities, which might be interpreted as a lack of commitment. ➢ The Bureau strongly regretted the incomplete implementation of the recommended actions through the Convention's Recommendation No.174 (2014) and urged the authorities to improve the management and law enforcement in the area. ➢ The Bureau urged the national authorities of Greece to be present at the 39th meeting of the Standing Committee. It further instructed the Secretariat to request that the European Commission sends an updated report on their own processes in relation to this file, for the 39th meeting of the Standing Committee.
Complainants' Report November 2019 (Archelon)	➢ In April 2019 a local environmental NGO reported behind sector B of the core nesting area, the construction of one new villa in Vounaki and the continuance of the construction of a 2nd villa in Agiannakis, despite no building being allowed here by Presidential Decree; ➢ During the 2019 nesting season the management measures were not enforced in Kyparissia Bay or sector O (Kalo Nero); The operation of beach bars is not included in the exception. As a result, the Municipality of Trifylia leased portion of Elaia beach (sector C) for a beach bar leading to deterioration of sand dunes and its night operation causing increased human and vehicle presence on the nesting beach during night hours and light pollution; It is noteworthy that the bar was not allowed to open in the period 2013-2016, as it was one of the commitments of the Greek authorities to the European Commission on response to the Reasoned Opinion (Ref. No. 5074/22-11-2012) ➢ Although Archelon complained in 2018 to all competent authorities about the garden works that took place during that year in the sand dune zone in front of the completed house near Vounaki hill (sector B), which resulted in the total destruction of dune vegetation, not only was no action taken, but some authorities claimed that there is no evidence that the works took place after the establishment of the protection framework for the area; ➢ On 8 May 2019 a special meeting was organised with local authorities to discuss the proper implementation of the management measures at the core nesting area. Unfortunately, no improvement was recorded during the 2019 nesting season; ➢ The distinction of Kalo Nero (sector O) from the rest of the core area is very important. This part is already severely affected by tourism development. As in previous years, during 2019 a large part of the nesting beach was occupied by sunbeds, umbrellas, wooden paths, showers and other structures; There is also intensive light pollution; ➢ If sea turtles are to be effectively protected in Kyparissia Bay, sectors A, B and C of the core nesting area (Vounaki, Agiannakis and Elaia) hosting about 75% of all nests in the 9.5km core nesting area, must be maintained at its current almost pristine condition;

	➢ In the coastal forest behind sector C remained the problem of free camping. During the high summer season, it was estimated that more than 2,000 people were camping simultaneously. In many cases tents and caravans were placed on the sand dune zone or even on the nesting beach; Cars also cause destruction and are uncontrolled; ➢ In the rest of the bay, there were a similar range of anthropogenic disturbances, including vehicles on the beach, light pollution, illegal beach bars and fishing activities; ➢ There were recorded instances of mixed animal grazing near the Neda river (sector D), where beach entry points were utilized to drive livestock such as sheep and goats along the dunes. During these cases, dune vegetation was extensively trampled; ➢ During the 2019 nesting season 11 dead turtles and 1 live injured were found within the core nesting area of 9.5km, while 13 more dead turtles were found in the rest of Kyparissiakos Bay. Examination of the dead animals showed interaction with fisheries (i.e. turtles entangled in nets and fishing lines) as well as signs of injuries caused by dynamite fishing (blood from nose, mouth and eyes), though this fishing method is against the law in Greece; ➢ There is still a lot to be done in order to fully comply with the implementation of the 12 points of the Bern Convention Recommendation and the European Court of Justice Judgment of 10 November 2016, as the very low enforcement and implementation of the Decree regulations prevents achieving favourable conservation status of marine turtles and the habitat in southern Kyparissia Bay.
Respondent's report November 2019	➢ The Management Plan of the Kyparissia Bay is currently under drafting and will be delivered to the Ministry of Environment and Energy during 2021. The drafting of the Management Plan is financed by the on-going project "Assembly of Special Environmental Studies and Management Plans for Natura 2000 sites in Greece" funded by ERDF; ➢ An Action Plan for protection and conservation of marine turtles in Greece is currently under drafting and will be legally approved by the Ministry by the end of 2020, while it will be fully implemented and financed by the LIFE Integrated Project LIFE-IP 4 NATURA; ➢ The management of Kyparissia Bay is under the responsibility of the Management Body of Kotychi, Strofilia Lagoon & Kyparissia Bay, and is currently financed with 1 million Euros by the Operational Programme "Transport Infrastructure, Environment and Sustainable Development", ERDF for implementing concrete conservation actions in the protected area of the Kyparissia Bay; ➢ According to the ARCHELON report submitted to our Department on the 31st of October 2019, sea turtle nesting was completed successfully during 2019, as all nests were recorded and protected against predation, inundation and light pollution; ➢ It is expected that the Presidential Decree along with the successful implementation of the planned actions will fully address the points mentioned in the Bern Convention Recommendation and will achieve favourable conservation status of marine turtles and the habitats in Kyparissia Bay.
Standing Committee December 2019	➢ The Standing Committee took note of the oral update on progress in the implementation of Recommendation No. 174 (2014) presented by the Greek authorities and the written report by the complainant, MEDASSET. ➢ The Committee emphasised the urgency that the Greek authorities cooperate with the relevant civil society organisations and provide concrete evidence of a thorough implementation of the Presidential Decree and its provisions, of the development of an Action Plan funded by the EU LIFE programme and of all operational paragraphs of Recommendation No. 174 (2014).

	➢ The national authorities are requested to keep the Bureau and Standing Committee informed on the progress in the implementation of Recommendation No. 174 (2014). The file is kept open.
Complainant Report August 2020	➢ We strongly express our concerns and reiterate the urgent need for the adoption and enforcement of a Management Plan for the protected area. ➢ In July 2020, MEDASSET's experts in collaboration with ARCHELON's expert, carried out an assessment of the conservation status of the core nesting area of Kyparissia Bay. ➢ We observed that despite the visit of environmental inspectors from the Ministry of Environment and Energy in April 2020 and the recommendations that they made, which were mainly focused on the restoration of the illegal permanent constructions and roads, no actions had been taken. In addition, the seven writs of annulment of the Presidential Decree (PD), deriving from real estate firms, 3 municipalities and some owners of coastal properties of the protected area, show the lack of real progress made by the government, including the local community and correspondent authorities, to implement the 12 measures under Recommendation No 174 to protect the area. ➢ It must be noted that indicative of the refusal of some local authorities to accept the PD, is the fact that during the 2020 nesting season the Municipality of Trifylia refused to allow ARCHELON to operate the seasonal information station in Kalo Nero. This refusal results in a severe draw back to the public awareness program. The visitors and the locals cannot be systematically informed about the need to protect a threatened species and its habitat. ➢ Observations are not totally representative of the real situation due to the specific circumstances under which we implemented the assessment this year. The outbreak of COVID-19 and the crisis provoked, combined with the visit early summer due to the earlier deadline to submit the report to the Secretariat of the Bern Convention, makes it impossible to reflect the regular touristic pressure. We will submit updates at a later stage, after the nesting period and having a clearer picture of the situation at the end of October. ➢ During this year's assessment, sand and gravel extraction was observed, whereas this issue was not recorded for the last three years. ➢ Calls for: - immediate and effective enforcement of the PD - urgent preparation, issuance and implementation of a Management Plan for the area, which will also cover the unresolved issues not addressed in the PD (e.g. fishing activities and night-time beach use) and - imposition of fines and penalties in order to punish the illegal activities. ➢ The Management Plan must be prepared in cooperation with the Kotychi – Strofylia – Kyparissia Bay Wetlands Management Body and the active participation of local stakeholders and community; and must address several crucial issues: - a complete identification of the legal road system in the protected area; - beach use rules (duration of stay at the beach, beach zoning, code of conduct etc.) to prevent harassment of sea turtles during their highly sensitive reproduction cycle; - rules for beach bars operating in the core habitat; - fishing regulations; - hunting regulations to protect the area's bird fauna. ➢ Calls upon the Bern Convention Standing Committee to: - Follow-up, discuss and keep the case file open at the 40th Meeting of the Standing Committee.

	- Urge Greek authorities to fully implement Recommendation No. 174 with no further delay.
Bureau meeting 15-16 September 2020	➢ The Bureau thanked the complainant for the timely and detailed report but noted the lack of a report from the authorities. It noted the concerns of the complainant that the measures under Recommendation No. 174 (2014) are not being fulfilled and especially the urgent need for a Management Plan and enforced Presidential Decree, as well as imposition of fines against illegal activities. It was also concerning that the NGOs were being blocked from assisting on the ground, while concurrently, there was insufficient staff to monitor and protect the area. ➢ The Bureau once again urged the Greek authorities to cooperate with the civil society in activities and elaboration of plans, provide concrete evidence of a thorough implementation of the Presidential Decree, of the development of a Management Plan and of all operational paragraphs of Recommendation No. 174 (2014). It urged that more rangers be deployed, and finally asked for a concrete update on the EU LIFE project. ➢ The Greek authorities are urged to provide a report and present on the current situation at the 40th Standing Committee. The complainant is also invited to make a short presentation. ➢ The file is kept open.
Complainants' Report October 2020 (ARCHELON)	➢ Despite restrictions caused by the pandemic, ARCHELON managed to carry out a reduced monitoring of the habitats, especially foregoing awareness-raising activities. ➢ During the 2020 nesting season, more than 3,800 nests were recorded in the core area. This is the 8th year in a row that the number of nests in the core nesting area of Kyparissia Bay exceed those recorded in Laganas Bay (Zakynthos Island). The increase in nest numbers since 2006, combined with an increase of neophyte turtles (i.e. turtles nesting for the first time), is likely attributed to the mass protection of nests applied in the core nesting area since 1992. ➢ Despite the Presidential Decree of 2018, there is still a lack of enforcement. Indeed, several local municipalities, companies and private citizens filed for repeal of the Decree- the trial was held in June 2020, with a verdict expected by the end of the year. A repeal would mean that the southern Kyparissia Bay will yet again be without any protection against building interests. ➢ The Decree also does not address several important conservation issues, such as absence of an Annex with the legally existing road network, fisheries regulations, beach management measures in the core nesting area, control of light pollution. All of these activities were remarked again during the 2020 season. ➢ Furthermore, the Management Agency which has not yet been active, will be further delayed by a change in protected area management authorities which will soon be centralised. ➢ As mentioned, anthropogenic disturbances were remarked, including illegally operating beach bars which do not stack furniture at night, intensive light pollution, heavy vehicle beach cleaning, unrestricted vehicle access on beaches, refusal of the Municipality of Trifylia towards setting up the seasonal information station of ARCHELON, and inundation of tourists due to the delayed start of the season in August. ➢ 10 dead and 1 injured turtle were found- the latter believed to have been deliberately injured by fishermen- indeed set nets are usually left for the entire duration of the night, so any females attempting to emerge for nesting are at risk of getting trapped.

	➢ In conclusion, during 2020, sea turtle nesting was completed successfully, as the vast majority of the nests were recorded and protected against predation, trampling and light pollution, due to the intensive efforts of ARCHELON, however, none of the existing conservation issues affecting the habitat in general and the marine turtles in particular was resolved. ➢ In order to fully comply with Rec 174 (2014) and the ECJ Judgment of 2016, the following steps are essential: (a) Strict enforcement and implementation of the Decree, (b) adoption of a Management Plan, which will complement protection measures included in the Decree, and (c) the quick and smooth transition to the new scheme of the Management Units under "OFYPEKA".
Standing Committee December 2020	➢ The Standing Committee welcomed that the management plan for Kyparissia Bay is under preparation and due to be delivered to the government in 2021. The National Action Plan for the protection of marine turtles, supported by the EU LIFE Euroturtles project, was being elaborated in cooperation with NGOs and is expected for the end of 2020. ➢ The Committee, however, expressed its concern on the information of the complainant that little progress has been witnessed over the past year: the Presidential Decree is still not enforced and a Management Plan is still to be elaborated and adopted. ➢ The European Commission stated that, four years after the European Court of Justice (ECJ) ruling against Greece, relatively little progress has been achieved. If the country would not soon take the necessary measures to comply with all the aspects of the Court ruling, the case could be referred back to the ECJ and possible fines imposed. ➢ the Committee urged the Greek authorities to cooperate with the relevant civil society organisations, and to respond to the complainant's concerns. It reiterated the complainant's calls to enforce the Presidential Decree, adopt a Management Plan and impose penalties on illegal activities. Awareness-raising activities should also be an important tool to educate the local population on the need to preserve the vulnerable marine turtle nesting habitats. ➢ The Committee also recalled the Action Plan for the Conservation of Marine Turtles which was in development. ➢ The authorities were requested to report for the Spring Bureau meeting. Both Parties would also be requested to report for the Autumn Bureau meeting before reconsideration at the 41st Standing Committee.
Complainant report March 2021	➢ The Council of State (Supreme Administrative Court of Greece) pronounced that the Presidential Decree for the Protection of Kyparissia Bay (issued in October 2019) was in line with the Constitution and national legislation and rejected the seven requests for annulment, filed against it in January 2021. ➢ The complainant reports has concerns on recent developments of Greek national law, specifically in relation to **Article 218** of Law 4782/2021, (Government Gazette A36/9-3-2021), which allows the designation of protection sub-zones within protected areas, to serve individual "mild development projects of public interest". ➢ The complainant has concerns that the above-mentioned law will largely allow for approval of scale building, including the plans of the real estate company "NEOS KOTINOS S.A." for building 47 villas with pools and gardens behind the core nesting area. ➢ It is reported that local politicians have made official statements which the complainant finds concerning as they reveal the interest to further develop investment plans in Kyparissia Bay. ➢ The complainant states that Art. 218 of Law 4782/2021 is in contradiction with Recommendation No.174, Directive 92/43/EEC and the recent judgement of the Court of Justice of the European Union, as it creates ad hoc regimes in "sub-zones" leading to the fragmentation of Natura 2000

	sites and it promotes the establishment of measures based on special urban plans and not in accordance with the ecological requirements of the protected habitats and species. ➢ Following an appeal by the NGOs, the Nature 2000 Committee (the central scientific advisory body of the Greek state for biodiversity), issued a statement for the withdrawal of Article 218. ➢ The complainant informs the Bureau of the decision of the European Commission to initiate an infringement process against Greece (December 2020). The EC requested Greece to comply with the judgement of the Court of Justice of the EU regarding the conservation of natural habitats and of wild fauna and flora in compliance with the Habitats Directive (Directive 92/43/EEC).
Respondent's report April 2021	➢ National authorities confirmed that the Council of State rejected the complaints regarding the Presidential Decree and recalled the process that led to the issuing of the Presidential Decree for the protection of Kyparissia Bay and summarise key provisions. ➢ Monitoring visits have been carried out by the Inspection Body of Southern Greece in July 2019 and April 2020. The main finding was the opening of five illegal roads perpendicular to the sand dunes, the legal procedure is ongoing and immediate measures have bene adopted to stop vehicles' traffic. ➢ National authorities informed the Bureau of projects of high national environmental importance launched within the framework of protection and management of all protected Greek areas of the NATURA 2000 Network: o **Special Environmental Studies** for all NATURA 2000 areas of the country, to be completed by December 2021; o final drafting of the **Presidential Decree for the designation of the areas** and the **Ministerial Decisions for the Management Plans** for each area (including Kyparissia), to be completed by March 2022. o **monitoring of the protected habitat types and species**, of national and EU importance, with the aim of assessing their conservation status and identifying the reasons for any changes over time. o a ministerial decision is being drafted within the Ministry of Environment and Energy for the **designation of conservation targets** within the Special Conservation Areas of the country that are part of the NATURA 2000 network, as required by Article 6 par. 1 of Directive 92/43 / EEC . o Development of a **new management structure** for Natura 2000 sites, which will be taken up by the newly established central structure named "**Agency for Natural Environment and Climate Change**" (OFYPEKA) and the new Management Units that will be replacing the previous Management Bodies for the Protected Areas. o Development and implementation of **Action Plans for species and habitats** of Community Interest under the EU funded project LIFE-IP 4 NATURA. A comprehensive Action Plan for the species has been formulated and submitted for public consultation and is expected to be legally adopted as a Ministerial Decision within 2021.
Bureau meeting 14-15 April 2021	➢ The Bureau welcomed that a Ministerial decision was being prepared for the designation of conservation targets and took note of the developments in relation to the final drafting of Kyparissia Management Plan, which was expected to be adopted by March 2022 and the National Action Plan for the protection of marine turtles, expected to be legally adopted as a Ministerial Decision in 2021.

	➢ The Bureau noted the complainant's new concerns related to recent national law provisions (Art. 218 of Law 4782/2021) which are in contradiction with Recommendation No. 174 and pose a threat to the protected habitats and species in Kyparissia Bay ➢ The Bureau requested that the Greek authorities provide more information regarding the new law and its consequences on the protection of endangered species and habitats. Moreover, the Bureau asked the Greek authorities to report to the Bureau updates on the preparation of the management plan for Kyparissia Bay and the National Action Plan for the protection of marine turtles, supported by the EU LIFE Euroturtles project. The complainant was also invited to provide its views on the National Action Plan. ➢ The Bureau also recalled the Bern Convention initiative, agreed upon at the 40th Standing Committee, to develop an action plan for the conservation of marine turtles. ➢ Finally, the Bureau instructed the Secretariat to liaise with the European Commission in relation to its related processes at this site.
Respondent's report July 2021	**Information on Law 4782/2021** ➢ a 'sub-area' within a protected area may be designated by a Presidential Decree (PD) for minor development projects, under the proposition of the Minister of Development & Investment and the Minister of Environment & Energy, as long as the integrity of the wider area is not ecologically affected with concurrent compliance with local conservation targets. Specific rules for activities and projects would be identified and implemented until the finalization and approval of the Special Environmental Studies (SESs). A Strategic Environmental Assessment (SEA) and the advisory of the Central Council on Planning Issues & Challenge will be mandatory for all development projects. ➢ This does not apply to zones and areas of absolute nature protection. **Updates on the preparation of the management plan for Kyparissia Bay and the National Action Plan for the protection of marine turtles.** ➢ The management plan on Kyparissia Bay will be ready as soon as Special Environmental Studies for all Greek Natura 2000 areas will be completed in 2022. ➢ The 6-years Action Plan on Caretta caretta formulated and submitted for public consultation by the NGO ARCHELON has been adopted by the Ministry and its issuance is expected shortly. ➢ This action plan foresees the 'Development and legal adoption of Action Plans (APs)' for selected habitats and species. The selection process will be based on the latest data from the Monitoring & Assessment Project of the Conservation Status of Protected Species and Habitat in Greece and experts' opinion (workshops will be organised). **Mitigation measures ahead of the Summer 2021 tourism season.** ➢ Permanent mitigation measures are foreseen by the Presidential decree dated 2018; ➢ Proactive measures against environmental damages are implemented due to the opening and construction of five roadways on the beach between Ai-Giannakis and Elea villages (cement blocks to block any access of vehicles to the beach). The on-the-spot appraisal which defined these

	mitigation measures also stressed that an environmental study should be carried out on the restoration of sand dunes, the inversion of erosion as well as the restoration of the area after the destruction of the roadways. ➢ A project on the regulation and delimitation of human activities on the beaches within the jurisdiction of the Kotychi-Strophylia Wetlands Management Body is being awarded and will include: ▪ description of the current status (geomorphology, species & habitats, human activities, pressures & threats); ▪ mapping of current activities and the identification of conflicts and management queries; ▪ the assessment of the carrying capacity at each site (terms & conditions of time access to the beach throughout the year, delimitation of parking areas, definition of speed limit, spatial and time designation of allowed activities, minimum requirements and specific limitations for each activity, current infrastructure assessment and potential removal of unsuitable infrastructures). Awareness raising activities on the protection and conservation of biodiversity targeting local communities (information signs, seminars, video spot, environmental training material for pupils).
Complainant's report August 2021	**On the implementation of Recommendation No.174 (2014)** ➢ Point 1(‘*Consider giving the key nesting areas for sea turtle an appropriate protection status […]’*): the nesting beach of Kyparissia Bay is a **Nature Protected Area and not a National Park** (which would have provided higher protection). All adjacent areas of a Nature Protected Area are designated as Agricultural Landscape Zones, where building is permitted. ➢ Point 2 (‘*Permanently restrict/prohibit […]the construction of [buildings/infrastructures], in areas where construction licenses have been suspended by decree[…]’*), Point 4 (‘*Ensure that owners of the houses that have already been built in sensitive areas, avoid changing the profile of the dune[…], [do not cause] photo-pollution[…], remove invasive alien plants[…]’),* Point 5 (‘*avoid agriculture […]’*), Point 7 (‘*Ensures that the beach's equipment […] is removed at night [..] and that no new licenses [are issued]*’): the complainant reports **no enforcement** of this measures and **continue violations** by the local community. ➢ Point 3 *(‘Restore the original sand dune and forest habitat by demolishing any illegal infrastructure[…]; put effective measures in place to prevent cars and caravans from reaching the proximity of the nesting beaches[…]’):* the complainant reports that illegal roads are still in place, cars and caravans continue to access the proximity of the nesting beaches and that the measures adopted by the authorities to stop vehicles (placement of blockades) are not effective. ➢ Point 6 (*‘Address […]the problem of photo-pollution[…]*’): the complainant reports that the problem persists. Moreover, on 5 August 2021, a **traditional festival was held at night at Kalo Nero**, with more than 300 visitors. The complainant claims intense light, sound and litter pollution. The complainant reports that the event was in violation of the Presidential Decree (PD) regulating activities in Nature Protected Areas. ➢ Point 8 (‘*Prohibit any sand and gravel extraction’):* no violations recorded;

	➢ Point 9 (‘*If new housing is to be built […], favor building in areas already urbanized[…]’):* the complainant reports that the PD allows constructions behind the core nesting areas, claiming that this fails to adequately protect the nesting habitat. New constructions (houses) were observed in 2021. ➢ Point 10 (‘*Consider regulating the navigation of vessels […] during the nesting and hatching season […];prohibit [fishing practices] that may negatively affect nesting and mating turtles […]’):* the complainant reports that the only maritime restrictions stated in the PD relate to vessel speed limit within one mile of the shoreline and a time limitation on recreational fishing, which is only permitted during the day. Moreover, these measures are not enforced. ➢ Point 11 (‘*Enforce measures aimed at avoiding people and cars visiting the sea turtle nesting beaches at night […]; control feral dogs):* the complainant reports the lack of legal measures preventing people and cars from accessing the beach at night; these issues should be addressed within the Management Plan, which is yet to be developed. **Other observations.** ➢ The complainant recalls its concerns on the Greek governance model for the management of protected areas (which changed in 2020); ➢ New concerns are reported in reference to a new law (4819/2021) which removes the "conservation of biodiversity" from the objectives of the newly created Natural Environment and Climate Change Agency (OFYPEKA). This seems in contradiction with the Agency’s responsibility to manage protected areas. Furthermore, the new Law limits the financing of OFYPEKA to regular budget of the Ministry of Environment and Energy. The complainant believes that this measure poses a serious threat for OFYPEKA’s viability. Finally, the new Law excludes the possibility for OFYPEKA to take a decision on the effects of construction projects that may affect the protected areas. In light of Article 218 of the enacted Law 4782/2021, this particularly worried the complainant. **Calls the authorities to:** • Adopt and implement a Management Plan, to also cover issues not addressed in the PD (e.g. fishing activities and nighttime beach use); • Impose fines and penalties in order to stop illegal activities and restore the habitat; • Safeguard the effective management of Kyparissia Bay, as the new Legislation poses serious threats for the adequate protection protected areas.
Bureau meeting 15-16 September 2021	➢ The Bureau welcomed the adoption of the 6-year Action Plan on Caretta caretta and asked both parties to keep the Bureau updated on the developments of more detailed action plans for relevant species and habitats. ➢ The Bureau also welcomed the adoption of the Ministerial decision for the designation of national conservation targets for 21 natural habitats and 55 species of Community interest, but noted that conservation targets for Caretta caretta are not expected to be issued soon (at least 26 months after the award of the contract).

	➢ The Bureau noted the complainant's new concerns related to recent national law 4819/2021, which adds to the concerns on article 218 of Law 4782/2021 previously reported. Authorities were asked to clarify what defines an area of 'absolute nature protection' in relation to the additional information they provided on Art 218 of Law 4782/2021 and in particular if the entirety of Thines Kiparissias qualifies as such an area. Moreover, authorities were invited to clarify the reasons for removing the "conservation of biodiversity" from the objectives of the newly created Natural Environment and Climate Change Agency (OFYPEKA) and provide more information on the financial sustainability of the agency (law 4819/2021). Further, as according to the complainant Law 4819/2021 excludes the possibility for OFYPEKA to take a decision on the effects of construction projects that may affect the protected areas, the authorities were asked to clarify which agency will be in charge of taking such decisions. ➢ The Bureau welcomed the development of the project on the regulation and delimitation of human activities on the beaches within the jurisdiction of the Kotychi-Strophylia Wetlands Management Body; the authorities were invited to share a more detailed timeline for the completion of the project as well as to clarify whether there is already a plan for follow up in place. ➢ The Bureau further took note of the concerns of the complainant that the government has achieved little progress on the implementation of Recommendation No. 174 (2014), due to insufficient enforcement of relevant national laws. In relation to the construction of new illegal roads, the authorities were invited to keep the Bureau updated on the environmental study on the restoration of sand dunes, the inversion of erosion as well as the restoration of the area after the destruction of the roadways. ➢ The Bureau welcomed the national authorities' monitoring and mitigation initiatives and encouraged them to continue and strengthen their efforts for the enforcement of national law. ➢ The Bureau also thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative, which is in elaboration. ➢ The file remains open and both parties are invited to make a brief presentation at the 41st Standing Committee meeting, focusing on the issues above.
Respondent's report October 2021	The Ministry of Environment and Energy submits additional information as per the latest Bureau decision. **Definition of an 'absolute nature protection area' in relation to Art 218 of law 4782/2021.** According to law No. 4685/2020, an absolute nature protection zone consists of areas comprising highly sensitive natural ecotypes or/with highly sensitive species habitats, with high occurrence and representativeness, whose status requires high and strict protection. An absolute nature protection zone may be part of a biodiversity protection area, a national park, a nature reserve, a protected landscape or a protected natural formation. All areas within the Natura 2000 Network are classified as biodiversity protection areas. Art 218 of law No. 4782/2021 introduces a new procedure for the designation of "sub-areas of protection" (excluding the absolute nature protection areas) within areas of a special protection status, provided that the integrity of the broader area is not adversely affected in terms of its ecological functions in relation to the conservation objectives of said area.

	The designation of "sub-areas of protection" will be subject to a Special Environmental Study, a Strategic Environmental Impact Study and the opinion of the Central Council for Spatial Issues and Disputes. Finally, a Presential Decree would define the sub-area. The legal review of the whole process is reinforced by the control of the Supreme Administrative Court of the country (Council of State). **Clarification about the qualification of the entirety of Thines Kiparissias as an area of 'absolute nature protection' according to Art 218 of law 4782/2021.** According to the 2018 Presidential decree, Kyparissia Bay and the wider area are designated as 'nature protection area', neither site nor zone is designated as an area/zone of 'absolute nature protection'. **Clarification on the "conservation of biodiversity" objective of the newly created Natural Environment and Climate Change Agency (NECCA/OFYPEKA).** The "conservation of biodiversity" objective was never removed from the NECCA/OFYPEKA. Indeed, it is clearly stipulated in Law 4685/2020 that the objectives of NECCA/OFYPEKA include the management and conservation of all protected areas (including the habitat, flora and fauna of said areas) that fall within its territorial competence, meaning all areas of special protection status that are designated with coordinates and have clear geographical boundaries. The Ministry of Environment and Energy is competent for the conservation of biodiversity for the whole country. **Information on the financial sustainability of the NECCA/OFYPEKA (law 4819/2021)** Law No. 4819/2021 has nothing to do with funding NECCA/OFYPEKA. A list of financial resources of NECCA/OFYPEKA and its financial management are clearly designated in art. 31 of law No. 4685/2020. According to said article, considerable resources for NECCA/OFYPEKA accrue from the recurrent budget of the Hellenic Ministry of Environment and Energy. It should be noted that NECCA/OFYPEKA is not only equally financially supported as last year, pursuant to art. 31 of law No. 4685/2020, but is also further strengthened by a percent of particular resources related to greenhouse gas emission allowances. **Which agency will be in charge of taking decision on the effects of construction projects that may affect the protected areas?** According to the existing procedure of environmental permitting and pursuant to the national and European legislation, NECCA/OFYPEKA directly consults the Directorate - General of the Ministry of Environment & Energy (which is also the superior authority of the Directorate of Environmental Licensing) on projects and activities under category A of law No. 4014/2011, which includes projects and activities that may be very harmful to the environment and requires Special Environmental Studies. **Project on the regulation and delimitation of human activities on the beaches within the jurisdiction of the Kotychi-Strophylia Wetlands Management Body** The project has been awarded and due to be signed. The project duration will be of about 24 months; its follow-up on the ground will be carried out by the staff of the Management Body in cooperation with the police, the local Forestry authority and the fire department.

	New illegal roads and update on the environmental study on the restoration of sand dunes, the inversion of erosion as well as the restoration of the area after the destruction of the roadways. The authorities are not aware of any new illegal road other than those blocked by COIEL/SYGAPEZ in June 2021. In that case, the appel the offender made to the Supreme Court (Council of State) was rejected. The offender is also obliged to pay for the environmental study proposed by COIEL/SYGAPEZ in June 2021 on the restoration of sand dunes, the inversion of erosion as well as the restoration of the area after the destruction of the roadways.
NGO's report October 2021	➢ The NGO reports that a significant trend of increased number of nests and therefore of adult females is being recorded since 2006 in the core nesting area. ARCHELON annual monitoring activities reveal during 2021 more than 3,200 nests were recorded on the core nesting beach (9.5km), and approx. 1,100 more nests in the northern part of the Bay (34.5km). Approximately 98% of the recorded nests, were protected against predation, inundation, trampling and light pollution. Regarding sea turtle strandings, 15 turtles were recorded by ARCHELON from early May until late September. Overall, more than 36 dead sea turtles were found in Kyparissia Bay (44km) since the beginning of the year according to data from the competent Coast Guards. Evidence of entanglement in fishing gear was found on 3 dead animals. ➢ Despite the designation of the whole Kyparissia Bay as a Nature Protection Area in 2018 and the successful sea turtle nesting and hatching of this summer, the NGO reports very little progress is made concerning the implementation of the 12 points of the Bern Convention Recommendation No. 174 (2014). The main issues are lack of enforcement of the Presidential Decree (PD) issued in 2018 and gaps in the matters regulated by the Presidential Decree. The NGO reports that these are expected to be addressed by the on-going review and elaboration of SESs and MPs for all Natura 2000 sites at a national scale, as a part of a project conducted by the Ministry of Environment and Energy. ➢ According to the NGO nesting and hatchlings continue to be disturbed by the presence of vehicles on the beach, the non-stacking of beach furniture during night hours and light pollution from private and public sources, in violation of the PD provisions. For example, in Kalo Nero the NGO estimate that 60,0% of all nests were affected by light pollution. The NGO reports that none or little action was taken to mitigate threats, especially regarding the demolition of the illegal wooden platforms at Kalo Nero village, related restoration and concerning camping activities occurring in violation of the PD. In certain cases the NGO reports that camping evolved into a "turtle hunt", as free campers wanted to watch the animals during the nesting process and thus disturbing the nesting females, forcing them to abandon the nesting attempt. ➢ Even if not directly addressed by the PD, beach bars cause, according to the NGO, degradation of dans dunes. Illegal parkings in the nearby of beach bars have also been observed, with large numbers of vehicles observed on the beach almost on a daily basis, especially in sectors A, B and C of the bay. This year in Kalo Nero the municipality organised a music festival, that according to the NGO, took place just behind the nesting beach, in violation with the PD. ➢ Other threats to marine turtles' protection identified by ARCHELON comprehend agricultural and boating activities, together with recreational and professional fishing.

	➢ Public awareness activities by ARCHELON were less extensive than previous years due to the pandemic, reaching approximately 1,300 people. The NGO reports that the Municipality of Trifylia refused to grant ARCHELON the permission to operate a seasonal information station at Kalo Nero, for the 2nd year in a row. ➢ Finally, similar concerns as those reported in 2021 by MEDASSET were reported by ARCHELON in relation to art. 218 of law 4782/2021 and the changes in the governance of protected areas.
Standing Committee December 2021	➢ 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. ➢ The Standing Committee noted that despite national authorities' monitoring and mitigation initiatives, the enforcement of relevant national laws was still low. 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 original sand dune and forest habitat are restored and fines are imposed to halt illegal activities. ➢ The Committee noted the need for a Management Plan, envisaged for 2022 after the completion of special environmental studies, can enable the implementation of several points under the Recommendation. ➢ The file remains open and both parties were invited to report to the Bureau in Autumn 2022.
Respondent's report July 2022	➢ the country is still working on this case having Recommendation No. 174 (2014) as a guiding tool. ➢ According to nesting data provided by the NGO 'Archelon', there is a positive trend in nesting activity in Kyparissiakos Bay over the last decade, from 828 nests recorded in 2012 to 3239 nests recorded in 2021. ➢ As regards point 3 of the Recommendation, restoration of sand dunes and forest habitats, Greece reiterates that roadways were blocked in June 2021 and has proposed an environmental study to be paid and implemented by the offender on the restoration of sand dunes, the inversion of erosion as well as the restoration of the area after the destruction of the roadways. In 2022 the situation has not developed further.
Complainant's report August 2022	**On the implementation of Recommendation No.174 (2014)** Regarding Points 1 to 7 and Point 10 the complainant reports that the situation hasn't changed. On Point 8 ('*Prohibit any sand and gravel extraction'):* the complainant reports that the erosion in Kalo Nero nesting beach was more pronounced this year. In response, the local community placed the sand hills across the road as an anti-erosion measure. The complainant call for the authorities to implement more effective solutions. On Point 11, infractions continued to be recorded by the complainant. **Other observations.** ➢ The complainant recalls its concerns on the Greek governance model for the management of protected areas as reported in August 2021;

	➢ The complainant reports delays for carrying out Special Environmental Studies for the issuing of presidential decrees and management plans for all Natura 2000 sites in Greece; ➢ the Ministry of Environment and Energy introduced to Parliament in July 2022 a bill, which contained what the complainant considers very problematic provisions on protected areas. These provisions allowed for land uses in the protection zones, excluded certain areas from the scope of the protected regime and allowed for the continuation of existing projects and activities regardless of the ecological needs of protected habitats and species. ➢ Following strong protests by environmental organisations, the Minister announced their temporary withdrawal to conduct further consultations with stakeholders and introduce a revised bill probably by end of August. ➢ The bill further provided that the EIA assessors will be paid directly by the investor of the project. Despite concerns raised by environmental organisations and citizens, the rest of the provisions of the bill were enacted as law (Law 4964/2022). ➢ In February 2022, seismic surveys were carried out in the area of the Ionian Sea as part of the concessions for the exploration and exploitation of hydrocarbon resources in the area. Following the non-lethal stranding of two Cuvier's beaked whales in the northern part of the Ionian Sea (Corfu) and strong protests by environmental organisations, the surveys were discontinued.
Bureau meeting September 2022	➢ The Bureau noted the complainant's preoccupation concerning the erosion in Kalo Nero and urged the authorities to respond with targeted measures. The National authorities were also requested to update the Standing Committee on the progress in the development of a Management Plan for Thines Kiparissias and to provide more information concerning the Bill introduced to Parliament in 2022, including related deadlines. ➢ The Bureau further requested that the national authorities clarify when the environmental study on the restoration of sand dunes was expected to be completed by the offender. ➢ The file remains open and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of Recommendation No. 174 (2014).
NGO's report October 2022 (ARCHELON)	➢ The NGO recalls that the Presidential Decree divides the bay in various subareas and oversees building regulations. However, it does not regulate all habitat conservation issues, i.e. mapping of the current legal road network, fishing regulations, operation of beach bars, light pollution, human presence on the nesting beach during nighttime. These issues are expected to be addressed in the Specific Environmental Studies (SES) and the Management Plans (MPs) for all Natura 2000 sites, both of which are currently being drafted. ➢ The NGO reports on 2022 data concerning turtle nests (~3,500), nests affected by artificial lights, nest predation, incidents of sea turtle strandings and public awareness efforts. ➢ Violations of the Presidential Decree continue to be observed on a daily basis, especially because of lack of wardening of the Nature Protection Area in 2022 and lack of signposts and appropriate infrastructure for the reception of visitors in the area.
Standing Committee December 2022	➢ The Committee acknowledged the complainant's ongoing concerns that a Management Plan was yet to be adopted and took note of the delays the government was facing.

	➢ A follow-up to the decision of 2021 of the European Court of Justice (ECJ) to condemn Greece for failing to establish the necessary conservation objectives and measures for sites of community importance, including Thines Kiparissias, was ongoing. In that framework, the European Commission had urged the Hellenic authorities to finalise and adopt the Management Plan for the area as well as to establish the necessary conservation objectives and measures for the whole Natura 2000 network. ➢ The Standing Committee recalled that despite national authorities' initiatives (such as road blocking), the enforcement of relevant national laws was still low. The Committee urged the national authorities to fully implement Recommendation No. 174 (2014), in particular with reference to point 11 of the Recommendation (Enforcing measures aimed at avoiding people and cars visiting the sea turtle nesting beaches at night). Acknowledging that the adoption of a Management Plan for this area was scheduled to be issued in 2023 after the conclusion of public consultations by the end of 2022, the Committee urged authorities to step up their efforts to adopt a Management Plan as soon as possible.
Respondent's report July 2023	➢ The Management Plan is under way and is expected to be issued by the end of 2023. ➢ Conservation objectives for the Natura-2000 network were adopted and updated on 28 February 2023. The update also included conservation targets for *Caretta caretta* based on the population size of reproductive individuals and the number of nests. ➢ There are two environmental projects: – formulation of a report about the regulation and delimitation of human activities on the beaches within the jurisdiction of the local Management Unit (MU), based on their carrying capacity, – placement of informative signs in the reproduction sites of marine turtles. Both projects were under way and are expected to be concluded by the end of 2023. The local MU had also asked the competent authorities for to eliminate the invasive plants genera Carpobrotus and Agave which threaten significant habitats and plant species in the protected area. ➢ The authorities continue to enforce current regulations in the area. One house owner whose property is located in the Areas of Nature Protection category 1 'Sand dunes and Coastal Zone', received in June 2023 a certificate of violation from Ministry of Environment and Energy for having planted non-native plant species and invasive plant species and having built a cement jardiniere. The owner is expected to remove the jardiniere, replace it with a wooden fence or other sand dune-friendly construction and plant native plants by October 2023. The inspectors have also obliged a neighbouring owner of a building to remove some non-native plant species from her property; this owner has already complied with the inspectors' recommendation.
Complainant's report August 2023	**On the implementation of Recommendation No. 174(2014)** ➢ The complainant reports that the situation hasn't changed, with no mitigation of the threats identified in previous reports and no evidence of improvement in compliance with the measures of Recommendation No. 174 (2014). Threats recorded included the following: – illegal buildings along the protected coastline continue to be built, – continued planting and no removal of previously planted trees and alien species on the nesting beaches, – destruction of dunes, – nearshore fishing, – unimpeded vehicular access to the nesting beaches and illegal road network across the protected sand dunes, – lack of beach furniture management,

	– light pollution, – contracts signed for the exploration and potential extraction of hydrocarbons in the adjacent marine protected areas constitutes a significant additional threat. **Other observations** ➢ In general, the complainant considers that: – the implementation of the Presidential Decree (PD) regulations is not enforced, – a Management Plan (which should also cover unresolved issues not addressed in the PD, such as the fishing activities and night-time, the beach use and the operation of beach bars) is still lacking, – fines and penalties in order to stop illegal activities and restore the habitat especially the sand dune habitats are not imposed, – the effective management of Kyparissia Bay is not safeguarded (as the new Legislation poses serious threats for the adequate protection of all protected areas in Greece).
Bureau September 2023	➢ acknowledged the complainant's ongoing concerns that a MP for Thines Kiparissias had still not been adopted after a delay of 5 years and took note of the national authorities' statement that it is expected to be issued by the end of 2023. It urged the national authorities to step up their efforts to adopt a MP within this timeframe. ➢ noted that despite national authorities' initiatives, the enforcement of relevant national laws was still low. The Bureau requested information on the purpose and benefits of the report on human activities on the beaches. ➢ regretted that no follow-up had been given to requests addressed to the national authorities in September 2022 on responding with targeted measures to the erosion in Kalo Nero, and on clarifying when the environmental study on the restoration of sand dunes was expected to be completed by the offender. ➢ urged the national authorities to act upon these requests and to implement Rec 174 (2014) and to continue working on the marine turtles' initiative.
Respondent's report October 2023	➢ The authorities recalled the various steps on the issue of restoration of environmental damage: • the offender (a company) was obliged to comply with a Decision issued by the local Decentralized Administration based on Presidential Decree No. 148/2009, in 2012, in order to i) stop car access to the beach via the five illegal roads that the company constructed in the area and to ii) submit a list of sand-dune restoration measures to the Regional Committee for the Mitigation of Environmental Damage within 3 months (i.e. by December 2012) • the offender did not implement these recommendations • in 2020, the Ministry of Environment and Energy took over the case by implementing the blocking of these roadways. The Ministerial Decision, which was issued for this purpose, also stressed the need to monitor the implementation of measures and cooperation with other national authorities • the offender appealed against this Ministerial Decision to the Supreme Court; the case is still pending.

	• the authorities eventually blocked the five roadways and according to the Decision the offender was obliged to pay for the taken measures amounting to €12,896 and to submit a relevant environmental study on the restoration of sand dunes, the inversion of erosion as well as the restoration of the area after the blocking of the roadways. • the Ministerial Decision did not include any new deadline for completion of the study preparation by the offender, although the proposed restoration measures remained as included in the 2012 Decision. ➢ The Ministry expressed its commitment to monitor the area and continue the implementation of the measure (environmental restoration study), according to national provisions regarding the implementation of environmental liability and after ensuring the funding needed, regardless of the offender's response and the outcome of the pending trial before the Supreme Court. ➢ The Ministry reiterated that the objectives of the report on human activities on the beaches were to better organise touristic activities in Kyparissia Bay as well as to protect the sensitive coastal zone through reducing disturbance and pressures.
NGO's report November 2023 (ARCHELON)	➢ Since 2006, a gradual increase of nests, and therefore of adult females, has been recorded, presumably as a result of the extensive nest protection by ARCHELON's teams during the prior years. During 2023, sea turtle nesting activity was completed, with more than 5000 nests recorded on the core nesting area (9.5km), and approx. another 1000 nests were recorded to the north of the core nesting area (approx. 4.5km). Approximately 86.5% of the recorded nests were protected against predation, inundation, trampling and/or light pollution. ➢ In 2023, 9 dead turtles were recorded by ARCHELON members in the monitored part of Kyparissia Bay. An additional 14 stranded turtles were recorded by the competent Coast Guards along the entire Kyparissia Bay (43.5km), bringing the total to 23 dead turtles. It was not possible to accurately define the cause of death of most stranded turtles, since they were in a highly decomposed stage when found, but in cases where it was possible to do so, the cause appears to be attributed to accidental capture in fishing gear. ➢ In 2023, nesting turtles, their nests, and hatchlings faced a variety of disturbances due to many activities that directly breached the Presidential Decree (PD) regulations, with no or too limited action taken to stop them: • extensive vehicular traffic on the nesting beach and the sand dune zone • non-stacking of beach furniture during night hours • extensive light pollution from private and public sources • freelance camping • uncontrolled agricultural activities in the sand dune zone • occurrence of annual local festivals just behind the nesting beach. None or minimal action was taken to mitigate these threats. ➢ Important activities posing threats within the Nature Protection Area are not regulated by the PD, and these are expected to or should be addressed by the Management Plan (MP) for the site. These threats include recorded extensive human presence on the beaches at night-time, while the operation of beach bars in the sand dune zone (even during night-time) caused an increase in light pollution, the ongoing trampling and continuous degradation of sand dune vegetation, as well as the transformation of neighbouring Nature Protection Areas into illegal parking areas.

	➢ This disrespect of environmental legislation is repeated year after year and causes continuous degradation of the area. Practical but important aspects of management of the Nature Protection Area of Kyparissia Bay, such as wardening and supervision, signposts, and appropriate infrastructure for the reception of visitors in the area are totally lacking. ➢ Three issues brought in the discussion of the problematic situation: • local authorities demonstrate complete disregard for the regulations contained in the legislation for the site • there are important activities posing threats within the Nature Protection Area that are not regulated by the PD, and these are expected to or should be addressed by the MP for the site, which is however delayed for years • practical but important aspects of the management of the Nature Protection Area of Kyparissia Bay: total absence of wardening and supervision, lack of signposts and appropriate infrastructure for the reception of visitors in the area and problem with litter management. The responsibility for the site has been entrusted to NECCA and its local MU since 2020 but this MU is based 2hrs away from southern Kyparissia Bay and the MU has not been involved in active site management. ➢ Recommendations: • Strict enforcement and implementation of the PD provisions. Competent authorities must ensure that the existing threats of the protected area such as light pollution, beach bars and beach furniture, extensive vehicular traffic, free camping, annual local Music Festivals, uncontrolled agricultural and fishing activities, the existing illegal constructions, and the constructions of buildings, are dealt with permanently • Adoption of a MP, which should address the threats of illegal road network, light pollution, fisheries regulations, human presence at night, visitor management and operation of beach bars. The ongoing review and elaboration of Specific Environmental Studies and Management Plans for all Natura 2000 sites at a national scale must be completed as soon as possible • Sand dunes in the area of Kyparissia Bay must be restored to a good conservation status, as soon as possible • The MU of NECCA that is responsible for the site must elaborate on ways to ensure the supervision and management of the protected area and the collaboration with local authorities and stakeholders, as soon as possible.

1986/8: GREECE: FOLLOW UP TO RECOMMENDATION NO. 9 (1987) ON THE PROTECTION OF CARETTA CARETTA IN LAGANAS BAY, ZAKYNTHOS

Brief summary of the case-file from 1986-1999 (extracted from document Tpvs37e_2001)	This case-file was on the agenda for fourteen Standing Committee meetings between 1986 and 1999. Laganas Bay on the island of Zakynthos is a site of major ecological interest, especially because of its relatively well-preserved dunes, Posidonian formations and the fact that it is one of the main breeding grounds for Caretta caretta in the Mediterranean. However, the site's population has fallen dramatically in the last fifty years, mainly as a result of damage done to the breeding beaches by tourist development, and of accidental catches by fishermen. In 1986, the Federal German delegation presented a draft recommendation on the situation of Caretta caretta on Zakynthos. The Standing Committee then asked the Greek Government to take the measures needed to protect the area, i.e. regulate tourist access to the beaches, and prohibit bright lights near nesting grounds, motorboats in sensitive areas and any activity likely to damage the beach in the breeding season. As no progress had been made, an expert appraisal was carried out on Zakynthos in 1987 (25-27 June). To manage the situation more effectively, the Standing Committee also decided to set up a group of experts on Caretta caretta and Chelonia mydas, which met in 1987 and again in 1989, to propose conservation measures. As a result, the Committee adopted Recommendation No. 9 on the protection of Caretta caretta in Laganas Bay, Zakynthos (Greece) and Recommendation No. 7 on the protection of marine turtles and their habitats, indicating numerous protective measures which the Greek Government was to implement as soon as possible. In 1989, finding that no noticeable progress had been made, the Standing Committee asked for a further on-the-spot study by an independent expert (Mr Keith Corbett), accompanied by a member of the Secretariat (2-3 October 1989). In a joint report, the latter indicated that the nesting grounds were still deteriorating and strongly criticised the Greek Government's handling of the problem. The Committee asked the Greek Government to examine the experts' proposals and see whether they could be implemented. It also decided to discuss the usefulness of producing a booklet in Greek for the island's inhabitants. Over the next three years, however, various NGOs repeatedly warned the Committee that the situation on the nesting beaches was steadily deteriorating, and that the law – in spite of the Government's promises - was being almost totally ignored. In 1992, as the situation seemed likely to discredit the Bern Convention and undermine its effectiveness, the Standing Committee took an unprecedented step by adopting a Declaration to the Council of Europe's Committee of Ministers (see Appendix 4). In May 1993, the Secretariat was received by the Greek State Secretary for the Environment, but was given no assurance that Recommendation No. 9 would be implemented. On the contrary, it learned that the situation had deteriorated further, owing to the unauthorised building of new housing on one of the key nesting beaches (Dafni), and that the Greek Government did not intend to have the offending structures demolished. Several NGOs later reported that an increase in unauthorised building and an almost total failure to enforce the new laws were making things even worse. The Standing Committee adopted another Declaration (see Appendix 4). At the invitation of the Secretary General of the Ministry of Environment, Regional Planning and Public Works, the Secretariat visited Athens again in January 1995, to discuss various aspects of the problems in Laganas bay. It reported to the Standing Committee that few changes had been noted on the ground, although the new team at the Ministry of the Environment had a very full list of excellent plans for the area, where it meant to establish a maritime national park. The Committee then adopted its Decision of 24 March 1995 (see Appendix 5), bringing it to the Committee of Ministers' special attention. It also asked an expert (Mr Cyrille de Klemm) to assess legal aspects of this problem in Greece.

	In 1996, Greece was behind in applying protection measures, and the Standing Committee reminded it that, according to its decision of 24 March 1995, the marine nature park was to be established by 25 March 1998. In fact, the presidential decree establishing the park was not signed until 1999. **At its 19th meeting, the Committee nevertheless decided to close the file**, since the case had been referred to the Court of Justice of the European Communities. Although it could not be successfully concluded, this case provided an opportunity to explore the Bern Convention's resources and the Standing Committee's means of action (two field visits, diversified responses: recommendations, "declaration" and "decision") over a fourteen-year period. 19th Standing Committee decision: ➢ DECLARES that in the present case Greece has failed to comply with the conditions set up in its Decision of 24 March 1995; ➢ DECIDES that in the 13 years it has discussed this case, the Committee has fulfilled more than sufficiently its obligations under Article 18, paragraph 1, of the Convention; ➢ DECIDES to close the file.
2000-2017	The Case-file remained in the background of the Convention's business, and came back on the agenda in 2017, on the 30th anniversary of Rec 9 (1987), to give the Greek authorities and NGOs a chance to update on the situation on the ground.
Standing Committee December 2017	➢ Noted the reports of the Party and the NGOs and regretted that the situation had further deteriorated since the file was closed, as nesting had kept falling in numbers close to 30% and, in spite of the creation of the National Park, its funding was not assured and the implementation of protection measures is very poor. ➢ Encouraged the Greek authorities to fully implement the Bern Convention recommendations and increase cooperation with local authorities, ARCHELON and other NGOs to redress the high mortality of marine turtles and improve the management of beaches in the area.
Bureau March 2018	➢ Instructed the Secretariat to liaise with the European Commission ahead of formulating a response and a potential recommendation. The Bureau reminded that taking into account the area is a Natura 2000 site; the case should most probably be referred to the European Commission.
Bureau September 2019	➢ Requested that the issues raised by the complainant on the follow-up of Recommendation No. 9 (1987) are discussed by the Committee and instructed the Secretariat to invite the authorities of Greece to report on the case.
Standing Committee December 2019	➢ Took note of the updated information provided by the Greek authorities as well as the presentation of the complainant, MEDASSET, which called upon the Standing Committee to reopen the case file due to the continuous and long-term dire situation of the area; ➢ Concerned with the continuous issues facing the area, **decided to consider this closed file as a possible file,** thus bringing it to the agenda of the next Bureau meeting.
Complainant report February 2020	➢ Despite low tourist pressure during the Winter season, there have been some new developments: - recent illegal constructions were observed at the surrounding area of Daphni's existing illegal buildings, despite this being illegal since 1987;

	- fundamental changes to the current model of the management of Greece's protected areas are expected under a new bill. The impact these changes will have on the adequate protection of Laganas Bay is concerning, due to potential delays in their implementation and uncertainty. ➢ No change is foreseen for summer 2020, as there has been no action to remedy the extreme pressures of tourism, and there is lack of enforcement of the Presidential Decree and National Marine Park Zakynthos (NMPZ) regulations, and the NMPZ Management Agency faces financial and staffing shortages, while its wardens lack enforcement-related competences; ➢ The judicial system is slow in trying and deciding upon the legal cases that are brought to court and when the decisions are finalised there is an unwillingness to enforce judgements and related penalties; ➢ Thus, call again upon the Standing Committee to reopen the Zakynthos Case File and to perform an on-the-spot appraisal in order to update and amend Rec. 9 (1987) in order to assist and encourage the Greek Authorities to urgently ensure the proper protection of Laganas Bay.
Respondent's report March 2020	➢ The Presidential Decree and Management Plan of the area is financed through ERDF funds, in the framework of the on-going project "Assembly of special environmental studies and Management Plans for Natura 2000 sites in Greece", and it is expected to be delivered to the Ministry of Environment and Energy by June 2021. ➢ The efforts of "ARCHELON", a dedicated partner of the Ministry, has concluded in 2019 an important work of data collection, monitoring, protecting and rescuing in the region along with close and effective collaboration with the Management Body of the National Marine Park of Zakynthos. ➢ Pursuant to this development, the Ministry approved a national action plan for the conservation of Caretta Caretta and is going to issue a Ministerial Decision in the course of 2020, in order to see through the implementation of the Action Plan over a 5-year period, 2020 – 2025. The whole project is being financed by LIFE integrated Project LIFE – IP 4 NATURA. Most of the actions foreseen in the Plan target Laganas bay in Zakynthos. ➢ According to Law 4519/2016, responsibility for the management of Laganas Bay comes under the Management Body of the National Marine Park of Zakynthos who disposes of 1m euros from the ERDF project: "Transport infrastructure, environmental and Sustainable Development" for conservation actions. Concrete conservation actions have been scheduled, starting next January, such as protection of marine turtle nesting sites, costing about €45.000; and actions for the regulation and delimitation of human activities in Laganas Bay, costing about €60.000. ➢ It is believed that these actions can address adequately the Bern Conventions' Recommendation and result in a better conservation status of the marine turtles in the area. Some issues still need particular attention, but the process has been initiated. The Ministry is open to suggestions and proposals from the Parties of the Convention as well as from all other partners that can help in achieving the primary goals.
Bureau meeting 7-8 April 2020	➢ The Bureau thanked both the Greek authorities and complainant for their timely and detailed reports. It noted that few developments had occurred since the Standing Committee meeting, in large part due to the low winter season. It noted the complainant's ongoing concerns about illegal constructions, possible negative changes to management plans, lack of action against extreme touristic pressure, and slow judicial procedures, among others. ➢ It also noted that the authorities have initiated some actions such as the national action plan for Caretta caretta which mostly targets Laganas Bay and should be approved in 2020, the approval of project funding including from the EU, and the willingness to cooperate with the Bern Convention. ➢ The Bureau urged the Greek authorities to take strong mitigation measures against extreme touristic pressure on the beaches ahead of the high summer season 2020, which should be reported to the Bureau at its next meeting. The report should also include more information on the national action plan for Caretta caretta, including a time schedule and the complainant is also invited to give feedback on this plan and other measures. It asked both

	parties to report back on these actions and others for the 2nd Bureau meeting in September, and the authorities to present the national action plan at the forthcoming Standing Committee. ➢ The Bureau also mandated the Secretariat to contact the European Commission and enquire whether there is a follow up on the judgement of the European Court of Justice on this case.
Complainant report August 2020	➢ MEDASSET carried out a follow-up field assessment of the conservation status of the nesting sites in Laganas Bay on 8 – 10 July 2020. ➢ Due to the unprecedented current global circumstances and the constriction of timing to submit this report, the July 2020 assessment does not co-inside with a 'normal' peak touristic season during late July and August. ➢ The Greek authorities have still not addressed the long-term severe conservation issues within Laganas Bay: 1. Illegal businesses, such as restaurants and accommodation rentals continue to operate at Daphni, unopposed. 2. The two illegal buildings at Gerakas nesting beach, constructed in 2017 within the boundaries of the National Marine Park of Zakynthos (NMPZ), have not been demolished and the site has not been restored, despite the issue of fines by the competent authority. 3. The saturated illegal landfill that operated within the NMPZ boundaries and the Natura 2000 site has still not been restored, despite its closure since December 2017. 4. The restoration of the illegally constructed road between Daphni and Gerakas, (Dec. 2015) within the NMPZ and partially a NATURA 2000 site, has still not been carried out, fines have not been paid. 5. Management measures to restrict the maximum number of beach visitors could not properly be assessed, due to global travel restrictions. However, even under these circumstances, the maximum number of beach visitors as stated in the PD (up to 100 individuals at all times) was exceeded at Daphni. 6. Management measures for restrictions on the maximum number of sunbeds and umbrellas permitted on the beach could not be properly assessed, due to global travel restrictions. However, a continuous lack of compliance and enforcement to stack and remove beach furniture overnight from the front of the beach was observed at Gerakas or East Laganas, and observed by ARCHELON volunteers at Kalamaki. The prohibition of the use of private umbrellas on the nesting beaches was not enforced on the nesting beaches of Gerakas, Kalamaki, Laganas East or Marathonisi. 7. Horse riding on the nesting beaches and on the protected sand dunes is strictly prohibited and continues to be observed within the NMPZ. 8. Warden Huts are located at all nesting beaches, to accommodate 24hr warden protection; however, the presence of wardens and their 2020 official schedule is highly irregular; lack of compliance with NMPZ protection measures observed. 9. Assessment of the Maritime activity within the Bay was not representative due to global travel restrictions, however the risks and disregard of management measures are still apparent and of great concern (i.e. minimum distance to turtles not respected, illegal approaches to turtles,

	maximum number of boats allowed at Marathonisi greatly exceeded, maximum horsepower allowed for private boats increased by the Port Authority of Zakynthos). Recreational fishing activity was also observed within the Bay. 10. A new emerging threat within the marine area adjacent to the protected area, which could have significant impact on the Zakynthos breeding population as well as others in the Ionian region (Kyparissia), is the Greek government agreement for the exploration and exploitation of hydrocarbons. ➢ The inadequate enforcement of the established protective management measures within the protected area are a failing of the Greek Government to fulfil its obligations under Article 12(1)(b) and (d) of Directive 92/43. A complete in-depth report is expected to be submitted to the Standing Committee in October 2020 by ARCHELON. ➢ Once again calls upon the Greek authorities to take immediate steps to properly implement and enforce the existing legislation. ➢ Urges the Greek authorities to ensure that the National Action Plan of the Caretta caretta (currently under a consultation phase), is co-designed and implemented by all the relevant stakeholders and put into force as soon as possible. ➢ Urges the Bureau to consider re-opening the case of Zakynthos and to perform an on-the-spot assessment-appraisal, in order to update and amend Recommendation No. 9 (1987) and in order to assist and encourage the Greek Authorities to urgently implement the protection of Laganas Bay.
EC update August 2020	➢ Already in 2002, Greece was condemned by the Court of Justice of the EU for failing to effectively protect the loggerhead sea turtle (Caretta caretta) on the island of Zakynthos (Case C-103/00). The Court found that Greece was not doing enough to protect the breeding sites of the sea turtle on a number of beaches, including Laganas Bay. ➢ In July 2019, the Commission referred Greece to the Court of the Justice of the EU over its failure to establish, for 239 Special Areas of Conservation (SAC), the necessary conservation objectives and measures, corresponding to the ecological requirements of the natural habitat types and of the species in the sites. Among them is site GR2210002 (Kolpos Lagana Zakynthou (Akr. Geraki-Keri) kai Nisides Marathonisi kai Pelouzo), covering the coastal and marine part of Laganas Bay. ➢ After a site has been endorsed by the Commission, the Member State has 6 years to designate it as a Special Area of Conservation (SAC) and to establish its conservation objectives and measures. The 6-year deadline for the above 239 sites expired in July 2012 and, although it has designated the sites as SACs, Greece has not established their conservation objectives and measures. This compromises the integrity of the Natura 2000 network.
Bureau meeting 15-16 September 2020	➢ The Bureau thanked the complainant for the timely and detailed report but noted the lack of a report from the authorities. ➢ It noted the complainant's on-going concerns about inadequate enforcement of the established protective management measures within the protected area, backed their urging to co-design and implement the national action plan for Caretta caretta, and noted their request that the case be re-opened and a new OSA organised. ➢ The Bureau also thanked the European Commission for their update, which in particular emphasised that the ECJ had in July 2019 received the case of Greece failing to establish the necessary conservation objectives and measures for 239 SACs including at Laganas Bay, thus compromising the integrity of the Natura 2000 network.

	➢ The Bureau was deeply concerned with the deteriorating situation and general lack of progress (see also Point 4.2) and regretted not receiving a governmental report - it was also concerned with the status of the EU LIFE project, and asked for an update on this. It also urged the authorities to ensure that all stakeholders are involved in projects and decisions. ➢ The Greek authorities are urged to provide a report on the current situation for the 40th Standing Committee meeting; the complainant is also invited to present a short report. The case remains a possible file.
ARCHELON report October 2020	➢ Despite restrictions caused by the pandemic, ARCHELON managed to carry out a reduced monitoring of the habitats from 25 May to 10 October. ➢ 16,573 violations against the PD regulations on the terrestrial part were recorded (regarding light & noise pollution, beach furniture, pedalos, horses, vehicles, people on beach either during night hours or at back of the beach), while at the protected marine area no systematic recording was conducted. ➢ Regarding turtle strandings, 27 incidents (26 dead and 1 injured/sick) were recorded from the beginning of 2020. Of the total number of strandings, 5 sea turtles were located within the marine protected area of Laganas Bay. Examination of the stranded animals showed interaction with fisheries (fishing gears) as well as signs of injuries caused by boat collisions. ➢ Nest numbers on Marathonissi show a significant decrease (average 64 nests/year in the period 2005-2019 in contrast to 121 nests/year in the previous period 1984-2004). ➢ In the period 1984-2002, Daphni beach hosted the second highest number of nests on Zakynthos. Since then however nest numbers show a significant decrease (average 150 nests/year in the period 1984-2002 in contrast to 95 nests/year in 2003-2019) This beach and especially the area behind it, where private properties are found and 7 illegal businesses operate, has been subject to many illegal activities. ➢ In recent years huge amount of pebbles were deposited on the north-west part of Gerakas beach because of wave action during winter months- Consequently, this part of the beach is not suitable for nesting. ➢ Within the boundaries of the NMPZ (behind Vrodonero beach, between Kalamaki and Sekania) exists an over-filled landfill site. Since 2018 it is closed but not yet restored by the Municipality, continuing to constitute a permanent toxic pollution threat to the nesting beaches and marine area. ➢ Light pollution is a serious problem- 41 cases of hatchlings' disorientation on East Laganas, 35 cases on Kalamaki, 36 cases on Daphni and 19 cases on Marathonissi were recorded. ➢ Concerning uncontrolled boating activity in recent years, in 2020 according to Coast Guard data, 463 vessels operated in the NMPZ protected waters. This uncontrolled boat growth combined with the lack of wardening by the MA and the local Coast Guard resulted in an overall harassment of sea turtles in the marine area of Laganas Bay, as an increased number of violations is recorded on an annual basis. ➢ For one more year, none of the long-term pressures of the habitat (e.g. degradation of Daphni beach, landfill site, large scale illegal actions, light pollution, uncontrolled vessels' activity in the marine area) was resolved, despite lower tourist pressure. As a result, degradation of the habitat and damage to sea turtles continues. ➢ Recommendations for the terrestrial habitat:

	➢ A permanent and sustainable solution for Daphni beach is crucial to not only prevent any further developments but also to remove all the illegal constructions; ➢ The area of the illegal sanitary landfill must be restored; ➢ All recent illegal constructions (road, buildings) must be demolished, and the habitat must be restored; ➢ Light and noise pollution at all nesting beaches of the Bay should be minimized; ➢ The law enforcement must be ensured by all competent authorities (especially regarding beach furniture); ➢ Adequate wardening on a 24-hour basis is essential; ➢ The elaboration of a Management Plan, which would include all the specific conservation measures, should be urgently resumed and strictly enforced. ➢ Recommendations for the marine area: ➢ The existing legislation for vessels' licensing must be amended; ➢ The carrying capacity of the Bay must be studied as soon as possible; ➢ The existing legislation (PD and the Coast Guard decision regarding the Turtle-Spotting Guidelines) must be strictly enforced; ➢ Adequate wardening is absolutely essential in order for the violations to be reduced.
Standing Committee December 2020	➢ The Standing Committee acknowledged with concern the information of the complainant organisations alleging a continued lack of enforcement of existing legislation as most illegal activities continue to operate unrestrained. Also of serious concern was the deteriorating numbers year on year of turtle nests. The complainant called for re-opening the case-file and mandating an on-the-spot appraisal. ➢ The Committee also took note of the information of the authorities, including on progress in the National Action Plan for Caretta caretta under the framework of the EU LIFE project, which was expected to be implemented in 2021. A new Nature Law which had been adopted in May 2020, included the provision to centralise the management systems of Protected Areas in Greece- it was hoped that this would lead to good progress in 2021. The authorities were against opening the file. ➢ The EC recalled that already in 2002 Greece had been condemned by the ECJ for failing to effectively protect *Caretta caretta* on the island of Zakynthos. Furthermore, in November 2019, the Commission had again referred Greece to the ECJ over its failure to establish, for 239 SACs, the necessary conservation objectives and measures. The Commission expressed its concern over the slow progress of Greece in assuring the Natura 2000 network across the country, which included the relevant sites of this case. ➢ Following a vote of Contracting Parties, **the file was re-opened**. ➢ The Committee urged the national authorities to enforce existing legislation, to raise awareness and inform local stakeholders especially illegal business owners on the importance of preserving the habitat and to impose penalties when the law is not upheld. It reminded them to ensure a co-design approach with civil society and other relevant stakeholders when elaborating the NAP. Both Parties were requested to report to the Spring Bureau meeting. ➢ The Committee also recalled the Action Plan for the Conservation of Marine Turtles which was in development.

Complainant report February 2021	➢ The complainant reiterates that Greek authorities have not so far addressed conservation issues within Laganas Bay and that the continuous and long-term degradation of the area remains unchanged: o **Illegal businesses** operating in Daphni have yet to be **removed.** Moreover, the two illegal buildings in Gerakas nesting beach, constructed in 2017 within the boundaries of the National Marine Park of Zakynthos (NMPZ) have not been demolished; o A fine was issued on 2/08/2018, by the Regional Authority for the construction of the illegal road between Gerakas and Daphni, but has not been paid yet and restoration work have not been started; on the contrary, small new developments on this road (stone retaining walls and planting), were witnessed on January 31st, 2021; o The reasons for **non-enforcement** are attributed to, among others, the lack of assumption of responsibilities and the lack of coordination among the relevant authorities, the inability to enforce the law and impose penalties due to staffing and financial difficulties, as well as the slow resolution of legal cases by the judicial system. ➢ According to the complainant, the **legal framework** for the conservation and protection of the area continues to be **inadequate and incomplete**. The complainant reports that the process of carrying out the Special Environmental Study, updating the Presidential Decree and issuing the long-awaited management plan has been slow and is facing delays. ➢ At National level, the complainant is concerned that the **Greek governance model for the management of protected areas is being fundamentally changed**, transferring the overall monitoring and implementation of conservation measures and policies set by the Ministry of Environment and Energy to the ‘’Natural Environment and Climate Change Agency’’(‘’OFYPEKA’’), a legal entity which is currently being created. Taking into consideration that prior to the new law (4685/2020) that brought about this change, there were 36 Management Bodies for Greece’s protected areas, there is great concern of the impact these changes will have on the adequate and effective management of protected areas, due to delays in its implementation and uncertainty during the transition phase from the old system to the new one. ➢ The complainant reports a new emerging threat within the marine area adjacent to the protected area, which will certainly have a significant impact on the Zakynthos breeding population as well as others in the Ionian region (Kyparissia), which is the Greek government’s decision for the **exploration and exploitation of hydrocarbons**. ➢ The complainant calls the Standing Committee to **mandate an on-the-spot appraisal** in order to update Recommendation No. 9 (1987), with the aim to assist and encourage the Greek Authorities to urgently ensure the effective protection of Laganas Bay.
Respondent’s report April 2021	➢ National authorities report a **positive trend in sea turtles’ nesting activities** in Laganas bay, which they explain to be due to the protection and management of the area. Regarding the nesting trend per spawning beach (6 distinct beaches), the data show that the highest growth trend is recorded in beaches with the greatest human pressure. According to the authorities, this confirm that the protection measures and management of the area is effective. ➢ However, it must be noted that two beaches with human presence saw a negative trend of new nests. Given the measures implemented, the authorities believe the main reason for this decrease has to be attributed to climate change, which changed in the morphology of the beach (increasing pebbles

	and loss of sand). In the islet of Marathonisi, authorities suspect the cause of nests decrease has to be attributed to a combination of environmental and human parameters and not just human ones. ➢ In relation to the complaints, the authorities stated that a **reference to isolated incidents is not evidence of a substantial impact on the sea turtle life cycle** (eg, sea turtle failures to reach the water due to sunbeds 'may account for perhaps 0.1% of cases') and inaccuracies in the descriptions of incidents have to be taken into account, especially when restoration measures are not reported as accurately as the incidents. Authorities stress that 'real cases of violations' raised by the complainant (eg illegal roadway, illegally placed beach equipment, illegal constructions) have ended up in court and have either been tried or are under pre-trial investigation. ➢ As reported for case # 2010/05, national authorities informed the Bureau of projects of high national environmental importance launched within the framework of protection and management of all protected Greek areas of the NATURA 2000 Network: o **Special Environmental Studies** for all NATURA 2000 areas of the country, to be completed by December 2021; o final drafting of the **Presidential Decree for the designation of the areas** and the **Ministerial Decisions for the Management Plans** for each area, to be completed by March 2022. o **monitoring of the protected habitat types and species**, of national and EU importance, with the aim of assessing their conservation status and identifying the reasons for any changes over time. o a ministerial decision is being drafted within the Ministry of Environment and Energy for the **designation of conservation targets** within the Special Conservation Areas of the country that are part of the NATURA 2000 network, as required by Article 6 par. 1 of Directive 92/43 / EEC. o Development of a **new management structure** for Natura 2000 sites, which will be taken up by the newly established central structure named "**Agency for Natural Environment and Climate Change**" (OFYPEKA) and the new Management Units that will be replacing the previous Management Bodies for the Protected Areas. o Development and implementation of **Action Plans for species and habitats** of Community Interest under the EU funded project LIFE-IP 4 NATURA. A comprehensive Action Plan for the species has been formulated and submitted for public consultation and is expected to be legally adopted as a Ministerial Decision within 2021.
Bureau meeting 14-15 April 2021	➢ The Bureau took note of developments in relation to the National Action Plan for the protection of marine turtles, expected to be legally adopted as a Ministerial Decision within 2021. The Bureau welcomed the national authorities' monitoring initiatives and encouraged them to continue their efforts for the enforcement of national law. ➢ The Bureau also noted the complainant's on-going concerns about inadequate enforcement of the established protective management measures within the protected area as well as the timing needed to issue new management plans and the changes in the Greek governance model for the management of protected areas. The Bureau took note of the complainant's request to organise a new OSA. ➢ The Bureau requested that the Greek authorities share an update on the implementation of the EU LIFE project, ensure strong mitigation measures against extreme touristic pressure on the beaches ahead of the summer season 2021 and enforce existing legislation. More information was also requested to the Greek authorities on the Management Plan and the new legislation, especially in reference to the plans for their enforcement and to explain what the new governance model for the management of protected areas entails. They were also requested to give an overview of the illegal

	constructions in the area and their possible threat to the eco-system, and to provide more information on the impact of the government's decision for the exploration and exploitation of hydrocarbon on Laganas bay. ➢ Moreover, the Bureau asked the Greek authorities to clarify the timeline for the adoption of the Ministerial decision for the designation of conservation targets. ➢ As to the request of the complainant to mandate an OSA and update Recommendation no. 9 (1987), the Bureau recalled the Bern Convention action plan for the conservation of marine turtles which is in elaboration with the goal of identifying holistic solutions for the long-standing (and any future) marine turtle case-files.
Respondent's report August 2021	**Update on the implementation of the EU LIFE project** The 6-years Action Plan on Caretta caretta formulated by ARCHELON has been adopted by the Ministry and its issuance is expected shortly. This action plan foresees the 'Development and legal adoption of Action Plans (APs)' for selected habitats and species. The selection process will be based on the latest data from the Monitoring & Assessment Project of the Conservation Status of Protected Species and Habitat in Greece and experts' opinion (workshops will be organised). **Greek governance model for the management of protected areas** A new law adopted in 2020 (no. 4685/2020) changed the legal framework of management plans. Article 47, par. 3 outlines all the issues that need to be included in management plans (see the government's report for more details), including action plans. While management plans will be approved by Ministerial Decision, a new entity recently created ('Natural Environment and Climate Change Agency', OFYPEKA) will take over the management of protected areas as soon as a declaratory act is issued by the Minister of Environment & Energy. **Timeline for the adoption of the Ministerial decision for the designation of conservation targets** While national conservation targets for certain habitats and species of Union concern were designated in April 2021 by Ministerial Decision., conservation targets over C. caretta are expected to be defined after the completion of an M&E project on the conservation of amphibians/reptiles**.** The project is currently under tender process and is expected to last 26 months after the award of the contract. **Overview of the illegal constructions in Laganas Bay and their possible threat to the ecosystem** ➢ The illegal structures in Laganas Bay consist of some illegal constructions in Dafni (not specified), an illegal road and two houses in Gerakas. ➢ **The majority of serious cases of violations** related to the complaints (e.g. illegal roadway, illegally placed beach equipment or other illegal constructions) have **ended up in court** and have either been tried or are under pre-trial investigation. ➢ Currently, illegal constructions in Dafni are closely monitored during the day and night (no umbrellas on the seafront in contrast to Gerakas and Kalamaki and continuous patrolling). The authorities report that an illegal road and two illegal buildings in Gerakas do not directly put in danger the protected nesting beaches, the future threat that they impose to the ecosystem has to be assessed in conjunction with the existing legislation.

	Mitigation measures against extreme touristic pressure on the beaches ahead of the summer season 2021 are annexed to the report. The main measures being limited or prohibited access to nesting beaches, daily surveillance and patrol, protection cages on nests, nest relocation, ban the usage of umbrellas, rubbish removal, awareness raising on management rules, video surveillance for measuring the impacts of erosion on nesting activity as well as potential beach intruders during the night, on-boar patrol, buoys immersion in no-go marine zones, cooperation with the businessmen that are specialized in loggerhead sea turtle observation. **Exploration and exploitation of hydrocarbon in Laganas Bay** ➢ The Strategic Environmental Assessment (SEA) on the exploration and exploitation of hydrocarbons confirms the exploitation programme of the government is aligned with the EU Directive No. 94/22/EC (on prospection, exploration and production of hydrocarbons). ➢ No project or programme activity will be allowed within the area of Natura 2000 network. Exploration and extrapolation areas will be surrounded by a 1 km buffer zone to reduce any disturbance. Furthermore, any sound device will be turned off during seismic surveying in the buffer zone and the latter will only be used for the passage of ships or vessel maneuvering ➢ A specific Environmental Action Plan (EAP) of seismic surveying will be carried out to ensure the compliance of seismic surveying with existing environmental legislation, minimize the impact of seismic surveying on marine turtles, preventing any pollution incident at sea.
Complainant's report August 2021	**On Recommendation No. 9 (1987)** ➢ Point 1 (*'Remove the prefabricated houses in Dafni'):* the complainant reports that houses and Additional touristic facilities still exist and expanded over the years (since 1987); ➢ Point 5 *('Remove trees and ban and penalise the use of deck chairs, sunshades and pedalos[…]')*:the complainant complains no enforcement of existing measures (double number of legal limit of visitors and umbrellas/sunbeds observed, proximity to caged nests, presence of sunbeds at night, boating activities). **Other observations:** ➢ Illegal developments observed in previous years in other areas of the Zakynthos National Marine Park (houses, saturated illegal landfill, roads) have not been demolished/restored yet, fines for the constructions of illegal roads have not bene paid (according to the complainant's information). ➢ The complainant reports that but due to insufficient staffing, the warden's official schedule is highly sporadic. Illegal activities continue to be observed (human presence in the restricted nesting areas, access of the beach at night, horse riding, boating activities causing the death of three turtles in the first week of July only). ➢ The complainant recalls the changes in the Greek governance model for the management of protected areas and reports delays in its implementation, as the establishment of 25 new Management Committees is still pending. ➢ The same concerns reported for case file 2010/05 are reported here in reference to the new law 4819/2021

Bureau meeting 15-16 September 2021	➢ The Bureau welcomed the national authorities' monitoring and mitigation initiatives and encouraged them to continue and strengthen their efforts for the enforcement of national law. ➢ The Bureau noted the complainant's new concerns related to recent national law 4819/2021, which adds to the concerns on article 218 of Law 4782/2021 previously reported. Authorities were asked to clarify if the entirety of Laganas Bay qualifies as an area of 'absolute nature protection' according to Art 218 of Law 4782/2021. ➢ The Bureau also noted the information on the exploration and exploitation of hydrocarbon on Laganas Bay and asked the government to clarify whether any project has been approved or awaiting approval. ➢ Regarding the illegal constructions in Laganas Bay, the Bureau welcomed that no new constructions have been built in recent years and asked the authorities to clarify which of the illegal buildings in Laganas Bay can be demolished and sites restored and where this responsibility lies. ➢ The Bureau took note of the complainant's ongoing concerns about inadequate enforcement of the established protective management measures within the protected area as well as the delays in the implementation of the Greek governance model for the management of protected areas. ➢ The complainant's concerns in relation to the national laws 4685/2020 and 4819/2021were also considered and addressed in the Bureau decision concerning case file 2010/05. ➢ The Bureau also thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative, which is in elaboration. ➢ The file is kept open and both parties are invited to present on the situation at the 41st Standing Committee.
ARCHELON report October 2021	➢ During the nesting season of 2021, more than 1,300 nests of the species were recorded by ARCHELON in Laganas Bay and protected in collaboration with the Management Agency of the National Marine Park of Zakynthos. This figure is above the average annual number since 1984 (approx. 1,200 nests). Despite the intense annual fluctuations, the turtle population nesting in Zakynthos is considered in the long term as stable. Out of 50 sea turtle stranding incidents (45 dead and 5 injured/sick), recorded in 2021, 21 were located within the marine protected area of Laganas Bay. While the Management Agency took care of patrolling and cordoning-off of the nesting zone, ARCHELON carried out public awareness activities. ➢ ARCHELON has been carrying out yearly monitoring in Laganas Bay since 1984. Analysis of previous data has shown that, after the establishment of the National Marine Park of Zakynthos, the nesting contribution of the individual beaches has changed. While better protection measures (wardening, cordoning-off of the nesting zone, management of beach equipment) had positive effects on nesting in the beaches of East Laganas, Kalamaki and Gerakas, due to human and boating disturbances, nests decreased in the beaches of Marathonissi and Daphni. ➢ Several incidents of violation of existing protection measures were recorded by ARCHELON during the 2021 nesting season both on land and at sea (exceeding boating speed limit, unregulated number of licensed vessels in the bay, beach furniture, vehicles access and horse riding on the beach). Increased boating activities, following an increase in boat licenses, is identified by ARCHELON as one of the major threats in the marine area. As for the threats in the terrestrial habitat of marine turtles, illegal construction and infrastructures in Daphni and Gerakas continue to exist; although in some cases fines were imposed, no demolition and rehabilitation took place. Other threats include the non-removal of beach furniture at night, its density and location, human presence on the beaches at night, human trampling of nests, presence of vehicles and horse riding activities on sand dunes, light pollution.

	➢ The public awareness carried out by ARCHELON reached approx. 13,000 people and was less extensive than previous years, due to the pandemic. In addition, there was a notable delay in obtaining the permission from the Municipality to install the seasonal info kiosk in the town of Zakynthos.
Respondent's report October 2021	**Clarification about the qualification of the entirety of Laganas Bay as an area of 'absolute nature protection' according to Art 218 of law 4782/2021.** According to the Presidential Decree (PD) No. 906/Δ/22.12.1999, which deals with the designation of the area as Natura 2000 protected area, only Sekania beach in Laganas Bay is qualified as an area of 'absolute nature protection'. **Clarification about projects having been approved or awaiting approval for exploration and exploitation of hydrocarbons in Laganas Bay.** The Ministerial Decision approved the Strategic Environmental Assessment (SEA) on the exploration and exploitation of hydrocarbons in the Ionian Sea (i.e. an area hundreds of times larger than Laganas Bay). To date, there is not any project aiming to explore or exploit hydrocarbon in Laganas Bay either having been approved or awaiting approval. **Which of the illegal buildings in Laganas Bay can be demolished and sites restored and where this responsibility lies?** Two illegal constructions can still be found in the protected area, namely an illegal building and a stable for horses in the Nature Protection P2 of Gerakas, for which a fine of €245,000 was imposed, but no demolition order has been issued yet. The responsibility for demolitions lies with different authorities: • The Coordination Office for the Implementation of Environmental Liability (COIEL/SYGAPEZ) of the Ministry of Environment & Energy. This authority is competent on risk of environmental damage in soil, water and biodiversity, proposing proactive and recovery measures (such as demolition orders) as well as monitoring the implementation of the afore-mentioned measures; • the local Urban Planning Authority is competent for the management of stating fines in case of illegal buildings activities as well as the decision for demolishing illegal buildings. • Other competent authorities include the public prosecutor's office in charge of prosecuting illegal activities in cooperation with the police, the Regional Authority (Ionian Region) Environmental Department of Zakynthos for stating fines, as well as the Decentralized Administration as the executive authority for demolition orders issued by the local Urban Planning office or the COIEL. **Establishment of protective management measures within the protected areas as well as delays in the implementation of the Greek governance model for the management of protected areas.** The full implementation of the new Greek governance model for the management of protected areas is expected to start soon, especially after the recent issuance of the organigram of Natural Environment and Climate Change Agency (NECCA/OFYPEKA) on 16 October 2021 by Joint Ministerial Decision. However, please note that, in the meantime, there is no governance gap as the previous governance regime is still in force for the interim period.
Standing Committee December 2021	➢ 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, 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. The file remains open and both parties were invited to report to the Bureau in Autumn 2022.
Respondent's report July 2022	**Clarification about the qualification of the entirety of Laganas Bay.** ➢ the qualification of the beach in Sekania as an absolute nature protection area was provided by Presidential Decree (PD) no. 906/Δ/22.12.1999 (art. 3, par. Γ, point 3) and not by law no. 4782/2021. ➢ Recalls that for the rest of the protected areas, art. 218 of the law stipulates that minor development projects in a sub-area within a protected area might be authorized by a PD -after a joint proposal by both the Minister of Environment & Energy and the Minister of Development & Investments provided that the integrity of the wider area, in terms of ecological functions, is not endangered and complies with its conservation target and following a special environmental study (SES) along with a Strategic Environmental Assessment (SEA) as well as the opinion of the Central Council on Planning Issues & Challenge in addition to any other related requirements designated under other relevant laws. ➢ According to the existing national legislation, the qualification of an area as a protected one along with its classification (e.g. absolute nature protection area, etc.) requires, firstly, drawing up a SES and, subsequently, issuing the related PD. To date, the Ministry has been running the SESs Project for the Natura-2000 network in Greece, which will end up issuing these PDs, including that on the island of Zakynthos. **<u>Follow-up on the illegal landfill site</u>** ➢ The expected cost for the restoration of the illegal landfill site in the area of Skopos amounts to ca. € 6 million and its funding has been secured. An updated environmental impact assessment (EIA) is under approval. **<u>Follow-up on the illegal road in the protected landscape between Gerakas and Daphne</u>** ➢ the Regional Unit of Zakynthos ruling a reduction of the fine imposed in 2018. WWF Greece and MEDASSET made a joint appeal against this decision.

	➢ In 2021 an on-the-spot appraisal was conducted to ascertain if previous measures imposed had been implemented. The on-the-spot appraisal report is currently under way. ➢ The Ministry reached to local authorities to urge them to take any necessary action according to existing national legislation. Local authorities replied that there are no pending complaints filed for environmental inspection in the reported areas and that they would need precise information for the identification of those constructions/buildings, etc., for which complaints have been filed in the past. **<u>Follow-up on the two illegal buildings in Nature Protection P2 of Gerakas, illegal constructions in Daphne beach as per point 1 of the Recommendation</u>** the buildings still remain in these areas. The Ministry reached to local authorities to urge them to take any necessary action according to existing national legislation. Local authorities replied that there are no pending complaints filed for environmental inspection in the reported areas and that precise information for the identification of those constructions/buildings, etc., for which complaints have been filed in the past, is needed in order to get access to the related case-files.
Complainant's report August 2022	➢ The complainant observed <u>few improvements</u> on some of the six protected nesting beaches, but these were <u>not applied consistently</u> nor throughout the whole of Zakynthos National Marine Park (ZNMP). ➢ Illegal developments remain, despite courts' decisions on demolition and restoration, closure times not respected, boating speed limits exceeded. ➢ Beach wardens' presence on the nesting beaches was increased, but it is still insufficient. Cordoning of the nesting areas at the back of the beach were increased to four of the six nesting beaches. **On Recommendation No. 9 (1987)** ➢ Point 1 *('Remove the prefabricated houses in Dafni'*) and Point 5 ('*Remove trees and ban and penalise the use of deck chairs, sunshades and pedalos[…]'*): no significant updates since last report. **Other observations:** ➢ No updates re the demolition/restoration of illegal developments observed in previous years in other areas of the Zakynthos National Marine Park (houses, saturated illegal landfill, roads). The land owner of the road between Daphne and Gerakas appealed court decisions on fines, consequently the fine decreased from 200,000 EUR to 10,000 EUR. MEDASSET and WWF Greece lodged an administrative recourse against the validity of this decision. A new decision is expected in September 2022. ➢ Illegal activities continue to be observed (human presence in the restricted nesting areas, access of the beach at night, horse riding, boating activities). Changes to the maximum horsepower allowed for private hire boats made by the Port of Zakynthos (from 10hp to 30hp) has increased the potential high speeds that boats can reach. ➢ Complains lack of resources (human and financial) of the agency in charge of managing the area and consequent managing gaps.

	➢ The current ongoing project for the Special Environmental Studies for developing presidential decrees and management plans for all Natura 2000 sites in Greece is burdened with delays and implementation problems. ➢ Following a very short period of public consultation, the Ministry of Environment and Energy introduced to Parliament (July 2022) a bill, which allows harmful land uses in the protection zones, by excluding certain areas from the scope of the protected regime. Following strong protests by environmental organisations and citizens, the Minister announced their temporary withdrawal. The intention of the Ministry is to conduct further consultations with stakeholders and introduce a revised bill probably by end of August 2022. ➢ The bill further provided that the EIA assessors will be paid directly by the investor of the project. Despite concerns raised by environmental organisations and citizens, the rest of the provisions of the bill were enacted as law (Law 4964/2022). ➢ In February 2022, seismic surveys were carried out in the area of the Ionian Sea as part of the concessions for the exploration and exploitation of hydrocarbon resources in the area. Following the non-lethal stranding of two Cuvier's beaked whales in the northern part of the Ionian Sea (Corfu) and strong protests by environmental organisations, the surveys were discontinued. MEDASSET calls upon the authorities to (for full list, see original report): ● Increase and secure funding to the ZNMP and Management Unit, ● Develop an effective wardening system ● Increase enforcement of the National and ZNMP regulations, especially within the maritime area ● Cease illegal business operations in Daphne and restore the site to its natural state ● Impose appropriate fines and penalties to deter and prevent further and continued violations throughout the entire protected area. MEDASSET calls upon the Bern Convention Standing Committee to: ● Continue to follow-up with the Greek Government with Recommendation No 9, especially regarding Measure No 1 about Daphne and the progress of the implementation of the National Action Plan ● Perform an on-the- spot appraisal of Laganas Bay nesting beaches and maritime area, in order to update and amend Recommendation No 9 (1987)
Bureau meeting September 2022	➢ The Bureau welcome that beach wardens' presence on the nesting beaches had been increased and appreciated the efforts of the national authorities to intensify their enforcement and encouraged them to continue coordinating with local authorities to identify illegal facilities that have to be demolished and areas that need to be restored. ➢ The Bureau welcomed the information that funding for the restoration of the illegal landfill site in the area of Skopos had been secured and that a report on the implementation of measures imposed to offenders was underway. The Bureau requested the authorities to submit a summary of this report. ➢ The Bureau noted with concern that illegal buildings still remain in place, that the fine for illegal activities had been reduced to €10,000 and that the maximum horsepower allowed for private hire boats had been increased from 10hp to 30hp. The authorities were requested to keep the Bureau updated on enforcement efforts and on the Presidential Decree concerning the qualification and classification of the entirety of Laganas Bay. ➢ The national authorities were also requested to provide more information concerning the Bill introduced to Parliament in 2022.

	➢ The file remains open and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of Recommendation No. 9 (1987).
NGO report October 2022 (ARCHELON)	➢ The NGO recalls that a Management Plan (MP) for the species and habitats of the National Marine Park of Zakynthos (NMPZ) has not yet been issued; ➢ The NGO reports on 2022 data concerning turtle nests (> 1,100), long-term trend of the breeding population, nests affected by artificial lights, incidents of sea turtle strandings and public awareness efforts. ➢ Violations of the Presidential Decree continue to be observed on a daily basis, especially in relation to boating activities (whose presence within the marine protected area is not sufficiently regulated). ➢ No improvements were reported concerning demolition and/or restoration of illegal buildings and infrastructures.
Standing Committee December 2022	➢ The Standing Committee acknowledged the complainant's concerns that Zakynthos National Marine Park Management needed secure funding to ensure its warden capacity. ➢ It noted the authorities' efforts to intensify their enforcement as evoked at the September Bureau meeting, and welcomed the information that funding for the restoration of the illegal landfill site in the area of Skopos had been secured. ➢ The Committee expressed its concerns at the information that illegal road constructions remained in place, despite the attempts of central government authorities to address the issue with their local counterparts, and that the fine for illegal activities had been reduced to €10,000. ➢ The Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative. ➢ The Committee also took note that the complainant requested to mandate an on-the-spot appraisal. The file remains open and both parties were invited to report to the Bureau in Autumn 2023.
Respondent's report July 2023	➢ the <u>funding of surveillance and monitoring activities</u> in the area of the National Marine Park of Zakynthos (NMPZ) (e.g., surveillance, wages of the scientific staff, cost of fuel for vehicles, equipment, infrastructure, maintenance, etc.) <u>has been secured</u> by the Natural Environment & Climate Change Agency (NECCA/OFYPEKA) (former Management Agency of the NMPZ), through the undisrupted operation of the recently (2022) established Management Unit of National Parks Zakynthos, Ainos and Protected Areas of Ionian Islands-headquarter Zakynthos (PAMU 11), thus allowing the continuity of mitigation measuresM which have been implemented in the protected area since 2000. ➢ as regards the case of the <u>illegal road constructions</u> in the area, the Ministry of Environment & Energy was recently notified by the Protected Area Management Unit 11 of NECCA/OFYPEKA that the offender was recently criminally condemned by the appeal court, but further appeal has been made in court of second instance. ➢ art. 182 of the new national law no. 5037/2023 (Government Gazette, no. 78/A/29.03.2023) stipulates that the <u>surveillance and scientific staff of NECCA/OFYPEKA Management Units of Protected Areas & their Annexes throughout the country</u>, are from now on <u>authorised to conduct environmental inspections within their jurisdiction, draw up on-the-spot appraisal reports, summon people against whom on-the-spot appraisals have been carried out or even issue any certificates of violation</u> that may include recommendations addressing to the involved people or a fine proposal to the competent authorities. These certificates are subsequently forwarded to the prosecutor in charge of these cases, if needed.
Complainant's report August 2023	➢ The complainant observed <u>few improvements</u> on some of the six protected nesting beaches, but these were <u>not applied consistently</u> throughout the whole of Zakynthos National Marine Park (ZNMP). ➢ Illegal developments remain, despite courts' decisions on demolition and restoration. ➢ Beach wardens' presence on the nesting beaches was insufficient. ➢ Cordoning of the nesting areas at the back of the beach didn't increase and remained to four of the six nesting beaches.

	➢ In the maritime area, the conditions worsened significantly. Marine traffic remained extremely high, and an alarming number of boats dangerously exceeded the Zakynthos National Marine Park's speed limit, with sea turtle fatalities recorded from propeller strikes. **On Recommendation No. 9 (1987)** ➢ Point 1 *('Remove the prefabricated houses in Dafni'*). No significant updates since last report, i.e.: the illegal development and destruction of the protected sand dune system directly behind Daphne nesting beach has expanded and continued. The houses are no longer prefabricated but modern and permanent structures. The natural sand dune system is completely destroyed. Additional touristic facilities presenting further risks to the turtle nesting activity also still exist on the land directly behind the nesting beach, consisting of hundreds of sunbeds, non-indigenous plant species and showers. ➢ Point 5 ('*Remove trees and ban and penalise the use of deck chairs, sunshades and pedalos[…]'*). No significant updates since last report, i.e.: • The number of visitors counted at Daphne, Gerakas beach and Marathonisi Island exceeded the legal maximum allowances. No measures for maintaining safe distances of visitors from nests, such as cordoning and signage were present on Daphne. • The number of umbrellas and sunbeds in Laganas East and Kalamaki nesting beaches exceeded the specified limits. Furthermore, no sunbeds on Laganas East, Kalamaki and Gerakas were removed from the front of the beach at night and were only placed on their sides in situ, reducing the available space for emerging females to reach suitable nesting areas at the back of the beach. • The number of boats present at Marathonisi largely exceeded the maximum number of boats allowed. While it is prohibited for any boat to anchor within Zone B of the maritime area, the complainant observed other private hire boats anchored in this area. • The complainant also reported that water sports activities, such as canoeing and standup paddleboarding, occurred unhindered on a daily basis at Daphne beach. **Other observations:** ➢ No updates re the demolition/restoration of illegal developments observed in previous years in other areas of the Zakynthos National Marine Park (ZNMP) (houses, saturated illegal landfill, roads). The land owner of the road between Daphne and Gerakas appealed court decisions on fines, consequently the fine decreased from 200,000 EUR to 10,000 EUR. The administrative recourse lodged by MEDASSET and WWF Greece against the validity of the court decisions of April 2022 which decreased the fine from 200,000 EUR to 10,000 EUR is still pending. ➢ The presence of the wardens was still limited and not consistent across the nesting beaches. The complainant considered that this was mainly due to lack of financial and human resources in the Management Unit of the ZNMP. ➢ Although it was not implemented across the whole length of the nesting beaches, cordoned roped areas to zone the nesting areas at the back of the beach were present at Kalamaki, Marathonisi, Gerakas and Laganas East. ➢ Illegal activities continue to be observed (human presence in the restricted nesting areas, access of the beach at night, horse riding, boating activities, boat speed limit exceeded, excessive turtle spotting activities, sea turtle feeding). ➢ The complainant acknowledged that the new amendment of the legislation (law 5037/2023 which amended law 4685/2020) which granted the Natural Environment & Climate Change Agency (NECCA) with investigative powers for environmental violations in its areas of responsibility which constituted a positive development. It however raised concerns regarding the training of the rangers on their new duties and responsibilities, especially with regard to investigative powers as well as its sufficient enforcement. ➢ The Special Environmental Studies (SES) concerning Natura 2000 sites in Greece was released for public consultation. The complainant has serious concerns about the effectiveness of the management measures for the protection of Caretta caretta, especially for Laganas Bay nesting beaches and

	maritime area. It commented on the problematic approach of zoning fragmentation suggested by the SES, in which it allowed for harmful land uses in the protection zones, excluded certain areas from the scope of the protected regime and allowed for the continuation of existing projects and activities regardless of the ecological needs of protected habitats and species. ➢ Seismic surveys will continue to be carried out until the end of 2023 in the area of the Ionian Sea as part of the concessions for the exploration and exploitation of hydrocarbon resources in the area. In order to minimize the significant pressures and threats to Natura 2000 network areas and protected objects, MEDASSET and 14 other environmental organizations have requested the immediate cessation of the operations. The complainant also noted that since the beginning of 2023, 18 lethal strandings of marine turtles have been already reported in Zakynthos but was not able to ascertain the cause of death and the potential link with the seismic surveys because no autopsies were performed. The complainant reiterated its calls made in its previous report upon the authorities to: • Increase and secure funding to the ZNMP and Management Unit, in particular for warden capacity, • Develop an effective wardening system, • Increase enforcement of the National and ZNMP regulations, especially within the maritime area, • Cease illegal business operations in Daphne and restore the site to its natural state, • Impose appropriate fines and penalties to deter and prevent further and continued violations throughout the entire protected area. The complainant reiterated its calls made in its previous report upon the Bern Convention Standing Committee to: • Continue to follow-up with the Greek Government with Recommendation No 9, especially regarding Measure No 1 about Daphne and the progress of the implementation of the National Action Plan, • Perform an on-the- spot appraisal of Laganas Bay nesting beaches and maritime area, in order to update and amend Recommendation No 9 (1987).
Bureau September 2023	➢ welcomed the information that funding of surveillance and monitoring activities in the area of the National Marine Park of Zakynthos had been secured. It also welcomed the information that the surveillance and scientific staff of NECCA/OFYPEKA Management Units of PAs & their Annexes throughout the country were from now on authorised to conduct environmental inspections within their jurisdiction. ➢ noted that, in the context of the illegal road constructions in the area, the offender had recently been criminally condemned by the appeal court, but that further appeal has been made at the court of second instance. ➢ expressed its concern at the information that illegal developments remain, beach wardens' presence on the nesting beaches was insufficient, the number of visitors exceeded the legal maximum allowances, marine traffic remained extremely high, and speed limits were not respected by boats. It hoped that the positive recent developments referred to would lead to improvement of the situation on the protected nesting beaches. ➢ took note of the complainant's renewed request for an OSA to update Rec 9 (1987), and encouraged parties to continue working on the marine turtles' initiative.
Respondent's report October 2023	➢ a first training video conference involving the surveillance and scientific staff of OFYPEKA1/NECCA took place on 25 May 2023 with the participation of representatives from several national authorities (e.g. the Hellenic Coastguard, Forest Service, Department for Environmental Inspection, the Police) introducing to the trainees the main aspects of control in case of infringements. In addition, specific guidelines on drawing up on-the spot-appraisal reports, issuing certificates on violation and conducting environmental inspections within the jurisdiction of the Management Unit were sent to all members of the staff of NECCA by the Directorate-General of the latter in July 2023. ➢ in the case of the illegal road in Laganas Bay, the offender recently appealed to the Supreme Court. The ruling has not been issued yet.

	➢ the cases of some illegal developments in the area have been brought to justice. The national authorities will implement the rulings. ➢ the number of eco-guards in Laganas Bay is quite satisfactory in order to lessen the impacts of visitors and recreational activities on the reproduction process of sea turtles through the dissemination of information on site and the whole public awareness infrastructure in place (e.g. cameras, panels, barriers, leaflets, information center, etc.). Illegal activities are recorded, and official complaints are made to the local authorities. ➢ ongoing close cooperation between the local Management Unit of NECCA in Zakynthos and the NGO 'ARCHELON'. Therefore, under a specific research permit issued for the NGO 'ARCHELON', the staff of the latter are committed to reporting any infringements to the local Management Unit immediately; the latter, in turn, is obliged to undertake all necessary measures dealing with any issue affecting sea turtles. The same applies in the case of the NGO 'WWF Hellas', especially when it comes to the strictly protected area of Sekania. ➢ in 2023 the number of nests (more than 2050 nests based on provisional data) reached a peak over a 39-year monitoring period, a fact that is also supported by a positive trend in the nesting activity recorded during the last decade, above the target value of 940 nests/year in the area of Laganas Bay (Government Gazette No. 1807/B/2023, see 'Table GR2210002_2.1. Caretta caretta (1224)', p. 16909). ➢ extra seasonal personnel will be hired in the future, particularly during summertime, to strengthen the existent staff are in charge of surveillance and public awareness. ➢ in the cases of Gerakas and Daphni, strict adaptive management measures are implemented limiting considerably the interaction between visitors and the nesting areas (e.g. delineation of the nesting area with ropes, banning of umbrellas in some areas, dissemination of environmental information to tourists) in order to ensure the normal process of egg maturation during the day. ➢ the local Division of the Hellenic Coastguard is in place to constantly monitor marine traffic and impose fines accordingly. ➢ due to the close cooperation between the Coastguard and the Management Unit, the number of dead or injured turtles found in Laganas Bay was significantly low this year (one dead and one injured individual due to a collision with a boat).
NGO's report November 2023 (ARCHELON)	➢ more than 1870 nests were recorded in 2023 by ARCHELON in Laganas Bay and protected in collaboration with the MU (well above the average annual number since 1984 of approx. 1200 nests). Considering the long-term trend (40 years, 1984-2023) of the nesting population, as it appears from the annual nest counts, it can be deducted that the sea turtle population nesting in Laganas Bay is rather stable with intense annual fluctuations. ➢ the MU did not employ seasonal staff due to limited resources: some warden huts remained unstaffed on a daily basis, even during night hours. ➢ Several incidents of non-compliance to the existing protection measures were recorded both on land and at sea: • daily incidents of breaking the speed limit of 6 knots and disrespect of non-anchoring zones in the protected marine area (July and August) but no fines were issued by the MU's staff who patrolled the area daily. • the number of licensed vessels in the Bay has not been regulated yet and, more often than not, the Turtle Spotting Guidelines were not followed. • apart from Sekania, which is an Absolute Protection Site with no human visitation, incidents of human presence at night-time on the beach, of human trampling of nests, of driving vehicles and horse riding in the sand dune zone were recorded on all other beaches. Cases of non-compliance related to the maximum numbers of beach furniture and the requirement for them to be removed at night were also recorded on all other beaches. ➢ long-term threats due to illegal activities, which were identified in previous years, continued to exist. These include the old sanitary landfill site, the road between the beaches of Daphni and Gerakas, buildings at Gerakas, and buildings/ businesses at Daphni. Local authorities have not implemented existing administrative decisions for the demolition of these illegal constructions. ➢ the continued presence of the MU and ARCHELON on the site has ensured sea turtle monitoring and nest protection.

	➢ the interest of local businesses, landowners, and local authorities to collaborate for better law enforcement in the NMPZ seems to be quite low. The scale of visitation to the beaches and the marine area in Laganas Bay in previous years along with the reluctance to observe environmental legislation displayed by local authorities and local operators calls for (a) a much bigger communication/ information/ awareness effort towards local operators, the authorities and visitors, (b) a collaborative approach in improving law enforcement and the implementation of management practices, and (c) a more effective surveillance of the beaches and the marine area. ➢ in January 2023 the proposed Specific Environmental Study (SES) for the protected areas of the Ionian Islands, including Zakynthos, accompanied by a draft of a new PD and a MP, was released for public consultation. Despite the immense pressures on the island's protected areas, the current draft of the SES seems to be focused on maintaining the status quo, thus intensifying the main issues instead of trying to resolve them. ➢ Recommendations: • Threats to sea turtles in the marine area must be dealt with efficiently. This includes the regulation of the numbers of boats licensed to operate in the Bay, and the enforcement of the speed limit of 6 knots, non-anchoring zones, and the Turtle Spotting Guidelines. • All illegal constructions and infrastructure (old sanitary landfill, road between beaches of Daphni and Gerakas, buildings at Gerakas and buildings/ businesses at Daphni), which have a long-term impact on the naturalness and integrity of the site must be demolished, and the respective habitats must be restored. • All short-term impact threats on land (i.e. violations regarding beach furniture, human presence at nighttime on the beach, human trampling, vehicles on the beach, horse riding) must be taken into account and addressed. • Measures for minimizing light and noise pollution must be implemented and enforced for all nesting beaches of Laganas Bay. • Law enforcement in both the terrestrial and the marine part of the NMPZ must become a priority, and adequate surveillance by the competent authorities must be ensured. • A large-scale targeted communication/ information /awareness effort must be deployed in the area towards local businesses, landowners, and local authorities in order to build a platform of collaboration, inform visitors and support law enforcement. • The proposed SES and the drafted PD and MP for the NMPZ must take into serious account the comments submitted by the environmental NGOs, including ARCHELON, in order to address the existing threats towards the site and achieve effective protection of the habitats.

2020/09: BOSNIA AND HERZEGOVINA: POSSIBLE NEGATIVE IMPACT OF HYDRO-POWER PLANT DEVELOPMENT ON THE NERETVA RIVER

Date submitted	22/10/2020
Submitted by (Complainant)	Centre for Environment, Aarhus Centre in Bosnia and Herzegovina, EuroNatur, RiverWatch, CEE Bankwatch Network and ClientEarth
Respondent State (Respondent)	Bosnia and Herzegovina
Specie/s or habitat/s affected	57 Appendix II species, 32 Appendix III species, 3 Appendix I species, and additionally 13 Resolution No. 6 species, 6 Resolution No. 4 habitat types, and 35 endemic and relict species of flora
Background to complaint	➢ Bosnia and Herzegovina has **violated Article 3 and Article 4, point 1, 2 and 3 of the Bern Convention, and Recommendation No. 157** (2011) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, by permitting development of the 35MW Ulog hydropower plant and the HES "Gornja Neretva" hydroelectric system that consists of 7 small hydropower plants with a total installed capacity of 15.01 MW, on the upper Neretva (Gornja Neretva) and its tributaries and thus, allowing significant adverse impact on protected habitats and species specified in Appendices I, II and III and Resolution No. 4 (1996) and Resolution No. 6 (1998) of the Standing Committee and candidate Emerald site. The Ulog hydropower plant project is situated near the centre of the candidate Emerald Site "Gornji tok Neretve" no. BA0000002 and the HES "Gornja Neretva" hydroelectric system project is located inside the site. ➢ The **authorities accepted EIAs** without taking into account that ecological information provided by the developers was outdated; failed to assess the overall environmental and cumulative impacts; failed to define measures by which the impact on species and habitats could be mitigated; did not prove that there were no reasonable alternatives for the proposed projects; and failed to obtain adequate information on the projects and to carry out an analysis on the basis of all the information gathered. ➢ Although there are some gaps in knowledge of the area, it is believed that **57 Appendix II species**, 32 Appendix III species, 3 Appendix I species, and additional 13 Resolution No. 6 species, 6 Resolution No. 4 habitat types, and 35 endemic and relict species of flora live in the area of Upper Neretva. ➢ Extensive research has shown that **small hydropower plants generate large cumulative direct and indirect effects,** which considerably impacts the continuity of hydrological and hydro-biological conditions in the watercourse, and have a devastating impact on protected species and habitats. Furthermore, the power lines may impact other species in the area apart from fish, that are dependent on the river, forest and the entire area of the upper Neretva, such as birds and mammals. ➢ The **Republika Srpska Institute** for the Protection of Cultural-Historical and Natural Heritage has also expressed its objection to the planned Upper Neretva project. ➢ Several species fall under Appendix 2 of the **CMS** Convention.

	➢ There is a lawsuit ongoing within the **Banja Luka District Court** challenging the Gornja Neretva Phase 1 screening decision. A complaint has also been sent to the **Energy Community Treaty.**
Additional complainant info 6 April 2021	➢ The screening decision from 13/04/2020 for the Phase I plants was annulled by the Judgment of the District Court of Banja Luka on 28/01/2021; ➢ The investor notified the competent inspection authority about the start of works; ➢ A new screening decision for the Gornja Neretva Phase I plants was issued by the Ministry on 26/2/2021, following the judgment of the court, and obliging the developer to initiate a new environmental impact assessment procedure, and prepare an EIA study. ➢ The Centre for Environment contacted the inspection again, as they were concerned that the inspection was not aware of the court judgment and the new screening decision (although they should have been aware of it). They are still waiting for the reply from the inspection to see if they are going to act, but from is known at the moment, the construction permits are in force, and the construction can proceed from a legal point of view. ➢ However, the locals notified that there is a lot of snow in the area at the moment, so that might delay the construction.
Government report 8th April 2021	➢ The allegations that **data considered during the EIA** of 2012 is obsolete, that the EIA failed to present actual environmental risks, and that the cumulative impacts were not considered, are untrue. During the EIA, plant and animal species were identified on site and protection measures defined. ➢ As the project HES Gornja Neretva is implemented on 2 municipalities, the system was divided into 2 parts. At the time of decisions, **ecological networks (including Emerald Network**) or protected areas in the Republic of Srpska **have not been declared**. ➢ Pursuant to the Environmental Protection Act, all impacts of the 7 small HPPs on the environment were assessed. Use and protection of water, including **water habitats**, is also stipulated, i.e. the acceptable discharge of water which will not disturb life of the aquatic species. Allegations of the complainant of adverse impacts of the water discharge are unjustified. ➢ Allegations of impacts of **transmission lines** on birds and mammals is also unjustified as these impacts were determined during the EIA and measures were prescribed to mitigate damages during construction and use. ➢ An **administrative dispute** was initiated with District Court Banja Luka against the decision of the preliminary EIA for Phase 1. ➢ There is also an ongoing procedure of the complaint filed to the **Energy Community** regarding the preliminary EIA for Phase 1, as well as changes at the HPP "Ulog" from 2017, which were not considered significant changes by the Ministry. ➢ The question arises as to why the complainant failed to make their concerns known during the **public consultation process**.
Bureau meeting 14-15 April 2021	➢ The Bureau considered that a District Court had annulled the screening decision from 13/04/2020 for the Phase I plants, and that the

	Ministry of Physical Planning, Construction and Ecology of the Republic of Srpska had issued a new decision to the developer that it must initiate a new environmental impact assessment. ➢ The Bureau requested further information from the authorities as to whether the current construction permits would remain valid and if construction would thus continue. It reminded the authorities to adhere to Recommendation No. 208 (2019). ➢ The complaint is considered on stand-by.
Complainant's report August 2021	➢ The complainants would hereby like to notify the Bureau that the **construction of the Ulog hydropower plant has started**. They urge the Bureau to consider **upgrading the complaint to possible file** in order to prevent irreversible damage from ongoing construction. ➢ The **current works** are being done on the derivation tunnel, 2767m long, through which the water would go to a machine building . It is clearly visible that the water quality is severely impacted by the construction, which has significant negative impact on the habitats and species at the construction site and downstream, including on vegetation, mammals (e.g. otter), fish (e.g. softmouth trout), birds and invertebrates. ➢ Although the HES "Gornja Neretva" was originally seen as one project, the seven plants were split and their **environmental impact was assessed separately** in two different studies, which is in conflict with the EIA Directive if the overall impact of all plants together was not assessed, and underestimates the environmental impact of the project as a whole. ➢ The **cumulative effects** have also not being properly assessed, mitigation measures are irrelevant, and the small distance between the 7 plants means the upper Neretva will be completely changed from a river into a series of reservoirs and pipelines. ➢ The complainants would like to emphasise again that the **obligations to protect the habitats of species and endangered natural habitats** are not 'soft law' but rather strict obligations clearly marked in the Bern Convention and forming part of international law, and it is clear that several breaches of the Convention articles have occurred. ➢ The complainants would like to **urge the Bureau to put the case on the agenda of the next Standing Committee**. They have tried all means on national level, participated in the procedures before the competent authorities and courts regarding the approval of the Ulog and HES "Gornja Neretva" plants, but this has not stopped the ongoing construction. One more year of construction of the Ulog hydropower plant could have irreversible impacts on the Emerald site.
Respondent's report August 2021	➢ The developer has not yet submitted a report on the EIA ordered by the Ministry in February. ➢ An inspection was carried out and in April, the suspension of all types of field activities and construction work was ordered until the finalisation of the EIA. ➢ Building permits issued by the Ministry are valid as the investor started construction works on the facility in accordance with the law and

	reported the start of works to the competent town planning. ➢ The Ministry received a letter from the complainant in May submitting initiatives for the proclamation of protected areas of the upper course of the river Neretva and others: a study will be developed and this procedure is ongoing.
Bureau meeting 15-16 September 2021	➢ Expressed its concern and confusion that construction appeared to have begun in the Emerald Network site, despite the authorities in their report of April and in the new report having stated that all works must be halted until a new EIA has been carried out- furthermore the authorities had not mentioned the start of the works in their new report. ➢ Equally concerned by the alleged illegal procedure of splitting the EIA of the small HPPs into several different studies, as well as the alleged lack of a competent cumulative assessment study. ➢ Welcomed that a study towards the proclamation of certain sites as protected areas has begun, but asked for clarification as to whether these sites cover the area of development, and whether they are already Emerald Network sites. ➢ Due to the urgency and risk to this Emerald site as described by the complainant, and the apparent lack of commitment to the Emerald Network provisions from the authorities, the Bureau decided to upgrade this case to a Possible File, thus bringing it to the agenda of the 41st Standing Committee where both Parties are invited to present. ➢ Meanwhile urged the authorities of Bosnia and Herzegovina to uphold their international obligations to the Emerald Network and Bern Convention, and halt any works at the site until comprehensive and legally sound environmental assessments have been carried out. It should also refer to Recommendation 208 (2019).
Respondent's update October 2021	➢ The Ministry requested an urgent inspection following the letter of the Bureau to the areas concerned: it was established that no site activities or works have taken place for the project HES "Gorna Neretva" phase. Nor were any works identified at the upper course of Neretva river. ➢ Reemphasises that EIA and its subdivisions was done in accordance with national law. ➢ Reiterates information about study for proclamation of protected areas: work continues and Emerald sites will be included in the study.
Standing Committee Nov/Dec 2021	➢ 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. ➢ Shared the concerns of the Bureau over the contradictory information of both parties, and allegations of the complainant about the threat to the Emerald site and irregularities over the 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 Committee decided to **mandate an OSA**, with the aim of corroborating the information from both parties on the ground, inspecting the area, and coming up with

	recommendations. The OSA would be subject to the agreement of the authorities of Bosnia and Herzegovina. ➢ Mandated the Bureau to draw up ToR in collaboration with the Secretariat, national authorities, and complainant. The status of the complaint would be reviewed following results of the OSA. ➢ Also took note of the information that the Energy Community was also closely involved with this case. Following a query on whether the EC 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. ➢ 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 ToR, and it urged the authorities to in the meantime suspend any constructions in the area. The case remains a possible file.
Complainant report February 2022	➢ Despite the recommendation that the construction of HPP "Ulog" (35 MW) on Neretva river should have been halted, to the best of our knowledge, we can report that construction has been uninterrupted since the complaint submission and still is ongoing. This was confirmed both by activists as well as local fishermen. Apart from this, we can confirm that the complainants haven't been notified if the construction was halted deliberately by the investor, nor if it was ever officially ordered by the relevant authorities. ➢ An *"Information on the need to protect the interests of the Federation of BiH from the consequences of the construction of HPP 'Ulog' (in Republika Srpska) and seven SHPPs that make up the 'Gornja Neretva' hydropower system (in Republika Srpska), with Proposed Conclusion"* was discussed at the 300th session of the Government of Federation of BiH in January 2022. This was the first time that the Federation of BiH was officially interested in the HPP developments on the territory of Republika Srpska, in regards to the Neretva river. We have sent a request for information to obtain a copy of this document, along with the proposed Conclusion that were drafted by federal ministries in charge of environment and water management. It is clear that the concerns of the Federation of BiH were raised after the submission of the complaint. This also should be a relevant factor when considering joint resolution of the projects, and their cumulative impacts on the river that is shared between two entities. ➢ "Public interest" has been officially declared in 2010 as prerequisite for the realisation of HPP "Bjelimici" (2x50MW), PHPP "Bjelimici" (2x300MW) and HPP "Glavaticevo" (3x9,5MW) on Neretva river (both located on the territory of Federation of BiH), that are planned downstream of HPP "Ulog". Most recently, a "*Decision on amendments to the decision on declaration of public interest, accession to preparation of construction of electric power facilities, selection of strategic partners and accession of awarding concessions*", that was published in the Official Gazette of Federation of BiH (No.: 67/21 from 25th August 2021), still includes these three HPPs. This raises additional concerns in regards to protection of the Neretva river and its endangered species and their habitats, especially when, even after the submission of the complaint, the realization of HPP "Ulog" is ongoing with no mitigation measures of its negative impacts that are already observed downstream and most definitely would worsen if the plant gets into operation.

	➢ In February 2022, the "Hutovo Blato" Nature Park, Emerald and Ramsar site was found to be almost dry probably due to water abstraction for hydropower. This has led to additional impacts to protected fish species from the Neretva Basin. In 2015, the authorities informed that HPP "Svitava" is operating without environmental permits, whose obtaining is conditioned by reaching of the agreement on the payment of reimbursement for the recovery of damages inflicted to Hutovo Blato. ➢ While the impacts on Upper Neretva river and other Emerald sites are already significant, BiH has not proposed any new sites for more than 10 years. According to the Emerald Network biogeographical seminar for six West Balkan countries of 2011, most of the river species and habitats are insufficiently protected in BiH.
Secretariat action regarding OSA, Spring 2022	➢ The Bureau and Secretariat prepared a draft ToR, which was shared with the parties for their feedback. The complainant made some proposals, and the government agreed with the ToR within the deadline. ➢ The Secretariat identified an independent expert The Energy Community Treaty expressed their willingness to be involved.
Bureau meeting April 2022	➢ expressed its concern on the allegation that construction of the hydropower project was ongoing, and recalled once more the risks of irreversible damage to the nature within this candidate Emerald Network site. It noted with interest that this issue is being discussed at high political levels since the arrival of the complaint to the Bern Convention. ➢ It asked the authorities to inform if any long-term energy/renewable energy/hydro-power strategy existed at State or Entity level, and if that were not the case, to consider elaborating such a Strategy, as this would be useful for planning large-scale energy projects such as this and avoiding protected areas and no-go zones. ➢ The Bureau also took note of the information that the draft ToR for the OSA had been shared with both parties, received some feedback from the complainant, and been agreed to by the government. The Bureau thanked both parties for respecting the deadline. ➢ Was informed by the Secretariat that it had identified an independent expert, and was moving forward with preparing the OSA, which it hoped would take place in June or July, pending confirmation of dates with the concerned parties. The Energy Community Treaty had expressed their willingness to be involved in the mission. ➢ Encouraged a continuing good cooperation between the Secretariat and the parties, and hoped that the OSA could take place before the summer recess. It again urged the authorities to enforce a halt on the ongoing construction of the hydropower plants until the OSA and its results were completed.
Secretariat action regarding OSA, Summer 2022	➢ The visit was planned for June, but the authorities postponed at short notice. September was instead proposed, but the dates were declined. Finally, 17-21 October has been confirmed (this will mean very tight deadlines ahead of the Standing Committee).
Bureau meeting September 2022	➢ took note of the information of the Secretariat concerning the on-the-spot appraisal mandated by the 41st Standing Committee. The visit had been initially confirmed for June, but the governmental authorities had regrettably postponed it at short notice. September had instead been proposed, but the dates declined. Finally, 18th -20th October had been confirmed, a timeframe which would lead to very tight

	deadlines ahead of the 42nd Standing Committee in terms of finalising the mission report and draft Recommendation. ➢ encouraged the authorities to fully cooperate with the Secretariat in the planning of the mission, in particular to ensure that the independent expert is able to meet with as many of the concerned stakeholders, at both governmental and civil society level, as would be reasonable during the short time frame, and to coordinate and ensure logistical aspects such as internal transportation and interpretation if required. ➢ also took note of the information that the ECT which has a parallel process ongoing was also closely following this case. ➢ looked forward to hearing about the results of the mission at the 42nd Standing Committee, and also requested that both parties submit reports in time for that meeting, on relevant updates of the case, and feedback to the mission if possible. The file stays possible.
Complainant report October 2022	➢ Despite the recent recommendation that the construction of HPP "Ulog" (35 MW) on Neretva river should have been halted while the complaint is being reviewed, we can once again report that the construction of HPP "Ulog" has been uninterrupted since the complaint submission. The investor stated that 40 million euros has been invested in the project, and that the facility could be put into operation by the end of 2023. Forest and riparian vegetation close to the river, have been already bulldozed in preparation for the large reservoir, and power lines. Additionally, a large diversion tunnel and the dam itself are also being constructed simultaneously. ➢ The operational mode of the HPP "Ulog" remains unclear. Prior to the OSA, and during the site visit, the representative of the investor stated that they will not operate it in flush mode (hydro-peaking). This, however, doesn't make sense at all having in mind both the reservoir volume as well as the height of the dam itself. Additionally, one of the major issues with hydropower is certainly dealing with the fine material (sediment) that accumulates in the reservoir near the dam - but, during the OSA, the answer how this would be resolved and/or mitigated was practically left unanswered by the representative of the investor or the authorities. ➢ While visiting the sites of HES "Upper Neretva", we haven't noticed any construction works on these projects. However, the investor confirmed that the EIA for Phase I is now being drafted and that it is expected to be presented to the relevant Ministry in early November 2022. This is very concerning, since the same investor already has valid Construction permits for both Phases - so, if the EIA for Phase I gets approved and a new Environmental permit issued by the ministry, the construction of both Phases (I+II) could be executed in accordance with the entity law. ➢ Concerning the Initiatives for protection of Upper Neretva river, CfE together with Riverwatch, Euronatur and other organizations has organized a Science Week on Upper Neretva in Summer 2022 which verified numerous protected and valuable species. The Study will be forwarded to the relevant Ministry for adoption, with a request to declare the preliminary protection of Upper Neretva, in line with the Law on Nature Protection - but ultimately the goal is the adoption of official Protection act of Upper Neretva River by the RS Government. ➢ The FBiH officials were also not informed about the official position of Federation of BiH in regards to projects on Republika Srpska territory. However, the FBiH officials confirmed that there was no new developments in regards to HPPs on the territory of FBiH (HPP "Bjelimici", and HPP "Glavaticevo" - but these projects are still in place in the Spatial Plan that is in force in FBiH. ➢ The construction of the Upper Horizons cascade in the Neretva river basin is ongoing. This project would have significant cumulative impacts with the hydropower plant of Upper Neretva. ➢ Therefore, we strongly urge the Standing Committee **to open the file** regarding Upper Neretva case, and to recommend to the authorities of Bosnia and Herzegovina recommendations and measures adequate for the substance of the complaint.

OSA 17-21 October 2022	➢ The OSA succesfully held several meetings with; ➢ **Representatives of governmental authorities of Bosnia & Herzegovina**: Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina, Ministry of Spatial Planning, Construction and Ecology of Republika Srpska, Ministry of Energy and Mining of Republika Srpska, Federal Ministry of Environment and Tourism (Federation of Bosnia and Herzegovina), Republic Institute for Protection of Cultural, Historical, and Natural Heritage of Republika Srpska, Republika Srpska Inspectorate; ➢ **Representatives of civil society**: NGO Centre for Environment, Aarhus Centre, Bankwatch, NGO Zeleni Neretva; ➢ **Others**: Representatives of Investor / construction companies "Marvel" and "EFT". ➢ Several field and site visits also allowed for a good overview of the protected areas and their surroundings and the locations of the related HPPs (HPP Ulog, hydro-electric system (HES) Gornja Neretva and HPPs Glavatičevo and Bjelimići).
Standing Committee Nov/Dec 2022	➢ The Committee took note of the results of the OSA, and of the reports of the parties, noting that both had expressed their appreciation of the OSA and cooperation with the Bern Convention. ➢ During the discussion, several Parties and Observers highlighted the fact that the river territory was of European-wide importance, that several species would be endangered by activities such as hydro-peaking, and the concern that the other HES in question could receive permits and construction start at any moment. ➢ The Government submitted a written statement informing that the HPP Ulog had received an environmental permit before it had been declared as a Candidate Emerald Network site, and that it is necessary to define, precisely and beyond doubt, the exemption areas defined in the concession agreement for HPP Ulog from the Emerald Network, i.e. upper Gornja Neretva when it is adopted. ➢ The Standing Committee welcomed the mission report and adopted with amendments **Recommendation No. 217 (2022) on the possible negative impact of hydro-power plant development on the Neretva river,** and it **opened the File.** ➢ The Committee urged the authorities to halt construction of Ulog HPP, cancel the concessions related to the HES Gornja Neretva, and suspend any plans for HPPs in the Emerald Network site, while taking into account the other criteria in the Recommendation.
Complainant report Feb 2023	➢ The 56th meeting of the **Inter-Entity Body on Environment** (consisting of members from the Ministry of Spatial Planning, Construction and Ecology of Republika Srpska and the Federal Ministry of Tourism and Environment) was held on 23rd February 2023. CfE was ultimately invited to the meeting. At this meeting we were informed about the fact that the **Progress report from BiH was submitted** in a timely manner. This report should specify what steps - if any - were officialy conducted by BiH and/or entity authorities. However, at this moment, some steps that were taken were only orally brought to the attention of the complainant, but, e.g. official decisions or conclusions, were not publicly available to back this up, so the progress remains unclear. Hence, at this time, **we have no official information of implementation of the Recommendation.** ➢ To the best of our knowledge, **the construction of the HPP "Ulog" has not been halted** nor was this officially requested by the RS authority. The construction works on HPP "Ulog" are ongoing. ➢ On 12 October 2022 the District Court of Banja Luka **dismissed the lawsuit against the renewed environmental permit** issued for the HPP "Ulog". Given that the identified Emerald locations have not been officially adopted by Republika Srpska, nor by the Federation, and given the fact that the amendments to the Republika Srpska Spatial plan until 2025 envisages the construction of the HPP Ulog on the Neretva River, the Court considered that this will have to be taken into consideration in the process of identifying the future Emerald

	location. The Court also considers that the arguments regarding the assessment of HPP Ulog's cumulative impact with all the planned small hydropower plants in the "HES Upper Neretva" project (7 SHPPs) are unfounded as their construction has not yet been initiated. In December 2022, the NGO Zeleni Neretva from Konjic submitted a request for an extraordinary review of the District Court decision to the Republika Srpska Supreme Court. The case is pending. ➢ **The 7 small hydropower plants** in the uppermost stream of the river (HES "Upper Neretva" - Phase I and II), **are still pending**. There is no physical realization of any of the plants yet. So far the complainant has no official information about steps being taken for the cancellation of these concessions. ➢ In late 2022, a independent **Study on protection of the upper Neretva river** was sent to the Republic Institute for Cultural and Natural Heritage for verification, and it was approved in January 2023. Despite this, the Ministry of Spatial Planning, Construction and Ecology **dismissed the Complainants' Proposal for renewal of the proceeding** regarding the approval of the EIA for Upper Neretva - Phase II. ➢ On 5 January 2023, the District Court in Banja Luka also dismissed the Proposal for renewal of the court case against the EIA for Upper Neretva - Phase II- a complaint was submitted to the Chamber of the District Court to review the court ruling. ➢ **The protection of the Upper Neretva area is still pending** and there are no new developments in that regard. ➢ With regard to the recommendations for the "Bjelimići" and "Glavatičevo" hydropower plants and the "Bjelimići" pumped storage plants, so far no steps have been taken by the Federal authorities. Furthermore, the Horizon project is ongoing. ➢ The final results of the Neretva Science Week are to be published in the next few weeks. ➢ Complainant **strongly urges the Bureau to ask the authorities of Bosnia and Herzegovina to follow up on Recommendation No. 217 (2022)** adopted by the 42nd Standing Committee.
Govt report Feb 2023	➢ The declaration process of Upper Neretva & 2 other areas has been merged, with a proposal for Cat IV PA, and the process of consultations is ongoing. The scope of the area does not include the area of Ulog HPP, thus construction of HPP Ulog does not jeopardise natural values significant for declaration of the PA. ➢ A decision of 12 January 2023 put on hold the procedure of possible approval of the impact report for Phase I of the Gornja Neretva project- this will be on hold until the procedure to declare Neretva a PA is completed.
Bureau March 2023	➢ took note that the PA declaration procedure for Upper Neretva had been merged with two adjacent areas, with a proposal for a Category IV status, and that the process of consultations was ongoing. It regretted the information that the scope of the area would not include the area of construction and impacts of the Ulog HPP despite the Standing Committee Recommendation. ➢ welcomed the fact that consideration of the EIA of Phase I of the Gornja Neretva project (4 out of the 7 small HPPs) was on hold until the completion of the above-mentioned PA procedure. The Bureau recalled point 8 of Rec 217 (2022) in that regard. ➢ concerned with some of the information raised by the complainant, such as the fact that construction of the Ulog HPP continues, several lawsuits have been dismissed by the courts despite new relevant biodiversity data across the candidate Emerald Network site, continuation of the Upper Horizon project, and no progress on cancellation of existing concessions.

	➢ welcomed that the complainant had been invited to attend a recent governmental meeting on these issues, and it strongly encouraged the concerned Ministries to continue including the complainant and other relevant NGOs in relevant meetings and consultations. ➢ remarked that this case showed similarities to Open File on the planned hydropower plants on the Vjosa River in Albania, and called upon the authorities to take inspiration from this example, and ensure the Neretva River could become the next wild river in the region.
Comp report August 2023	➢ The construction of HPP "Ulog" has not been halted nor was this officially ever requested by the RS authority (Recommendation no. 7). According to the investor, the expected finalization of HPP "Ulog" is as soon as next year. ➢ On 18th July 2023, the RS authorities re-approved the EIA (originally approved in 2013) for installation of 2x110kV power-lines on a stretch of 20.615 m until 2028, needed to connect Ulog HPP with the grid. According to the entity legislation, Environmental permit was mandatory for installation of power-lines of 110kV that stretch over 15 km, but no Environmental permit was ever obtained. ➢ For Phase I of HES "Upper Neretva" (3 plants), the drafting and approval of EIA was officially suspended by the RS Ministry of ecology, due to protection-granting-procedure which was initiated by Center for Environment, and is still ongoing before RS authorities. However, it is important to emphasize that the ongoing protection-granting-procedure before RS institutions is not the protection which was primarily advised by Recommendation no. 1 - and indeed is mandatory according to Emerald Network site protection. So, although suspension of EIA procedure is a positive step, this still might leave the possibility for future realization of the project. ➢ For Phase II (4 plants) the investor still has an approved EIA, but hasn't applied for construction permits. After District Court in Banja Luka dismissed the Proposal for renewal of the court case against the EIA for Upper Neretva - Phase II, which Proposal was based on new findings according to the Study on protection of Upper Neretva river (October 2022), Center for Environment submitted a complaint to the Council of District Court in Banja Luka. On 19th July 2023, the Court Council ultimately decided to dismiss the Proposal due to the fact that the Study on protection of Upper Neretva river do not constitute a valid new proof based on which an already resolved court case could be renewed, though it was physically impossible since the findings were obtained much later during the Neretva Science Week. ➢ There is still no official initiation for cancellation of concessions for 7 SHPPs (Recommendation no. 8): the authorities, especially the Ministry of energy and mining, replied that they haven't conducted any steps since there was no official request from the RS Government (the grantor) for such action. ➢ to the best of our knowledge, the HPP Bjelimići and Glavatičevo projects remain dormant but no steps have been taken by the Federal authorities to fully cancel the plans. ➢ the construction of the Upper Horizons HPP scheme is ongoing. The RS officials declared the beginning of the main construction works on 160 MW HPP Dabar on the site in Dabarsko karst field Emerald site on 23rd June 2023. The construction of the reservoir for this HPP in Nevesinjsko karst field Emerald site has not started yet. The channel in Fatnicko karst field Emerald site is already constructed. ➢ On 5th June 2023, Aarhus Center submitted a lawsuit against the Environmental permit for HPP Dabar, which was renewed on 10th October 2022, without requiring any new environmental assessment, despite the fact that the earlier one was drafted in the period up to April 2012. Recent studies have revealed a very strong negative impact of existing HPP systems on endemic fish of the poljes and rivers of the Neretva basin. This is why Aarhus center, after submission of the lawsuit, also invited the Federal Ministry to intervene in newly initiated Court proceedings. The case is pending. Additionally, Aarhus Center tried to obtain a valid copy of Construction permits issued for HPP Dabar (4 permits so far), but the RS Ministry is refusing to provide these documents to Aarhus center, referring them to the public

	list of issued permits for hydro-project in RS, that, however, doesn't constitute a valid document that can be challenged before a Court. This way, the Ministry is directly violating national and international law, especially the right to access to environmental justice. ➢ the 2nd Neretva Science Week (NSW), was held from May 30th to June 7th 2023 in Ulog village, Nevesinjsko polje and the nearby area. This event gathered in total over 70 scientists, international and local. Many new findings have been made. ➢ strongly urge the Bureau to ask the authorities of BiH to follow up on Rec 217 (2022) in a more diligent and appropriate way, to involve both entities and the complainants in discussing the most appropriate actions and to report the progress on all points of the Recommendation at the 2023 Standing Committee meeting.
Govt report Sep 2023	➢ No change yet is the initiative to establish the protected areas „Gornji tok Neretve". ➢ no change in status of the system HES „Gornja Neretva" since previous response. ➢ Construction of HPP Ulog has not been halted as it falls outside of scope of the protected area and construction of this plant does not jeopardize natural values significant for declaration of protected area. ➢ The Federal Ministry of Environment and Tourism on February 2, 2023 informed the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina about how FMOiT acted in relation to Rec 217 (2022). In addition, FMOiT informed the Ministry of Trade, Tourism and Environmental Protection of the Hercegovina-Neretva Canton about these issues and ordered that until the end of the process regarding the Complaint No. 2020/9 the condition of the area that is the subject of the appeal has not be deteriorated and that development activities related to hydropower facilities on the Neretva River have to be suspended. ➢ The new Focal Point to the Convention is officially confirmed.
Bureau September 2023	➢ remarked that the government report had arrived very late after the deadline. It requested that the government respect the deadlines issued by the Secretariat in the future, in order to allow for a timely processing and adequate time for the Bureau to assess the reports. ➢ regretted the news that the construction of the Ulog HPP continued and was not planned to be suspended. In relation to the statement of the government that "Construction of HPP Ulog has not been halted as it falls outside of the scope of the protected area and construction of this plant does not jeopardize the natural values significant for declaration of a protected area", the Bureau recalled that the expert assessment of the site in October 2022 and unanimous support of the Contracting Parties of the StC to that assessment had taken a completely different position, stressing that the construction of this dam will cause irreparable damage to the area. The Bureau reminded that Bosnia and Herzegovina was part of the Bern Convention in order to respect international standards, and it again urged the authorities of the country to follow the call of the international community by suspending this unsustainable project. ➢ noted that concessions had still not been cancelled for the two phases of the HES Gornja Neretva, and that the Upper Horizons HPP scheme was ongoing. It again urged the authorities to follow points 8, 10 and 13 of the Rec by cancelling or banning these projects. ➢ called for the authorities involved to speed up if possible the process of declaring Gornji tok Neretve as a PA and adopted Emerald Network site (point 1). It also urged them and the relevant stakeholders to make use of the data which civil society is collecting during the Neretva Science Week and similar initiatives. It recalled that there is a data gap in this area, and therefore new data gathered should be systematically welcomed and exploited.

Govt report November 2023	➢ No changes since last report as per PA "Gornji tok Neretve", Ulog HPP or HES "Gornja Neretva. ➢ The Government of the Federation of BiH adopted a joint Information prepared by the Federal Ministry of Environment and Tourism and the Federal Ministry of Agriculture, Water Management and Forestry about the protection of the interests of the Federation (impacts on the state of water and the environment) from the consequences of the construction the Ulog HPP and 7 sHPPs located in Republic Srpska.

2019/05: TÜRKIYE: HABITAT DESTRUCTION IN MERSIN ANAMUR BEACH

Date submitted	17th August 2019
Submitted by (Complainant)	MERÇED (Mersin Çevre ve Doğa Derneği - Mersin Environment and Nature Association)
Respondent State (Respondent)	Türkiye
Specie/s or habitat/s affected	Caretta caretta, Cheloniamydas sea turtles, soft-shelled Nile turtles, endemic sand lilies, wild ducks, wild birds. Karaağaç Beach, Sarısu Creek and surrounding areas.
Background to complaint	➢ The complaint reports illegal constructions of a public beach and picnic area in the Municipality of Mersin Anamur, on a 13km stretch of Karaağaç Beach, a nesting area for *Caretta Caretta* sea turtles protected by Turkish law and international conventions and also contains endemic sand lilies. The illegal activities include taking out sand from the beach to change the slope of the sand/dune area, pouring lorries full of soil over sand and dune areas, and planting grass and trees that are transferred from other parks of the city to the soil covered beach. Reeds near the Sarısu Creek which house soft-shelled Nile turtles, various wild birds and ducks were also cut, and walls were built with large stones alongside the creek. ➢ This illegal work of the Municipality was initially stopped by the Ministry of Environment and Urbanization and the Ministry of Forestry and Water Affairs, National Parks Nature Conservation Directorate), and the Municipality fined 180.489 Turkish Lira. However they did not withdraw from the area, and the government failed to follow-up with its sanctions. ➢ Excess water and soil flow down to the beach, causing damage on the structure of sand area and existing nests. There might not be any healthy baby turtles at some nests. The sand and dune area is greatly damaged and narrowed. ➢ According to recent declarations of the Mayor, it is understood that they will not withdraw from the area, and it proves that the Municipality does not comply with the stopping and rehabilitation decisions and opens a lawsuit against the fine. ➢ The two concerned ministries have violated both domestic laws and multiple provisions of international conventions such as Barcelona, Ramsar, and Bern, the latter of which provisions of the first 11 articles are breached. ➢ These works began with no official EIA or permissions from competent authorities. ➢ Related to the complaint, there is also enormous general touristic pressure on the nesting areas, which the authorities are not competent enough to address.
Government's report March 2020	➢ It recalls that sea turtles and their habitats are protected in Türkiye, according to international and national legislation. Among these are the Bern and Barcelona Conventions, as well as Land Hunting Law coded 4915, Environment Law No. 2872 and Circular of the Conversation of Sea Turtles No. 2009/10. ➢ A complaint was reported to Mersin Provincial Directorate of the Ministry of Agriculture and Forest, on 10th June 2019 relating to the illegal activity carried out by the Municipality of Anamur, it was inspected by the Directorate and finally, it has been identified that the heavy construction equipment

	which belongs to the municipality was on Karaağaç Beach which is a nesting area for sea turtles. The Municipality poured soil over the dune area to modify the beach and some trees were planted in the area. As soon as this situation was determined, the municipality was warned by the Directorate to stop the construction. ➢ As a result, Municipality of Anamur was fined 180.489 Turkish Liras within the scope of the Environmental Law as it had violated the biological diversity and Mersin Provincial Directorate decided that the municipality has to rehabilitate the beach and take out planted trees and soil under the inspection of the Directorate no later than on 16th July 2019. However, the municipality did not obey the rehabilitation decision and it appealed to the administrative court for the stay of execution and not to pay the administrative fine. ➢ To sum up, as the litigation process is expected, the rehabilitation action will be taken according to the result of administrative court.
Bureau meeting 7-8 April 2020	➢ The Bureau thanked the complainant for the new complaint, and the Turkish authorities for their short response. It noted the allegations of the complaint form, and the confirmation of facts by the authorities. It expressed its concern that the relevant ministries had not followed up on their sanctions to the Municipality concerned. ➢ Taking into consideration the rarity and risk of disappearance of marine turtles in the Mediterranean, as well as the obligations of Türkiye to the Bern Convention, the Bureau hoped that the Administrative Court would apply the precautionary principle and forbid all further actions on and around the beach area and instruct the authorities to protect and restore the nesting sites, and proactively raise awareness and undertake actions on the importance of conservation of these species and habitats. All of these measures should urgently take place ahead of the high summer and nesting season. ➢ The Bureau also urged the authorities to enforce the necessary sanctions to the offending Municipality related to the breach of national law and international conventions, and to keep it updated of the outcome of the litigation procedures, results of the above actions, and any other updates for its next meeting in September. The complainant is also invited to keep the Bureau updated for the same meeting.
Government report August 2020	➢ Municipality appealed to the administrative court for the stay of execution and not to pay the administrative fine. The court decision is still pending. ➢ Bilateral interviews with the Municipality have been conducted in order to cease the actions taken on the beach. Karaağaç Beach was inspected on 11 June 2020 by Mersin Provincial Directorate of the Ministry of Agriculture and Forestry, and eight nests belonging to the marine turtles have been detected. It was also observed that no further commencement on the deterioration of the beach was in place. ➢ However, as the litigation process has not been concluded yet, the rehabilitation works could not be done. ➢ Bilateral negotiations have been done between the Municipality and the Provincial Directorate and the efforts to find a common solution in favour of the turtle nesting beach are on-going.
Complainant report August 2020	➢ No restoration of the site has been attempted, despite two government offices (Ministry of Environment and Urbanization and the Ministry of Forestry and Water Affairs, National Parks Nature Conservation Directorate) ordering the removal of the soil and planted lawn and trees by 16.07.2019. ➢ Negative developments: The Mersin Governorship owns the picnic area. This area and an additional area, which is almost 20 times bigger than the picnic area, are pre-allocated to the Anamur Municipality for 2 years to carry out the “Picnic & Recreation Project” and a new “Beach Arrangement Project” to start on 1st September 2020, (during the hatchling season). The Beach Arrangement Project for Anamur includes further construction of bicycle and walking paths, green areas, sports parks, children's playgrounds, pergolas, and sitting benches. Both of the areas will be permanently

	allocated to the Municipality at the end of 2 years. ➢ Both of the areas are actively nesting areas and they are defined as restricted areas according to the national law. According to Circular No: B.18.0.DMP.0.01.03 / 831.02, the coordinates of the construction area are within the 1st-degree Conservation Area. **Violations other than picnic area construction:** ➢ Additional violations (other than picnic area) leading to the degradation of the nesting area: - Cars, motorcycles, tractors and even towed boats are able to go into the beach in many places of the Anamur Beach. The authorities are not blocking entrance to the beach at all points. - The hotels, bars, tea gardens, and other tourism businesses placed arbores, umbrellas, tables, chairs, and sun loungers starting from 3-5 meters from the shoreline and left them on the beach even during the night for whole summer season. - Organizations held noisy, brightly lit parties or wedding ceremonies (sometimes including fireworks) on the beach with the permission of the Anamur District Governorate. - Bright light from Street Lamps, Hotels, Tea Gardens, Apartments. - Littering. The authorities are not sufficient to clean the beaches, canals, rivulets. They are not organizing any activity to increase awareness to keep the environment clean, or they don't punish litterers to set an example to other litterers. - Not enough person to control the nesting beach. Only 1 person is allocated for 12,7 km beach. But this number is far below the need. And the authorized person is just checking nests, he is not warning any violating organization or keeping the records of violations. There is a volunteer person who supports them for 15 years. (See Figure 37). - Illegal constructions on the beach and Dragon Çayı Rivulet. - Illegal sand extraction on the nesting beach by the Municipality and by the people. ➢ We recommend Turkish authorities to take urgent legislative and administrative measures to protect the nesting areas of the Loggerhead turtles (Caretta caretta) and Soft Shell Nile Turtles (Trionyxtriunguis): - Rehabilitate the picnic area and remove trees and soil that is transferred to the nesting beach. - The Municipality to comply with declared fines and orders. - Projects for both of the pre-allocated sites to be compliant with national laws ([R8], [R9]) and international conventions. - Guarding staff resource needs to be reinforced and increased to enable correct implementation of management and conservation measures (control of beach access, correct beach zone use by visitors, recording and acting upon violations, etc.). Guarding person needs to be trained about the related laws and their authorities. Guarding should commence at the start of the nesting season. 1 officer present only tries to mark the nests. He does not work to control or record violations.

	- Scientific monitoring and nest protection should commence at the start of the nesting season (May) to ensure the protection of all nests, as the tourist season kicks off in April. - All sunbeds should be removed from the beach at night, or rearranged in an upright position and secured or hung on the umbrellas. The number of sunbeds and umbrellas should not increase. In all cases, sunbeds should not be placed in the sections of the beaches that serve as prime nesting areas. Multiple rows of dense sunbeds and umbrellas need to be rearranged and reduced to permit nesting turtles to access the beach and hatchlings to return to the sea unhindered. Fixed structures, such as arbores, pavilions, and cabanas should not be allowed. - Water from beach showers should be channelled to not directly run-off onto the nesting beach, or beach showers should be relocated away from the beach. - Information sign location should be corrected and additional signs should be installed at the start of the nesting season at all major entry points to the beaches. Signs should include the rules and all the prohibited actions (such as campfire, driving, etc.) and the penalties. - Vehicle access problems need to be tackled effectively. Fencing that cannot be removed, should be installed and be complemented by effective guarding, signage at all points of entry, and education of residents, business owners and visitors. - Visitor access: Wedding ceremonies, bonfires, night parties, fireworks, camping, picnic and barbecue activities should not be allowed on the nesting beach or at places close to the beach. - Parking space: Appropriate areas that would not involve the flattening of dunes and removal of natural beach vegetation should be chosen. - Damaged sand dunes and vegetated areas should be restored to their natural state. - Lights: Powerful, tall, seaward-facing lights need to be removed. Business owners should be required to screen or paint with dark colours all lights shining onto the beach that cannot be switched off during night hours during the nesting and hatching season. Street lamps and apartments need to take similar measures. - Litter: A coordinated effort can be pursued so that beach clean-ups combined with awareness raising among locals can be conducted at the start of the nesting season and at the end of the hatching season. Rubbish collection should be done manually and not with the use of heavy machinery (e.g. bulldozers). Daily litter collection could be combined with beach furniture collection/re-arrangement at the end of the day. - Canals, creeks, and streams that are joining the sea need to be cleared periodically. Sewage system or chemical waste, pesticide packing should not go into them. - Regulations should be effectively communicated to stakeholders and business holders. - Authorities should ensure enforcement of rules and measures. - A small dockyard after an Environmental Impact Assessment has been carried out needs to be established for small boats or fishing boats to sail to the sea. (Currently, they are being towed on the beach. - Unbuilt beach area should be secured against development.

	- A SPA (Special Protected Area) management plan that will cover both the land and marine areas should be formulated that will include a clear description of permitted land uses and activities. - Illegal constructions on the whole Anamur Beach and Dragon Çayı Rivulet should be removed. - Sand extraction from nesting beach should be strictly prohibited and violators need to be punished immediately. Any government office, people, or business should not extract sand for any reason. - Provide training, seminars, and volunteered organizations to proactively raise awareness to protect sea turtle's nests and biodiversity.
Bureau meeting 15-16 September 2020	➢ The Bureau thanked both parties for their detailed reports. It noted that the administrative court decision on whether to fine the Municipality is ongoing, and that the authorities had initiated bilateral discussions with the Municipality to find a solution. ➢ The Bureau was very concerned with the allegations of the complainant that no rehabilitation work has begun, and that an even larger development project was planned to begin in September 2020 which could dramatically affect the nesting habitats. ➢ The Bureau acknowledged that the Turkish national authorities were making efforts to comply with the Bern Convention and to alleviate the situation. However, given the fragility of these species and their worrying conservation status and the actions of the Mersin municipality which is planning an imminent large development project on the habitat, the Bureau decided it must take urgent action and **elevated the complaint to a Possible File**, thus bringing it to the attention of the 40th Standing Committee. Both parties were urged to present updated reports at that meeting. ➢ Meanwhile, the Bureau once again encouraged the Turkish authorities' efforts to enforce the relevant penalties on the Municipality, to cancel all planned projects which would affect the nesting habitats, and to begin restoration works. It encouraged the authorities to collaborate with the complainant organisation and other relevant local NGOs to find alternative solutions to the development projects, which would take into account the environmental conditions of the area.
Standing Committee December 2020	➢ The Committee shared the Bureau's deep concern of the development projects which had already started illegally or were being planned at Mersin Anamur beach, an area which represented one of the most important nesting sites of marine turtles in the Mediterranean. It noted for the record that the complainant organisation wanted to open a case-file, however the national authorities were not in favour. ➢ The Standing Committee decided to maintain the file as possible, and urged the national authorities to halt any current or future development works of the local Municipality on the fragile nesting habitat and encouraged them to continue discussions with the Municipality on alternative projects, and to involve local environmental NGOs in any decision-making. The Committee encouraged the authorities to enforce the already existing legislation, in order to address existing and prevent any possible future conservation problems. ➢ The Committee requested that both Parties report on progress at the Spring Bureau meeting. ➢ The Committee also recalled the Action Plan for the Conservation of Marine Turtles which was in development.

Government report March 2021	**On Karaağaç Picnic Area** ➢ In January 2021 **The National Court** decided to **dismiss the appeal filed by the Municipality**. Thus, **the rehabilitation of the area will begin shortly**; ➢ Following the **coordination** between the General Directorate of Nature Conservation, National Parks and the complainant Association, it was decided that the rehabilitation will mitigate further degradation on the beach due to the heavy machinery activities. The standards to be followed during the rehabilitation will be established by a group of experts (members of National Sea Turtle Scientific Committee) following an **on-the-spot visit to be held in March 2021**. **On Coastal Arrangement Project** ➢ The on-the-spot visit will also assess the official application of the same Municipality for a beach arrangement/landscape project. **The project proposal covers an area which is defined by Circular 2009/10 as a 'Second Protection Zone'**, which starts from the end of the 'First Zone' until shore edge line in the land. The main principles applied to 'Second Protection Zones' are: o The conditions in the 'First Zone' applies to this zone, with an exception for temporary structures; o Activities that will be detrimental to the geomorphological structure of the sand dunes or that will be harmful for flora and fauna species are forbidden. Construction of roads, sand removal, modifying the beach morphology and grazing is forbidden in this zone. However, existing structures before the issuing of the Decree are allowed; o Any other kind of activity is subject to the permission from the Ministry of Agriculture and Forestry. ➢ The landscape project includes the construction of a bike road and pedestrian road, open sport fields, mini golf and fair fields, pergolas, changing cabins, WCs and showers and other temporary structures like these. Given the small scale of the project, this is not subject to Environmental Impact Assessment, but rather to the **evaluation of the Scientific Committee**, which will assess whether the project can be implemented according to Circular 2009/10 standards.
Complainant report March 2021	➢ The NGOs are aware of the developments reported by the authorities in relation to the "Karaağaç" picnic area, but complain to **have not been invited to any meetings or discussions** on the rehabilitation plans. Nor has a written confirmation been shared concerning the litigation court decision. ➢ The NGOs complain of **no collaboration or communication of the authorities** in relation to the proposed 95,000m2 beach arrangement/landscape project, which will involve the construction of cafeterias and will overall stretch along 5km coastline. The only indirect media communication was the **major of Anamur referring to the Bern Convention** in relation to the project. ➢ Since August 2020, **additional violations** were recorded by the complainant along the protected nesting beach ('First Zone' as per Circular 2009/10) in violation of Rec. No 66 (1998).

	1. **Sand extraction**. The Municipality was again observed extracting sand from within the 'First Protection Area' of the nesting beach. 2. **Local Business Expansions**. Three businesses have further expanded their operations, in some places within 20m of the shoreline. The new developments include: o leasing of beach plots to caravan (with the consequent problem of waste disposal); o dumping soil on the sand of the protected nesting beach to expand car parking areas. Although the Head of the Nature Conservation and National Parks Department addressed the latter issue and removed most of the soil from the sandy area, a significant part of it was further spread, covering the sandy area on the nesting beach; o place corrugated iron barriers approximately 20 – 25m from the waterline and move sand from the front of the beach with heavy machinery to create an elevated area, which the NGOs report will likely be used to add More tables or sunbeds. This new development is very recent and has been reported to the Nature Conservation and National Parks Directorate 3. **Untreated Wastewater Pollution.** Despite the existence of a pumping station transporting wastewater to the Treatment Station, on several occasions this untreated wastewater has been released directly into the creek. The most recent pollution event occurred for over a week during January 2021, due to maintenance repairs to the system**.** This creek is the natural habitat for the Critically Endangered Soft Shell Nile Turtle (Trionyx triunguis). The complainant reports that this violates Turkish regulations (Date: 31.12.2004 Issue: 25687 "Water Pollutıon Control Regulatıon" Updated at 13/2/2008 by change number 26786 - Article # 23). ➢ The complainants call for the Bureau meeting to **mandate an OSA in summer 2021** to collect information needed in order to address the complaint.
Bureau meeting 14-15 April 2021	➢ The Bureau noted the positive development that the administrative court had decided to dismiss the appeal filed by the Municipality in relation to the construction of a Picnic Area in Karaağaç, expected that the fine should now be enforced and welcomed the decision to stop business expansion in the area. The Turkish authorities were invited to share more details on the outcome of the OSA and the envisaged timeline for restoration activities and the demolishing of illegal constructions. ➢ The Bureau was concerned with the additional violations reported by the complainants and noted that the same OSA would assess whether the second project on coastal development/beach arrangement can be implemented in compliance with Circular 2009/10 standards and stressed the importance of also complying with the Bern Convention and other international standards. The Turkish authorities were invited to share more details on the second project on coastal development/beach arrangement. ➢ The Bureau further encouraged the Turkish authorities' efforts to enforce the relevant penalties on local businesses but also to raise awareness of these local stakeholders. The Bureau also again urged the authorities to actively collaborate with the complainant organisations and other relevant local NGOs, in order to ensure a participatory and comprehensive approach to these issues.

	➢ The Bureau finally recalled the Bern Convention action plan for the conservation of marine turtles.
Respondent's report August 2021	**On Karaağaç Picnic Area** ➢ In January 2021 The National Court dismissed the appeal filed by the Municipality. An on-the-spot visit was held at the end of March 2021 by a group of experts (members of National Sea Turtle Scientific Committee) to decide how to rehabilitate the area. Negotiations were held for the rehabilitation works to be started by the Municipality. The earth fill, which was on the sand, has been moved from the area without damaging the dune area. **The rehabilitation is expected to happen naturally**, without any physical intervention on the damaged area, but the situation will be regularly monitored. ➢ Relevant institutions have been informed that any arrangement contrary to the scope of the Circular 2009/10 should not be made without permission in the 12.2 km sea turtle nesting areas. **On Coastal Arrangement Project** ➢ The same OSA collected information about the official application of the same Municipality to make a beach arrangement project. ➢ The authorities recall that **no buildings** (facilities, buffets, cafeterias, tea houses, etc.) **can be built within the first 65 meters of 1st Protection Zone** (as per Circular No. 2009/10). ➢ It has been determined that the **2nd Protection Zone**, at the back of the beach, is far beyond the nesting area of sea turtles and has been destroyed by vehicle traffic, so it has been exposed to various filling and excavation works. **The beach arrangement will be built** in that area and it is believed that this will actually contribute to the protection of the nesting band. The nesting band will be marked with wooden piles to avoid the entrance of vehicles and lighting within the project area should be red and face the interior. Activities like concerts, festivals, parties, weddings, etc., which may cause discomfort to the turtles are not allowed. ➢ Tea gardens, cafes, cafeterias, makeshift huts, showers, toilets, etc., within the determined nesting band must be removed and the area must be rehabilitated by removing the landfills. It is necessary to transfer the trees planted in the existing dune and nesting band from the area to a suitable place. The 3-meter wide bicycle path and 4.5-meter wide walking path planned along the south side coastline specified in the project must be moved to the northern region. Similarly, the exhibition and show fair area specified in the project should be shifted towards the land side. ➢ The construction works of the project must be carried out between 15 October and 15 May and the dune fields in the 65-meter 1st Protection Zone must not be damaged under any circumstances. Information and warning signs about turtles should be placed in the beach entrance areas. Waste water that will originate from the shower cabins specified in the project should be discharged into the sewerage systems of the municipality Plants such as sand lily and oleander that grow naturally on the beach suitable for the natural landscape should be protected and used in landscaping. ➢ Every year, the General Directorate of Nature Conservation and National Parks and volunteer students or staff from Universities will conduct monitoring studies with the contribution of, if possible, the Municipality.
Complainants' report August 2021	**On Karaağaç Picnic Area**

	➢ Since the loss of the Municipality's appeal to the courts, the complainants has **not received any information regarding the payment of the initial fine** issued in 2019. Moreover, despite the advice of the Bureau, **no collaboration or communication** has occurred between the complainant and the authorities in regards to the recommendations of the Scientific Committee (ScC), for the on-the-spot-appraisal (OSA) and the rehabilitation of the site. ➢ The complainants report that **heavy machinery has removed some of the soil** placed (Fig. 2), but rubble and soil remains (Fig. 3) and the **site has not been restored to its natural state**. Furthermore, the compliant reports that Nile soft-shelled turtles have been affected by the destruction of their natural habitats (for 10 years volunteers recorded on average 4-6 individuals per year, while recently no individuals were recorded). **On Coastal Arrangement Project** The complainants don't have any information on the proposed development project or conclusions from the OSA conducted by the government. **Observations on other activities and impacts** ➢ The compliannat contineus to report **violations and lack of enforcement** of conservation measures. The violations reports include expansion of local business, extraction of sand, light pollution and presence of beach furniture at night. ➢ Furthermore, the complianant informs the Bureau that at the beginning of 2021, Anamur Municipality requested a change in the established protection zone, to enable further construction works within Anamur's protected area. This was approved by the Mersin Metropolitan Municipality in February 2021. MERÇED has submitted petition letters opposing the change to both authorities in April 2021, but to date, no response was received.
Bureau meeting 15-16 September 2021	➢ The Bureau noted that following the on-the-spot appraisal (OSA) of a group of scientific experts to assess a second project on coastal development/beach arrangement, the project had been amended to move certain components to more suitable locations. However, the Bureau requested more information on a possible Environmental Impact Assessment to have a better overview of the impact that this project would have in the area. ➢ The Bureau also took note of the complainant information that rubble and soil remain after the rehabilitation works in the Picnic Area in Karaağaç and regretted that authorities did not involve the complainant organisations and other relevant local NGOs in reference to the on-the -spot appraisal visit and the recommendations for the rehabilitation. ➢ The Bureau positively noted the efforts of Turkish national authorities to raise awareness of these local stakeholders and asked to increase the enforcement, as the complainant continues to report violations and lack of enforcement of conservation measures. ➢ Finally, Turkish authorities were invited to share more details on Mersin Metropolitan Municipality's approval of Anamur Municipality's request to change the established protection zone, which could enable further construction works within Anamur's protected area. ➢ The Bureau finally thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative, which is in elaboration. ➢ The file remains a possible file. Both parties were invited to present updates to the 41st Standing Committee."

Respondent's report November 2021	➢ An Environmental Impact Assessment is not required for projects of a small scale such as the project on coastal development/beach arrangement. However, an Environmental Plan is foreseen. ➢ The complainant organisations and other relevant local NGOs were informed about the on-the-spot appraisal. ➢ There has not been a request by Anamur Municipality's to change the established protection zone. On the contrary, the authorities request to change the place of some of the structures in the Coastal Arrangement Project to be in line with the Environmental Plan. ➢ The authorities requested to dismiss this possible file as all the necessary precautions are taken by our relevant institutions.
Standing Committee Nov/Dec 2021	➢ 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 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.
Respondent's report March 2022	**On Karaağaç Picnic Area** Pictures were provided to document rehabilitation works and the status of the area one year after rehabilitation. **On Coastal Arrangement Project** As required by the Bureau, the authorities contacted the complainant organisation to seek a more participatory and comprehensive approach to the development of this project.
Complainants' report March 2022	➢ The complainant renews its call for an OSA in Spring 2022. ➢ The complainant reports that the collaboration with the authorities is limited to a phone call between a representative of the Mersin Provincial Directorate of Nature Conservation and National Parks and MERÇED where it was agreed that a meeting would have taken place in Anamur. **On Karaağaç Picnic Area** ➢ The complainant reminds the Bureau that in their opinion the rehabilitation conducted in 2021 is not sufficient, some soil remains along with debris of the installed water pipelines and rubble; ➢ The complainant also recalls that sand extraction from the nesting beach continues, apparently to rehabilitate the creeks. ➢ No further actions were also taken to stop vehicles access on the beach, light pollution and small business expansion. **On Coastal Arrangement Project** ➢ Works completed thus far include, soil poured directly onto the sand of beach area, young trees planted in the soil and a one-meter stone wall built in

	the soil area to support soil and trees. The distance of the soil area is almost 10-30 m from the shoreline in some locations, according to the complainant information. **Zoning plan** As reported in autumn, in April 2021 MERÇED has submitted petition letters opposing the change in the established protection zone, to enable further construction works within Anamur's protected area. The Metropolitan Municipality updated the plan considering the objections of civil society, so that a part of the area originally planned as "Commerce-Tourism and Residential Area" close to the shoreline was re allocated as a "Daily Facility Area" in the updated plan. A "Daily Facility Area" allows "non-permanent buildings and facilities made of portable materials[1]. Building and facilities need to be made of non-permanent, portable materials". While this development is an improvement compared to the original plan, the complainant is worried that these developments will add further pressures along this nesting beach. **Wall on the banks of the Dragon rivulet** A wall is being constructed along the banks of the Dragon rivulet, The construction of this wall destroys the natural riverbank habitat, which is crucial habitat for the threatened Soft Shell Nile Turtles (*Trionyx triunguis*). **New threat: geothermal drilling license** The process of preparing an Environmental Impact Assessment has been initiated. The license area includes a 1st-degree natural protected area and is very close to the 1st-degree archaeological site. One of the three drilling foreseen is expected to be located between Dragon Rivulet and Mamure Castle, covering the nesting beach, close to the 1st-degree archaeological site area. This part of the beach is currently less affected by anthropogenic threats and typically hosts the highest density of *Caretta caretta* nests on Anamur nesting beach The complainant reports that, if the power plant becomes operational, it will damage the nesting beach due to gas emission, water and sand pollution, and noise pollution.

[1] including, showers, canopy, locker cabins, toilets, cafe-bar, patisserie, restaurant, tea garden, outdoor sports fields, sports facilities, golf fields, open show and entertainment areas, luna park, fair, water game park, facilities for exhibition and sales of handicraft products. It does not include camping and accommodation units.

Bureau April 2022	➢ The Bureau positively welcomed the first steps to seek a more participatory and comprehensive approach to the development of the coastal arrangement project and encouraged the authorities to continue and intensify their dialogues with civil society stakeholders. ➢ The Bureau noted the complainants ongoing concerns regarding the rehabilitation of Karaağaç Picnic Area and the construction of the stone wall along the banks of the Dragon rivulet, which negatively affects the habitat for the threatened Soft-Shell Nile Turtles. Furthermore, the Bureau took note of the information shared by the complainant that the new coastal development project will, in some locations, be developed only 10-30 m from the shoreline and asked the authorities to clarify this issue in their next report. ➢ The Turkish authorities were invited to share more details on Mersin Metropolitan Municipality's approval of the Municipality's request to change the established protection zone to enable further construction works within the protected area. ➢ Finally, the Bureau requested that the Turkish authorities share more information regarding the geothermal drilling license and its upcoming Environmatl Impact Assessment, which, according to the complaint information, had been launched. ➢ The case remains a possible file.
Respondent's report September 2022	**New coastal development project** ➢ Illegal tea gardens, makeshift cafes and irregular structures in the project implementation areas have been removed. ➢ Some of the activities mentioned in the project were cancelled and some of them were relocated. The distance of at least 60 meters from the shoreline is the reference parameter. **Anamur Municipality's request to change the established protection zone to enable further construction works within the protected area** ➢ kiosks in the pier location within the Anamur Marine Turtles nesting area were relocated in the dune area. Restrictions on human activities (lighting, sunbeds, umbrellas, etc.) have been introduced. No new construction was allowed. **Geothermal drilling license and its upcoming Environmental Impact Assessment** ➢ the Anamur Turtle Nesting Are falls under EIA Polygon-1 area of the Geothermal Resource Exploration Project, for this reason, the geothermal energy exploration permit in the EIA Range-1 area was not granted. Geothermal exploration activities in the areas of EIA Range-2, which is approximately 2200 meters from the shoreline, and EIA Polygon-3, located at a distance of 730 meters, were deemed suitable conditionally. **construction of the stone wall along the banks of the Dragon rivulet, which negatively affects the habitat for the threatened Soft-Shell Nile Turtles** ➢ in order to protect possible floods, approximately 700 meters of flood protection and rehabilitation work was carried out, starting from the point where the Dragon Stream discharges into the sea. ➢ The claim that the habitats of Soft-Shelled Nile Turtles is destroyed is a problematic issue because it needs to be confirmed scientifically that the species makes their nests in that territory. Based on the results of the UBENIS Project that the General Directorate of Nature Conservation and National Parks

	conducted, no records of Soft-Shelled Nile Turtle nesting found.
Complainant's report August 2022	➢ The complainant renews its call for an OSA in Spring 2022. ➢ The complainant reports no new developments on the collaboration with the authorities and that the meeting agreed on in January 2022 has not taken place. Additionally, no response has been provided by the same representative in regards to MERÇED objections for the Coastal Development Project and in particular to areas where its construction has narrowed the nesting beach area. ➢ The complainant continues to claim illegal sand extraction, vehicles accessing the beach, light and sound pollution, and business expansions. ➢ Internal court proceeding between the NGO and the Municipality are ongoing. ➢ The car of a volunteer of the NGO was set on fire. The NGO can now count only on one volunteer for monitoring activities. **On Karaağaç Picnic Area** ➢ The complainant continues to call for full rehabilitation of the illegal picnic area at Karaagac, which the authorities foresee that will happen naturally. **On Coastal Arrangement Project** ➢ First phase of construction completed in May 2022. Phase 2 is planned to be constructed between September 2022- May 2023. ➢ Within Phase 1, a park has been built at the nesting beach, which accommodates pergolas, walkways and bike paths (Fig 4 A & B), showers (Fig 4C), WC, a café-bar, a patisserie, a tea garden and children's play area. Additionally, many trees have been planted along with a grass lawn and irrigation system (Fig 4D). For its construction, soil was poured onto the sandy beach area to plant the imported trees and grass, with added fertilizer. The distance of the soil area to the shoreline varies between 40 to 50 meters (10-30 m reported in previous report) which falls within the boundary of the 1st Protected Zone (<65m) and has reduced the natural available space of the protected nesting beach (Fig 4F). A low wooden border is installed between sand and soil area to prevent mixing of the imported altered habitat with the natural nesting sand area (Fig 4G). Furthermore, water from the showers flows directly onto the sandy beach area. ➢ Also of great concern is the lack of monitoring and protection applied to the sea turtle nests, especially in the region of the narrowed beach area. There is evidence of sea turtle nests in the vicinity (hatchling tracks), but no measures of nest identification or protection were observed. **Zoning plan** As reported in autumn, in April 2021 MERÇED has submitted petition letters opposing the change in the established protection zone, to enable further construction works within Anamur's protected area. Recently the objection to the municipality's zoning change request regarding a part of the nesting beach was partially accepted by the Mersin Metropolitan Municipality Zoning Department. However, this only restricts the allowance of permanent structures on the beach; all other classifications are allowed.

	Wall on the banks of the Dragon rivulet the wall is completed. **Geothermal drilling license** The complainant continue to claim that the license area includes a 1st-degree natural protected area and is very close to the 1st-degree archaeological site. It was unofficially learnt in early May 2022, that the EIA process was terminated due to objections and the company submitted this termination decision to the court. To date, MERÇED has not been able to see an official document that the process is terminated. MERÇED and MEDASSET call upon the authorities to (for full list, see original report)*:* ➢ Remove soil and trees put on the nesting beach for the "Coastal Development Project". Start the EIA process immediately. Update project for the second phase to be compatible with relevant nature protection law. ➢ Dismiss the zoning plan change affecting nesting beach approved by the Municipality. ➢ Collaborate and communicate with the local NGOs. ➢ Prevent further unsustainable development along the nesting beach of Anamur ➢ Enforce existing law
Bureau meeting September 2022	➢ The Bureau welcomed the information that the geothermal energy exploration permit close to the Anamur Turtle Nesting area had not been granted. The Bureau took note of the complainant's request to mandate an on-the-spot-appraisal. ➢ The Bureau noted with concern that construction permits had been issued for the phase I of a large-scale coastal development and that their impact on nesting sites would only be visible in the log-term. The Bureau urged the Turkish authorities to halt phase II of the coastal development project. ➢ The complainant was encouraged to share with the authorities any data available concerning the presence of Soft-Shelled Nile Turtles nests on the banks of the Dragon rivulet, so that the government could assess a potential destruction of the habitat. ➢ Despite the positive steps undertaken by the national authorities, the Bureau considered the situation to be alarming and decided to recommend to the 42nd Standing Committee to open the file.
Standing Committee meeting December 2022	➢ The Standing Committee noted with concern that construction permits had been issued for phase I of a coastal development and urged once more the Turkish authorities to halt phase II of the coastal development project. ➢ Further to the complainant request and following a vote, the file was opened.
Respondent's report August 2023	➢ The Anamur Coastal Arrangement Project is planned to be carried out in two stages: • The 1st stage consists of two areas demarcated by wooden stakes, first of which extends up to 65 meters inland from the coastline, where sea turtles can lay their eggs. Starting from the 65-meter mark towards the inland, this area will be open to the public for the use of sunbeds and umbrellas. No structures (facilities, stalls, cafes, tea houses, etc.) can be built within the first 65 meters of the 1st Protection Zone.

	• 2nd stage: according to the Turkish legislation, there is no requirement for Environmental Impact Analysis for such small-scale projects. Therefore, before conducting beach arrangement works, a team of scientists (Professors from three different universities, who have publications on sea turtles and are members of the National Sea Turtle Scientific Committee) determined the risks, necessary measures, and methods for preserving the nesting area: The 2nd Protection Zone in the current area, which lies behind the sea turtle nesting area, had been impacted and degraded due to vehicle traffic, as well as various filling and excavation works. Therefore, the implementation of the 2nd Stage project has been identified by the scientific committee to contribute to the conservation of the area.
Complainant's report August 2023	➢ No improvements since previous report submitted in August 2022. ➢ No communications and collaboration between the authorities and local NGOs, for the on-going works/ monitoring of the two coastal development projects. ➢ The full rehabilitation of the illegal picnic area at Karaağaç has yet to occur. ➢ The construction of the first phase of the Coastal Development Project was completed in May 2022. ➢ The second phase started in September 2022 and construction continued even during the nesting season. ➢ Violations of the national legislation to protect the sea turtles and nesting habitat continue to occur without any consequence for the perpetrators: Illegal sand extraction, vehicles accessing the beach, light and sound pollution, and business expansions. ➢ The complainant calls upon the Turkish authorities to (for full list, see original report): ● Complete the rehabilitation and remove soil, trees, and concrete infrastructure put on the nesting beach. ● Enforce the full restoration of the Karaağaç section to its natural state. ● Ensure local authorities and local businesses comply with Turkish National law and the Bern Convention's Recommendation No. 66 (1998). ● Stop illegally taking of sand from the beach. ● Take permanent measures to prevent illegal vehicle access to the beach. ● Allocate more staff or work with a university to ensure efficient monitoring and caging. ● Collaborate and communicate with the local NGOs for ongoing and future changes. ● Prevent further unsustainable stone wall construction along the Dragon River that results in irreversible damage to the habitat and severely impacts on the nesting activity and habitat of the *Trionyx triunguis* turtles. ● Enforce and penalize perpetrators for violations of the protection measures (e.g. vehicle access, sand extraction, business expansions, light, and noise pollution, etc.) ● Retain the previous protection status of the densest nesting area between Dragon Rivulet, Mamure Castle, and the Pullu Forest Camp, which has changed with a new Circular that was published in the Government Official Gazette dated 29 July 2023 (number 32263) and further limits the protected area. ➢ Request for an on-the-spot assessment as soon as possible.
Bureau September 2023	➢ extremely concerned with the situation in Mersin Anamur Beach and strongly condemned the destruction of the beach area. It urged the authorities to halt phase II of the coastal development project and to ensure that that no other coastal development projects extend to other areas of the beach. ➢ requested information from the authorities on the mitigation measures put in place and what post-construction monitoring was foreseen, and to find preserved places in the vicinity where marine turtles can settle and nest in a safe environment. Urged them in particular to:

	• Complete the rehabilitation and remove soil, trees, and concrete infrastructure put on the nesting beach for the "Beach Arrangement Project" Phases I and II; • Proceed with the full restoration of the Karaağaç section, to its natural state; • Prevent further unsustainable stone wall construction along the Dragon River that impacts on the nesting activity and habitat of the *Trionyx triunguis* turtles; • Provide location information of the "Beach Arrangement Project" including the coordinates of the area, length of the beach occupied, and distance from the shoreline; • Dismiss the zoning plan change in the Aquapark region affecting the nesting beach that is approved by the Municipality of Anamur and the Mersin Metropolitan Municipality; • Suspend the geothermal drilling license which covers the nesting beach until an EIA by an independent scientific team evaluates its impact; • Return the densest nesting area between Dragon Rivulet, Mamure Castle, and the Pullu Forest Camp to its previous protection status which a new Circular in July 2023 reduced; • Allocate more staff or cooperate with a university to ensure efficient monitoring and caging; • Collaborate and communicate with the local NGOs on any issues related to this file. ➢ acknowledged the complainant's ongoing concerns that violations of the national legislation to protect the sea turtles and nesting habitat continue to occur without any consequence for the perpetrators: sand extraction from the beach, vehicles accessing the beach, light and sound pollution, and business expansions. It urged the national authorities to ensure that local authorities and local businesses comply with Turkish National law and the Bern Convention's Recommendation No. 66 (1998). Also encouraged parties to continue working on the marine turtles' initiative.

POSSIBLE FILES

2001/4: BULGARIA: MOTORWAY THROUGH THE KRESNA GORGE

Date submitted	April 2013
Submitted by (Complainant)	Save the Kresna gorge NGO coalition
Respondent State (Respondent)	Bulgaria
Specie/s or habitat/s affected	Numerous species listed in Appendices I-II
Background to complaint	➢ Alleged threat to the unique biodiversity of the Kresna Gorge in South-west Bulgaria due to a construction of a 17 km-long motorway ("Struma motorway") in the Gorge. The construction project forms part of Trans-European transport corridor No. 4. ➢ May-June 2002, a Bern Convention on-the-spot appraisal by expert Mr Guy Berthoud took place. Bulgarian authorities had not considered any other alternatives to motorway construction and the construction inside the gorge was considered harmful to biodiversity. The Standing Committee adopted Recommendation No. 98 (2002), deciding the routing of the motorway should be subject to an in-depth environmental assessment (paragraph 2) and that the option of enlarging the current road is abandoned and alternative routes outside the gorge to be studied (paragraph 3). ➢ In the absence of information on the progress of the construction project from the authorities in 2004 a file was opened. Complainant informed that construction had actually started in the northern sections without a full EIA of the motorway. ➢ By a decree of 14th November 2005, the Ministry of the Environment and Water prohibited certain activities which could have adverse consequences for the site, such as the building of hydro-electric power stations. In 2006, Bulgarian delegation informed the Standing Committee that a new EIA had been initiated, in consultation with all the partners concerned. The European Union delegation informed the Standing Committee that a complaint had been lodged with the Commission. ➢ In 2007, Bulgaria joined the EU. 2008, the Bulgarian delegation informed the Standing Committee that the decision to construct the Struma Motorway had been issued after intensive consultations. The Bulgarian government had taken into account Recommendation No. 98 (2002) particularly with regard to the stages of preparation and quality of the EIA report and the determination of the motorway route in the Kresna Gorge, which was carried out with the collaboration of relevant institutions, NGOs and scientists. It was decided to avoid the Gorge. ➢ In 2009, the Standing Committee closed the case-file, in the light of the information from the Bulgarian authorities that the decision to avoid the Kresna Gorge had been taken ("tunnel" alternative), although the final technical project for the actual road bed has not been prepared yet. ➢ In 2010, the Bulgarian authorities informed the Standing Committee that there were no changes in the situation and no decision to construct an alternative route in the Kresna Gorge section. The representative of BirdLife asked the Bureau to continue to monitor the implementation of the recommendation.

	➢ In 2011 and 2015, no information was submitted on the issue by the Bulgarian authorities. The issue was not raised at the Bureau or the Standing Committee either.
Complainant's signal September 2015	➢ Eight Bulgarian NGOs informed Secretariat that the Bulgarian government planned to construct the last section of the Struma motorway through the Kresna Gorge and to reject the "tunnel" alternative. ➢ Claimed that the "tunnel" alternative was a condition for the EU to fund the project. Procedures to design a new, so-called "green," alternative and to initiate a new EIA/AA (appropriate assessment) started on 19th December 2014 and 24th March 2015. ➢ 13th May 2015, a new EIA/AA proposal was submitted to the Ministry of Environment and Waters. In 2015, the Minister of Regional Development and Public Works announced in the media on several occasions that the "tunnel" option had been rejected.
Bureau meeting September 2015	➢ Requested the Bulgarian authorities to report on the measures taken to comply with Recommendation No. 98 (2002) and to inform on any changes to the agreed plans.
Respondent's report November 2015	➢ No decision had been taken as to an alternative solution, and that an EIA was being conducted in consultation with the public and that any decision would be taken in close cooperation with the EC. ➢ The "tunnel" alternative had been indeed approved by the 2008 EIA. However, studies carried afterwards revealed a number of potential problems which might occur if this alternative was implemented, such as insufficient public safety and environmental damage to the Kresna Gorge which could not be overcome by compensatory measures. Risks related to the construction of the tunnel had been established given the seismic nature of the region, as well as high exploitation and maintenance costs which rendered the tunnel alternative economically unfeasible. ➢ A "backup" alternative was being developed and should be evaluated through a new EIA initiated in December 2014. The "backup" alternative was designed as dual carriageway, with one carriageway closely following the existing road through the gorge and the other developing independently with tunnels and viaducts. Its construction would take 3-3.5 years. The "backup" design intended to minimise the footprint of the road and reduce impacts on habitats and species. The "backup" alternative differed from the "green" alternative, which had been evaluated under an EIA of 2007 [document T-PVS/Files (2015) 59].
Standing Committee December 2015	➢ Consider this closed file as a possible file at its next meeting. ➢ Took note of statements by Switzerland, the Czech Republic and Iceland in support of the complainant's request to open a case-file. ➢ Took note of the EU delegate's views that a final decision as to the route had not been taken and information that the EC was following project developments and would intervene in case of possible non-compliance with EU legislation.
Respondent's report February 2016	➢ The design of Lot 3.2 featuring a long tunnel through the Kresna Gorge was completed and approved in early 2015. A detailed EIA/AA, comparing the long dual tunnel and the dual carriageway alternatives, would be prepared in 2016. A design contract for the dual carriageway alternative was approved in late December 2015. ➢ Further specified details of Lot 3.2 EIA procedure, which had been initiated in December 2014 by the National Company Strategic Infrastructure Projects ("NCSIP", the project developer). In November-December 2015, the NCSIP conducted public consultations on the scope and contents of the EIA report. The EIA scoping document was subsequently amended and forwarded to JASPERS for comments. On 14th January 2016, JASPERS provided comments which were integrated in a joint working document (see Appendix I). The document was forwarded to the EC DG Environment

	(DG ENV) and DG Regional and Urban Policy (DG REG) for information and feedback. It will be subsequently reviewed by the Ministry of Environment and Water. ➢ Provided a "Multi-Criteria Analysis of Struma Motorway Lot 3.2" ("MCA", see Appendix II), covering the development of the Struma Motorway project since 2000 and comparing 16 project alternatives through a comprehensive environmental methodology ("Methodology for Environmental Comparison of Alternatives of Road Projects," see Appendix III). The MCA was prepared in consultation with the EC, JASPERS and local NGOs and made available for review by DF REGIO, DG ENV and JASPERS on 3rd February 2016. ➢ The Struma Motorway project had been under continuous public scrutiny, through discussions, the Struma Motorway monitoring committee, consultations with the affected communities and the website: http://ncsip.bg/en/index.php?id=48
Complainant's report February 2016	➢ The revised scope of the new 2015 EIA had been submitted for final approval to the Ministry of the Environment and Water on 24th February 2016. The revised scope of the new EIA includes two dual carriageway alternatives. Both alternatives foresee building a new carriageway to ensure movement in two directions, which runs counter to Recommendation No. 98 (2002), the 2008 EIA and the 2007 AA. According to the complainant, the authorities wish to conceal this fact by claiming that the alternatives have not been assessed by an EIA. The 2015 EIA/AA should be finalised by the end of March 2016. ➢ The construction of the motorway sections Lot 3.1 from the north and Lot 3.3 from the south of the Kresna Gorge had already begun. Hence any alternatives bypassing the Gorge are excluded. The "tunnel" remains the only alternative in line with Recommendation No. 98 (2002). ➢ The outcome of liaison with the EC. On 14th January 2016, the complainant attended a meeting with the EC DG-ENV in Sofia. The DG-Environment commented in particular that the implementation of the motorway project relied on the competent national authorities rather than the Bern Convention and that the EU law prevailed over the Bern Convention. According to the complainant, the DG-ENV refused to cease funding for the project or to start an infringement procedure. ➢ 26th January 2016, the EC DG-REG responded to the complainant's query that the EC had been informed that the authorities were exploring alternatives to the "tunnel" option and saw no reason to prevent them from doing so. An official application for funding was a prerequisite for EU co-funding, whereas the EC had not received such an application from the Bulgarian authorities concerning Lot 3 of the Struma motorway. The EC has been following the development of the entire motorway. According to the complainant, the EC refuses to take action to prevent negative environmental impacts in the Kresna Gorge.
Bureau Meeting March 2016	➢ Decided to reconsider this complaint at its next meeting as a possible file. It requested the Government and the complainant to report, including on the functioning of the tunnel.
Respondent's report July 2016	➢ A completely new eastern alternative was formulated in April-June 2016. This new alternative will be evaluated together with the previous alternatives as part of the new formal EIA procedure which began in 2014. ➢ Any delays in the implementation of the project would result in the loss of additional human lives. The report emphasises that the current road is very dangerous and causes many accidents, as overtaking slower vehicles is possible at very few places. The report furthermore describes the existing road as a threat to biodiversity as it acts as a barrier: many species are unable to cross it, and many animals which try to cross are killed by passing vehicles.

	➢ March 2016 the Ministry of Environment and Water issued specific requirements and recommendations related to the scope and content of the EIA report, in line with the general recommendations of DG-ENV received at meetings in March and May 2016. ➢ The EIA scoping document is being revised to take into account the instructions received by the Ministry, various recommendations from third parties and to provide for the evaluation of the newly developed eastern alternative. Once the revision is completed the scope and content of the EIA report will once again be subject to formal public consultations. ➢ All necessary mitigation and, if necessary, compensation measures will be adopted to maintain the ecological value of the area. ➢ Struma Motorway Lot 3.2 in Kresna Gorge is not in construction. Construction may commence only after an alternative has been selected as part of the EIA/AA process and an EIA decision has been issued. Furthermore, funding for the project must be approved before signature of construction contracts.
Complainant's report July 2016	➢ Requested case file to be reopened. The new alternative proposed by the Bulgarian authorities is not in compliance with the Recommendations No. 98 (2002). This new project was presented during the 15th meeting of the Struma motorway Monitoring Committee on 4th July 2016. ➢ The abandonment of the long tunnel option, considered as the preferable one by the 2008 EIA decision, is based on false arguments. Firstly, the the construction price and the costs for running the tunnel are overestimated. The uranium presence on the route of the tunnel is also considered as overestimated. Secondly, the construction of the tunnel would still be possible before the 2020 deadline. Thirdly, the alternative options defended by the Government are much more prejudicial to the environment than the tunnel option. ➢ Contrary to what is said by the Government, the tunnel option presents fewer risks related to seismic and draining of ground waters. They reject the geological study presented by the Government, questioning its scientific validity with arguments. The complainants ask for an independent thorough geological, geotechnical and engineering assessment of the long tunnel option. ➢ The new EIA procedure for Lot 3.2 has been delayed because from 7th April 2016 the responsibility of managing the project was transferred to the Road Executive Agency from the National Company "Strategic Infrastructure Projects". ➢ The construction of the motorway sections Lot. 3.1 and Lot 3.3 had already begun, and informs that land acquisition around Lot 3.2 (section which passes through the Kresna Gorge) have already been started by authorities.
Respondent's report October 2016	➢ Provides clear and concise information on all measures implemented up to date to ensure compliance with the operational part of Recommendation No. 98 (2002). Reiterate that a substantial number of alternatives aiming to take the motorway out of the Gorge are currently considered (including a dual carriageway alternative and the newest Eastern Bypass Alternative presented at the beginning of 2016) by the EIA/AA report. ➢ They further inform on the process of preparation of the scope and content of the EIA/AA report and explain that in September 2016 the Road Infrastructure Agency (who took over the development of the project from the National Company Strategic Infrastructure Projects) launched a public consultation on the new scope of the EIA report. The final results of the EIA study are expected by the end of the year.

Complainant's report October 2016	➢ The Bulgarian Society for the Protection of Birds (BSPB) presents its position to the public consultation launched by the authorities on the new scope of the EIA report. The scope of the current EIA/AA is not in accordance with a previous decision of the Ministry of Environment, nor with the commitments made by the authorities before international institutions, including the one funding the infrastructure project. Therefore, they argue that any alternative that is still studied should necessarily present a passage for LOT 3.2 outside the gorge as this was the reason why the Standing Committee to the Convention decided to close the file in 2008. ➢ Problems encountered in accessing the necessary reports and studies which present concerns of the designers of significant impacts and risks in the construction of some tunnel options. They also conclude by making proposals on the scope of the current EIA/AA assessment.
Complainant's report November 2016	➢ Provided by the coalition of nine organisations/institutions which submitted the signal to the Convention in 2015. ➢ Standing Committee to the Convention should consider opening a new file against Bulgaria, considering that the new alternatives currently being studied to not comply with Recommendation No. 98 (2002). They present a statement signed by 99 scientists of the National Museum of natural History of the Bulgarian Academy of Science and many Bulgarian Universities and NGOs which is appended to their report. ➢ Provides information of Government public campaigns, aiming to justify the environmental alternative with timeframe and financial arguments.
Stakeholder submission November 2016	➢ Stakeholders submitted a declaration presenting their observations on the possible case-file for the attention of the 36th meeting of the Standing Committee. The declaration is signed by a number of Professors and Engineers from different Bulgarian Universities and sent to the Secretariat by the Bulgarian Construction Chamber, at the commencement of a discussion forum on "Progress of the Struma project, Lot 3.2 in the section Krupnik to Kresna". ➢ The co-signatories of the declaration express their disapproval of the behaviours of some environmental NGOs and argue that their conclusions sent to the European institutions and the Bern Convention are manipulative, including because they comment on technical, geological, seismo-tectonic, hydrological and financial issues concerning the project alternatives while they are not competent on these.
Standing Committee Meeting November 2016	➢ Case file to remain as possible file. Authorities invited to report in detail on current EIA results and ensure alternatives are considered on an equal footing in the present assessment. The same deadline was applied to the complainant's.

Respondent's report March 2017	➢ The preferred alternative from the EIA/AA decisions from 2008 is the 'long tunnel alternative'. The design was carried out in the period 2013-2015 and features a tunnel with a length of 15.4 km. As the preliminary analyses demonstrated that the environmental and other impacts of the tunnel would be significant, a new EIA/AA procedure to evaluate these impacts commenced in late 2014. ➢ Due to environmental and feasibility problems with 'long tunnel alternative', a feasibility design for a dual carriageway road through Kresna Gorge was carried out in 2014 and a preliminary design was completed at the end of 2015. The two alignments are being evaluated as part of the new EIA/AA. ➢ To avoid Kresna Gorge, in May-June 2016 the Road Infrastructure Agency formulated a new eastern alternative. It featured the construction of a unidirectional two-lane road to bypass Kresna Gorge so that traffic in one direction uses the new road and the traffic in the other direction uses the existing road. A feasibility design was carried out in 2016 and a competition for the preliminary design was announced in late 2016. There have been two proposals received. The proposals are presently being evaluated and are expected to be completed in April 2017. The feasibility design from 2016 has been considered sufficiently mature for the purposes of EIA/AA and is being evaluated as part of the procedure. ➢ In February 2017, the EIA scoping document (Appendix 2) was forwarded to DG ENV and JASPERS for information. The progress of project preparation and EIA/AA were discussed on 15 February 2017 at a meeting between DG ENV, DG REGIO and JASPERS. The EIA/AA report is expected to be ready in early April 2017. After the EIA/AA report is available it will undergo a quality review by MoEW and will be made subject to public consultations – expected to take place in June 2017. Struma Motorway Lot 3.2 in Kresna Gorge is still not under construction. Construction may commence only after an alternative has been selected as part of the EIA/AA process and an EIA decision has been issued.
Complainant's report to EC April 2017	➢ 20 April 2017, the Road Infrastructure Agency (RIA) announced officially that a proposed detailed conceptual design for the Struma motorway project for section 3.2 – Kresna Gorge has won the competition that was launched earlier this year by RIA with an award fund equal to 2,5 mln BGN (1,27 mln euros). The selected concept proposes a split in the traffic into two routes - one direction passes through the Kresna gorge and the other passes east of the gorge. The decision to award this route design comes prior to the currently ongoing official EIA and AA procedure. This route has been announced as the "semi-eastern alternative" or G10,5 halfeastern. ➢ The routing of "G10,5 half-eastern" is in clear violation of mandatory mitigation measures of EIA and AA decision 1-1 / 2008 permitting construction the Struma motorway. In particular, it violates mandatory mitigation measures prescribed in point I.3.2 of the decision for protection of NATURA 2000. ➢ On 10 April 2017 the Bulgarian Minister of Regional Development and Public Works announced that the application form for financing lots 3.1. and 3.2 of the Struma motorway is about to be submitted to the European Commission. Since 2013, the Bulgarian government has systematically misused EU funds for the development of route options in the gorge that contradict EIA 2008, NATURA 2000 obligations, Recommendations 98/2002 and EU environmental acquis. An in-depth audit of the expenditures of the project is requested.

Bureau meeting September 2017	➢ The Bureau invited the national authority to provide an exhaustive, detailed and clear update to the Standing Committee meeting on the 5th to 8th December 2017 regarding progress of the motorway plan and specifically how these plans comply with the Recommendation No. 98 (2002). This report should also provide information regarding the progress and results of public the consultations. ➢ The Bureau also instructed the Secretariat to liaise with the European Union and to invite them to provide an update to the Standing Committee at its 37th meeting, regarding their position on the process and eventual results of the EIA/AA development for the Lot 3.2 of the highway. ➢ The file remains as a possible file.
37th meeting Standing Committee December 2017	➢ The Standing Committee took note of the report presented by the national authorities on the alternative chosen for the development of Lot 3.2 of the Struma motorway passing through the Kresna Gorge, after careful examination of all alternatives studied in the frame of an EIA/AA. It further noted the concerns expressed by the complainant NGO coalition about the objectivity of the EIA. ➢ The Standing Committee decided to keep the file as a possible file in the light of the pending national court appeal of the EIA/AA and the pending submission of an application package to the European Commission for the funding of the Lot 3.2 construction. ➢ The Standing Committee invited the national authorities to send an updated report as soon as the results of the national Court appeal is available, possibly for the next Bureau meeting taking place on 19 March 2018. The Bureau to the Convention will continue the follow-up of the case ahead of the next Standing Committee meeting.
Respondent's report March 2018	➢ Decision No 3-3 / 19.10.2017 of the Minister of Environment and Water was appealed in the Supreme Administrative Court and the Court has lounged administrative case No 13132/2017. The complainants are the Association for the Earth - Access to Justice, represented by Dimitar Vassilev and architect Dimitar Dimitrov. ➢ The hearing was held on 19.02.2018, and during the session the lawyer of the complainants was requested to provide evidences for the case. They were partially accepted by the court. In this regard the court ordered the MOEW to submit the '2007 Appropriate Assessment Report' and the 'Geotechnical Report', quoted in the EIA Report 2017 year. The case was postponed to 02.04.2018. ➢ In the last quarter of 2017 a selection procedure was carried out for the contractor for "Preparation of Application Form for Financing the Struma Motorway Project, Lot 3.2". In January 2018 the Chairman of the Management Board of the Road Infrastructure Agency issued a decision for the selection of a contractor for preparation of the draft Application Form. The contract with the selected consultant is expected to be signed by the end of February. ➢ The Application Form should be prepared by May 2018 for submission for review by Jaspers and the management authority of the Operational program 'Transport and transport infrastructure'.

Complainant's report March 2018	➢ Still no decision of the Bulgarian Supreme Administrative Court on the NGOs and citizens appeal against decision 3-3/2017 EIA of the Ministry of Environment, which selects alternative G10,5 for the Kresna gorge section and crosses the gorge through an upgrade of the existing E 79 road into a southbound motorway. The first hearing of the Supreme Administrative Court in Bulgaria was held on the 19th February 2018, to be followed by a second hearing on the 2nd April 2018. ➢ The Supreme Administrative Court has taken a final decision about the so called "preliminary implementation" of the 3-3/2017 EIA decision, laid in the decision itself, thus approving that the clause of "preliminary implementation" can enter into force and the 3-3/2017 EIA decision can be implemented immediately, despite the ongoing court proceedings on it. ➢ The Bulgarian Government continues to actively plan activities related to the preparation of a detailed territorial plan for the Kresna Gorge section where the selected G10,5 alternative would pass, the preparation of construction permits and tender procedures for the construction of this alternative3, and the preparation of an application form for seeking further EU financing for the final construction of Struma motorway (via G10,5 alternative, which passes through the Kresna Gorge). ➢ According to official statements of the Ministry of Regional Development in Bulgaria, it is expected that final construction permit for G10,5 alternative will be issued in April 2018 and construction tenders will be launched in April 2018 when they expect the final court decision on the case. ➢ In reality, the Bulgarian government is not much dependant on funding from EU funds for the construction of the last remaining lot to be built - lot 3.2 – the Kresna gorge section, as most of the EU funds are confirmed to be exhausted for the other sections of the motorway and the majority of the funding for the gorge section are expected to be allocated from national budget. ➢ Real construction on the ground is likely to start prior to the adoption of the application form for EU financing and prior to any EU reaction on the case, as proven from previous practices. This was the case with lots 3.1. and 3.3. - the two sections on both sides of the Kresna gorge. Their construction started in 2016 with 100% national financing, only then followed by an an application form to the EU, and the EU co-financing was officially approved in November 2017. ➢ Taking further into account Recommendation 98/2002 of the Standing Committee, Save the Kresna gorge NGO coalition calls on the Standing Committee to open a case file on the Kresna gorge case to allow the Committee to closely monitor the case in this crucial moment when the motorway is on both sides of the gorge. ➢ The decision of DG Regional policy of the EC to finance the construction of Lot 3.1 and 3.3 contravene to the basic principle of nature protection - namely the "precautionary principle" defined in Art. 191 of the Treaty on the Functioning of the European Union. ➢ Bulgarian Government failed to assess on equal basis and disregarded in the 2017 EIA and AA report all alternatives, thus failing to comply with Recommendation No. 98 (2002) specifically in the sections where the Standing Committee recommended completely avoiding the Kresna Gorge and downscaling the existing road to local and by-passing the motorway road.

Bureau meeting March 2018	➢ Thanked the national authorities for the report provided and took note of the still pending national court appeal on the decision over the alternative chosen for the Lot 3.2 of the highway. ➢ Carefully examined the operational paragraphs of Recommendation No. 98 (2002) and in particular paragraph 3: "consider the possibility of abandoning the option of enlarging the current road since this would substantially increase damage to a unique site, without possible measures of compensation, and continue studying alternative routes located outside the gorge that would respect the natural constraints as far as possible and provide for the integration of engineering works and compensate for environmental impact". ➢ Taking into account that the project implementation as currently planned, appears to not fully comply with the Recommendation, the Bureau instructed that the Secretariat discusses the pending issues with the European Commission.
Respondent's Report August 2018	➢ Provides the English translation of the decision of 23 May 2018 the Supreme Administrative Court Pursuant dismissing the appeals of the 2017 EIA Decision, after detailed examination of all supporting arguments.
Bureau meeting September 2018	➢ Thanked the Bulgarian authorities and took note of information provided for their meeting, namely the Court decision on the appeal at national level regarding the alternative chosen for the LOT 3.2 of the Struma highway. The Bureau further took note of the opposing view expressed by the NGO in their report. ➢ Considered that the reason behind the divergent views of the complainant and the authorities relates to the quality of the EIA implemented for the choice of the alternative for the construction of LOT 3.2 and on whether this choice respects of commitments made by the authorities in Recommendation No. 98 (2002). ➢ Discussed whether it will be appropriate for the Convention to commission an external review of the EIA and its Recommendations. This opportunity should be considered by the Standing Committee at their upcoming 38th meeting. ➢ Invited the national authorities to attend the upcoming meeting of the Standing Committee and to present the latest developments in relation to the file. ➢ Further invited all Parties, including the European Union to present their views on the file.
Respondent's report October 2018	➢ Reconfirms that the EIA Decision 2017 was appealed at the court by 2 (two) individuals and 1 (one) non-governmental organization (NGO). ➢ The lawfulness of the EIA Decision 2017 was fully upheld and the complaints against it were rejected pursuant to a court decision of 23 May 2018 of the Supreme Court ("Judgment"). The Judgment was submitted to the Bureau of the Bern Convention on 31 August 2018. ➢ Under national law, the Judgment is final and cannot be appealed. The judgment was delivered in a one-instance court procedure and has entered in force as of the date of its issuance. Therefore, the EIA Decision 2017 has come into legal force and constitutes a stable administrative act which is legally binding act that can be immediately implemented. ➢ Some of the complainants have filed a complaint against the Judgement to an extended panel of the Supreme Court. Contrary to national law, they claim that the Judgment is subject to a cassation appeal and request its annulment.

	➢ Provides the planning and construction activities calendar (public procurement procedures, deadlines for tenders) – 22 and 29 November are deadlines for the reception of tenders ➢ Submits detailed information on the Court case, in order to refute the assertions of the NGOs from their report from October 2018 ➢ Submits their position on the Bureau's consideration of the opportunity for the Standing Committee to commission an external review of the EIA Decision: ➢ Considers that the assignment of such a review is not legally founded, inappropriate and pointless, and contradicts EU law. ➢ The Republic of Bulgaria, member state of the EU, is a rule of law state. Basic principles therein are the rule of law and the independence of the judiciary. The control of the legality of the acts and actions of the administrative bodies is exercised by the courts. The Supreme Court exercises supreme judicial supervision for the correct and uniform application of the laws in the administrative procedure and decides on disputes concerning the legality of acts issued by ministers (as is the case). ➢ The legality of the EIA Decision 2017 and the EIA procedure, on the basis of which the decision was issued, has been fully confirmed by the competent national court (the Supreme Court) with a final court decision. The judgment is legally binging and the parties are obliged to implement it. ➢ A new inspection of the EIA procedure and the EIA Decision 2017, regardless of the scrutiny by the Supreme Court of legality, would violate basic legal principles such as the rule of law, stability of administrative acts and legal certainty. In addition, it would breach the EU law. ➢ The national court, following the "juge de droit commun du droit communautaire" principle, has the universal competence to decide on the application of EU Law. In this case, the Supreme Court has already applied the EIA and Habitats Directives and undoubtedly ruled that the EIA and AA procedures have been carried out in full compliance with the Directives. ➢ To make a revision of the EIA and AA is manifestly against EU law. Under EU it is inconceivable to challenge EU processes ex post under procedures that EU law does not foresee. Moreover, the combination of the EIA and AA processes ensure a protection at least equivalent to the Bern Convention standards, and also takes into consideration the case law of the Court of Justice of EU. ➢ The assignment of an external review would lead to numerous questions without clear answers, e.g. on the body competent to perform an external review, the applicable criteria, the procedure to be followed in the reviewing process, etc. and, finally, what would be the legal effect of such a review. ➢ Given the background of the case, it cannot be excluded that NGOs will continue to appeal against/complain about the "external" EIA decision, if they are not content with its conclusions, and this may have no end. The NGOs have had the chance to participate in the public consultations of the combined EIA/AA process and to make their points (as a statutory step of the EIA procedure). This procedural requirement has been fulfilled and all reasonable comments of the NGOs have been reflected. ➢ Besides, the EIA Decision 2017 prescribes mandatory conditions and measures to be implemented at all stages of realization of the investment proposal, which are definitely targeting protection of the environment and the biological diversity. Their effectiveness has been scrutinized not only by prominent international experts but, above all, by the competent national authority and the Supreme Court.

	➢ Bulgaria strictly complies with and implements international, European and national legislation on species and habitats protection, respecting completely the Bern Convention. Also, all considerations of Recommendation 98 (2002) of the Standing Committee of the Bern Convention have been taken into account during the project development2. ➢ Therefore, the allegations of NGOs set out in their report of 4 September 2018, are not true, not founded and all the facts presented by the NGOs are either misinterpreted or inaccurate. ➢ The supremacy of law is a leading principle in Bulgaria and the state submits to the conclusions of the performed judicial control on administrative acts. Pronouncing the EIA Decision 2017 legitimate by the court makes the state authorities obligated to implement the decision. ➢ Democracy is realised if the legally adopted decisions, which are also controlled by justice, are implemented without further delays, thus undermining the sustainable functioning of any state. ➢ The issue of external review of EIA and its recommendations is rather excessive and counter-productive, as it would raise a conflict between an administrative act confirmed by the court as EU- and national law-compliant, and the outcome of the external EIA review. ➢ Therefore, we request the Bureau of the Bern Convention to reconsider the issue of assigning an external review of the EIA. ➢ In view of the above, we ask the honorable Standing Committee to remove this file from the list of possible files.
Complainant's report October 2018	➢ The coalition of Bulgarian NGOs appeal to the Bureau of the Bern Convention to recommend to the Standing Committee the reopening of a case file on construction of Struma motorway through the Kresna Gorge (NATURA 2000 site – Site of Community Importance "Kresna-Ilindentzi BG000366) ➢ Provide detailed arguments on which the national Court case was based (for a full report please consult document T-PVS/Files(2018)17: a) The 2008 EIA decision - EIA decision 1-1/2008 for adopting the construction of the whole Struma motorway - is in force, stable and unammended and that the new EIA decision 3-3 / 2017 contradicts it b) In 2009 and 2010, the Standing Committee decided to close a case file on Rec 98 on the basis of the adopted EIA decision 1-1 / 2008 and based on the assurances of the Bulgarian Government that it will implement it in its entirety for the Struma motorway section (Lot 3.2) through the Kresna Gorge. c) The lack of equivalent and full assessment of all alternatives in the new EIA and thus adoption of an alternative which would damage the site conditions of the Kresna Gorge and Natura 2000 site "Kresna – Ilindentzi" (the alternative „G10,5 Eastern" – leaving 50% of the motorway traffic on the existing road). d) Failure to assess and even comment in the new EIA report and EIA decision 3-3/2017 the "Eastern tunnel" alternative proposed during public consultations of the EIA scope.

[2] Detailed information on the implementation of the individual considerations of Recommendation 98 (2002) is contained in paragraph 12 of the Government Report of 30 October 2017.

	e) The lack of assessment of the cumulative effects of the construction of the motorway based on all above pointed arguments that the assessment covered only the section of the motorway in the Kresna Gorge and disregarded the cumulative impacts arising from the construction of the whole motorway. ➢ On July 12th 2017, a complaint was submitted to the European Commission under ref. number CHAP number (2017) 02186 - BULGARIA for violation of Art. 6 (3) and (2) of Directive 92/43 / EEC
Respondent's update November 2018	➢ As mentioned in the Government Report (October 2018), a complaint against the Judgement was filed by an NGO and 1 (one) individual to an extended panel of the Supreme Court. Contrary to national law, the complainants alleged that the Judgment is subject to a cassation appeal and requested its annulment. The complainants further claimed infringement of the Constitution of the Republic of Bulgaria and requested a referral to the Constitutional Court. ➢ By a ruling of 31 October 2018 of the Supreme Court ("the Court Ruling") the complaint against the Judgement was dismissed and the litigation was terminated. The court established that the complaint is inadmissible and should not be considered. Pursuant to Bulgarian law, first-instance judgements on appeals against EIA decisions of the Minister of Environment and Water on investment proposals for sites of national importance declared as such by an act of the Council of Ministers and sites of strategic importance are final (Art. 99, para 7 of the Environment Protection Act („EPA")). ➢ The existence of all pre-conditions under the said provision of the EPA was confirmed by the Supreme Court, namely: 1) The EIA Decision 2017 has been issued by the Minister of Environment and Water; 2) The investment proposal is declared a site of national importance by an act of the Council of Ministers; and 3) The investment proposal is a site of strategic importance. ➢ On this ground, the Supreme Court ruled that the Judgement is final and cannot be appealed. ➢ The Supreme Court also rejected the complainants' request for referral to the Constitutional Court. According to the complainants, art. 99, para. 7 of the EPA contradict the constitutional principles that all administrative acts may be challenged, and the Supreme Court performs high judicial supervision in administrative justice. The court considered these allegations unfounded, since the EIA Decision 2017 has already been subject to judicial control by the competent national court – the Supreme Court – and the latter has exercised its high-supervision powers. In view of the above, the court upheld that the constitutional principles have been strictly observed as all stakeholders had a legal possibility to challenge the EIA Decision 2017 before the Supreme Court, and the high-supervision function of the Supreme Court was duly performed in the course of the proceedings. ➢ At present, there is no pending legal proceeding concerning the EIA Decision 2017. By the Court Ruling, the NGO's allegations for illegality of the Judgement, respectively of the EIA Decision 2017, were once again considered by the court and fully rejected. ➢ As mentioned in the Government Report from October 2018, regardless of the complaint against the Judgement which was rejected by the Court Ruling, the EIA Decision 2017 has come into legal force and constitutes a final administrative act. As such, it is legally binding and can be immediately implemented. ➢ In view of the above, ask again the honourable Standing Committee to remove the present file from the list of possible files.

Standing Committee December 2018	➢ The Standing Committee thanked the Bulgarian authorities for the updated information on recent developments on the case and the final decision of the Bulgarian Supreme Administrative Court, rejecting a complaint against the EIA/AA decision on procedure and substance. The Committee recognised the authorities' efforts in relation to the case, including the fulfilment of Recommendation No. 98 (2002) and readiness to continue their reporting to the Bern Convention. It further noted their strong opposition to an external review of the EIA/AA study, in view of the Court's final decision confirming equal treatment of the assessed alternatives and compliance with relevant national and EU legislation. ➢ The Committee also noted the complainant NGO's concern that the construction can be imminent and their proposal for an on-the-spot appraisal visit and their support for an independent external review of the EIA/AA study and in particular its quality and conformity with Bern Convention's requirements and obligations. ➢ After a long debate, the Committee decided to keep the file as possible and to await that the application package to the European Commission is submitted and the evaluation by the European Commission services is made available, as this will certainly be done taking into account the EU acquis on nature conservation. ➢ Eventually, it decided to request the authorities to report to the Bureau and Standing Committee on progress in submitting the application package and any other relevant and new information, including on the mitigation and compensation measures planned in relation to the alternative chosen for LOT 3.2.
Respondent's report February 2019	➢ On 22 October 2018 an initial version of the application form (AF) for Struma MW Lot 3.2 with all additional documents were presented to JASPERS initiative. ➢ On 8 November 2018 comments were received from JASPERS and the documentation was revised accordingly. ➢ On 24 January 2019 the revised AF was sent to JASPERS again. We look forward to JASPERS's remarks or completion note.
Complainant's report February 2019	➢ We would like to urge the Bern Convention secretariat to closely monitor the action of the Bulgarian government and EC to ensure implementation of the Bern Convention Recommendations. Despite international attention to the case we are still witnessing illicit actions and circumvention of the law requirements by the Bulgarian government. We hope that the EC will take timely action to ensure Kresna gorge protection and implementation of the EU and Bern Convention Requirements, however we extremely concerned that due to the time pressure with the completion of the Motorway by 2023 compromises with the protection requirements will be made (see Annex 1). ➢ The construction of a motorway Struma in the Kresna Gorge NATURA 2000 site (lot 3.2) has started illegally. ➢ In our update from November 20, 2018, we provided information that in the area of Kresna Gorge, the construction of Lot 3.2 of the Struma Motorway was unlawfully started. These concerns were objected by the Governmental delegation in plenary. Between 11 and 13 February 2019, the Bulgarian television bTV presented an independent investigation about the illegal construction of 7km of access roads and 13 exploratory drillings involved several months of work with heavy machinery in a NATURA 2000 site "Kresna – Ilindenci". The documented preparatory works alongside the potential route of lot. 3.2 were implemented without permissions, assessment of impacts and before the procurement procedure for the same works has been even launched in August 2018. In other words, a private company carried out construction work anticipating the outcomes of the public procurement, which provide the company with information that is not accessible to other candidates in the tender. The interviews with the head of the construction company also shows this case was not isolated practice and similar "preparatory works" were carried out by the same company also in

	October 2016 in relation to another tender, namely the tender for the preliminary design of Lot 3.2 that was won afterwards by the same company in April 2017. The same private company is also participating in the construction of lot 1, lots 2 and 3.3 of Struma Motorway. ➢ So far only the Ministry of Agriculture and Forestry (South-West Bulgaria Agency) issued an administrative act about the illegal construction works and drillings. A fine of EUR 7500 was imposed to the private company "Putproject 2000" and the director of Forestry Agency Kresna was dismissed. ➢ Oddly the Regional Inspectorate of the Ministry of Environment and Water so far refused to take any measures against this violation. In begging of February 2019, the NGO BALKANI Wildlife Society sent a signal for illegal construction of access road to the Regional Inspectorate (Blagoevgrad). The signal also pointed out that this access roads were built outside the approved right of way on the road and were not assessed in the latest EIA decision of November 2017, and thus violate it. The signal also pointed out that during the construction are destroyed protected by NATURA 2000 site natural habitats and habitats of species (habitats with NATURA 2000 codes 9560, 91AA, 6220 and habitats of species *Testudo graeca, Eurotestudo hermanni, Elaphe quatorlineata, Elaphe situla*). With their letter from 18th February the Regional Inspectorate refused to take any measure to investigate and sanction the violation signaled by the complaint as required by Bulgarian Biodiversity Law and to take measures to restore damaged protected habitats as required by the Bulgarian Law on Environmental Liability. ➢ Cumulative impact of the Eastern 10.5 alternative was not assessed in the 2017 EIA/ AA report as the upgrade of the existing E79 road to high-speed road was not consider. Applying salami approach the Bulgarian Road Agency requested between August and November various permissions for different works and Land-use Plans that are new respects to the routes and works assessed in the scope of the EIA. ➢ In violation of the EIA the Road Executive Agency (REA) is planning enlargement of the current road passing through the Kresna Gorge – adopted by government as western motorway lane of G10,5 alternative and thus breaching also paragraph 3 of the Recommendation 98/2002 ➢ On 28th August 2018 and 4th September 2018, the REA requested start of substantial rehabilitation work on the existing road E-79. The request are formulate as rehabilitation work that does not require EIA/AA assessment according to the Bulgarian law. The construction works described in the request involve upgrade of the existing road to high-speed road that involve additional junctions, new rest areas, rebuilding of number of tunnels and bridges in NATURA 2000 site that were not subjects of AA assessment. ➢ On 2 November 2018 REA submitted in the Ministry of Environment and Waters the documentation for screening the need of EIA and AA of Detailed Land use Plan for rehabilitation of the right (western) lane of Struma Motorway. ➢ According to this documentation REA is planning intensive construction works along the current road in the Kresna Gorge which also includes right of way on the additional territories in NATURA 2000 site. Such construction works and rights on way of NATURA 2000 territories have not been assessed and described in the latest EIA decision of November 2017 and are a significant violation of it, but also violate the EIA decision from 2008 and Recommendation 98/2002 requiring abandoning the option of enlarging the current road since this would significantly increase damage to a unique site, without possible measures of compensation. ➢ The submitted Land use Plan for Right Lane was withdrawn from REA in about a month without explanation, and the Ministry of Environment and Water has not taken a decision on it. However, the same LP is currently available on the REA page. ➢ 2.2 The Road Executive Agency (REA) is planning the left (eastern) Struma Motorway lane in violation of the EIA decision 3-3/2017 ➢ On 13 November 2018 REA submitted in the Ministry of Environment and Waters the documentation for screening the need of EIA and AA of Detailed Land use Plan of construction of the left (eastern) lane of Struma Motorway. According to this documentation REA is planning the rout and

	its rights of way on left (eastern) Struma Motorway lane of lot 3.2. in different locations that the route and its rights of way adopted by the EIA decision 3-3/2017. Thus the impacts of this Land use Plan on Natura 2000 sites Kresna – Ilindentci BG0000366 are not assessed and such construction would violate the latest EIA decision of November 2017. ➢ The Land use Plan for Left lane was also withdrawn from REA in several weeks without explanation, and the Ministry of Environment and Water has not taken a decision on it. And the same MP is currently available on the REA page. ➢ The actions from the EC on the Infringement Complaint CHAP(2017)02186 of 10 July 2017 against Bulgaria – still unclear ➢ The first response from the EC about the status of the complaint CHAP(2017)02186 from 10 July 2017 was received only on 30 November 2018. The EC inform us that the complaint was on hold due to ongoing litigation in national court and pending application for EU funds. ➢ In our response from February 6th 2019 we reiterate that the complaint CHAP(2017)02186 and the update submitted in November 2017 covers two breaches of Habitat Directive – namely 1) breach of art.6.2 with the construction of the entire Struma Motorway and 2) breach of art.6.3 with the approval of the construction of lot.3.2 through Kresna gorge NATURA 2000 site. While we understand that the DG Env will have a role in the review and approval the EU funds Application for the Lot.3.2 of Struma Motorway we are deeply concerned that blending the appraisal of the complaint with the approval of the Application for EU funds would not allow to bring the infringement to the end as required by the Treaty. The breaches of the EU law described in the complaint and subsequent updates are such that irreversible damage on protected habitats and species might be caused everyday. ➢ Therefore, we urge DG Environment to prioritise our complaint and take immediate actions in order to guarantee the implementation of the Habitats Directive' provisions for the protection of Kresna gorge. ➢ Action requested of the Bern Convention: The Kresna gorge NATURA 2000 site (Kresna-Ilindentzi BG0000366 SCI) is an example of systematic deficiencies of the Bulgarian government regarding the protected area designation, management plans and appropriate conservation objectives and measures in view of achieving or maintaining favorable conservation status of the protected species and natural habitats types. ➢ The started construction of the Struma Motorway in section lot 3.2, in violation of the procurement rules and without having finally adopted Land use Plans, makes the threat about the irreversible damage on Kresna Gorge Area very imminent. ➢ The application for EU funds to the European Commission will be submitted by the Bulgarian Authorities at stage when most of adverse impacts will be already made and it will be not possible even to mitigate or compensate them. The main principle of the European environmental policy – the principle for prevention of potential impacts – would be disregarded. The passive approach of the Environmental authorities, from our perspective, creates additional risks for the protected areas in Kresna Gorge. ➢ Therefore, we continue to ask the Bern Convention Secretariat for constant monitoring of the case and consider the case as open case file. There is an immediate threat that Recommendation 98 (2002) will be permanently violated without the possibility to restore in the future the conservation status of the adversely affected NATURA 2000 site in Kresna Gorge or to mitigate and compensate the adverse impacts.

Bureau meeting March 2019	➢ The Bureau thanked both the authorities and the complainant organisation for their timely reports and took note of the information. ➢ After a long discussion, the Bureau agreed that in the expectation of a decision by the European Commission (JASPERS) on the application package for EU funds for Lot 3.2, the next progress report by the authorities should inform on: ➢ the 7km access road construction and exploratory drillings in the NATURA 2000 site "Kresna-Ilindenci", their state of execution, relevant permissions and whether these roads are included in the land use planning for the area; ➢ on the mitigation and compensation measures planned in relation to the alternative chosen for LOT 3.2., as requested by the Standing Committee at its 38th meeting. ➢ The Bureau further requests a more detailed report by the complainants to back their allegations on the negative impact of the new 'preparatory" road and other infrastructure they reported on.
Respondent's report August 2019	➢ Regarding the 7km access road construction and exploratory drillings in the NATURA 2000 site "Kresna-Ilindenci": ➢ The MoEW reacted to the investigation of journalists from the Bulgarian media BTV about starting of construction in the area. The RIEW-Blagoevgrad carried out documental, on-site inspection to clarify the exact location of the sites using GPS. The experts described different habitat parameters and road characteristics. The check revealed that no projects for carrying out geological exploration activities in the area of Kresna Gorge were submitted to RIEW for coordination. The on-site inspection did not detect availability of vehicles, drilling equipment or temporary roads. However, drilling sites were registered together with some traces of clearing activities leading to construction of forest roads. There are 9 detected objects in total- all show characteristics of roads for access to drilling sites with a 3m width of roadway. The affected area is approximately 2.9 ha. Part of the sites are within the scope of the Lot 3.2 route of Struma Motorway, considered and evaluated by the EIA and the AA procedure. The sites do not fall within the boundaries of protected areas, according to national legislation, but fall within the following NATURA 2000 sites: BG0002003 "Kresna" and BG0000366 "Kresna - Ilindentsi". In frame of the investigation conducted by RIEW Blagoevgrad the offender was identified and an administrative penalty action was undertaken according to the Environment protection legislation. MoEW requested information from Road Infrastructure Agency (RIA). It informed that no outsourcing of activities along the Lot 3.2 of Struma Motorway between Krupnik and Kresna, related to drilling, building of temporary roads or anything related was permitted, required or performed by them. Now, there are no contractors selected and contracts concluded on the basis of construction activities will be carried out on the Struma highway through the Kresna Gorge. ➢ Regarding the mitigation and compensation measures planned in relation to the alternative chosen for LOT 3.2: ➢ Currently, RIA is under tender procedure with exact formulation "Realization of monitoring on the populations of two species of land tortoises and two species of colubrid snakes in the section of the first class international road E-79 (I-1), passing through the Kresna gorge". This is indicated in the Application form (AF) of the project. Currently, the AF was approved by the Managing Authority of OPTTI 2014-2020 and the JASPERS Action Completion Note was issued on 09 August 2019. On the same date, via the SFC, the AF was submitted for approval by the EC. In the AF were included several main parameters concerning the realization of the ecological monitoring. For assessment of efficiency, improvement and optimization of the function of the defragmentation/fencing systems of the road within the Kresna gorge, monitoring on the populations of Greek tortoises, Hermann's tortoises, Four-lined snakes and Leopard snakes will be performed. The monitoring will start immediately after the tendering procedures are finished and will last for at least 5 years after the road section becomes operational. It is designed to provide information concerning the population dynamics of the target species, degree of fragmentation and isolation of potentially formed sub-populations, data concerning mortality and some other road related ecological parameters. Data will be collected and analysed using integrative and interdisciplinary approaches

	and assessed annually. In case of proven inefficiency of the implemented mitigation measures, the roads agency will undertake corrective actions. In that respect the environment and species protections in the region of Kresna Gorge are subject to continuous control and planning.
Complainant's report September 2019	➢ The EIA /AA 2017 report is not adequate in selecting the best alternative for the construction of lot 3.2 of Struma Motorway in the section of the Kresna gorge and there is mismatch between the motorway route assessed in the EIA report 2017 and the route presented in the Detailed Land Use plan for the Motorway Construction; ➢ The proposed plan for completion of lot 3.2, as presented in the application form, confirms the intention of the Bulgarian government to further funnel in the next eight years the increasing transit and trans-national traffic through the adversely affected NATURA 2000 site of Kresna gorge; ➢ The Government's action on introducing mitigation and compensation measures in relation to the selected alternative for lot 3.2 is not convincing, neither timely, to address the emergency in the NATURA 2000 site in the Kresna gorge section; ➢ It is also to be reiterated that the most important mitigation measure for the Kresna gorge is the construction of an alternative route for lot 3.2 outside of the gorge; ➢ On the application form for EU funding submitted on August 9th, 2019, there is concern that it contains the same deviations and that the EC is not informed that those are not in line with the EIA 2017 decision, nor that there is no appropriate assessment on the new route. The suggested 3 phases for construction of Lot 3.2 represent significant risks for the NATURA 2000 site; ➢ On 1st of August, NGOs submitted addition to the Infringement complaint reporting the failure of Bulgaria to comply with its obligation to take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats of species as well as disturbance of the species in breach of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora; ➢ The addition referred to the very limited initiatives with limited impact, such as building small barriers between the road and the nature sites; air pollution, noise, dust, and water runoff; rapid increase of road killings connected to the huge increase in road traffic; and deterioration or abandonment of key habitats along the bottom of the valley where the road is situated; ➢ There is an analysis of the opportunities for building of functional and efficient under-passes for smaller species of animals in the Kresna gorge, results of which are limited as for 78% of the road it is impossible to build efficient under-passes due to the steep relief and the impossibility to make enough sloping and permeable for the animals' entrances and exits, among other factors; ➢ On August 7th, the Council of Ministers of Bulgaria decided to assign €379 million from the national budget to construct Struma motorway in the Kresna gorge section. The remaining €277 million needed for the construction will be secured through the application form to the EC; ➢ The Bureau is asked to consider issuing recommendations to the Bulgarian government about the need for urgent mitigation and compensation measures to address the ongoing violation of the Article 4 (1) of the Bern Convention and Article 6(2) of the Habitats Directive; ➢ And to request that the EC provides information to the SC on the evaluation of the EIA/AA 2017 quality and comprehensiveness in terms of planned road constructions of lot. 3.2, together with evaluation of the multi-criteria assessment of all alternatives assessed in the EIA/AA 2017 procedure.

Bureau meeting 9-10 September 2019	➢ The Bureau thanked the national authorities for the updated report and noted the late arrival of the report from the complainant. ➢ It acknowledged the information received from the authorities but noted that it did not answer the question why roads are already being built through the Natura 2000 sites, what mitigation and compensation measures are planned and currently implemented due to these various building works, including the illegal ones. The Bureau warned that any construction works on sites of specific conservation value should be handled very carefully and should not deviate from the original planning for which impact assessments are being made. ➢ Eventually, the Bureau instructed the Secretariat to request to the European Commission an updated report on their own processes in relation to file, the evaluation of the EIA/AA 2017 quality and comprehensiveness and the expected date for the decision on the application package for EU funding. The report should be made available for the 39th meeting of the Standing Committee.
Respondent's report November 2019	➢ All illegal activities have been stopped since September 2018. All roads are closed to ensure self-restoration of the affected habitats; ➢ On 9 August 2019, Bulgaria has submitted to the European Commission the application for grant funding of Lot 3.2. and the Commission services are currently assessing the project. By so doing, Bulgaria has implemented the last condition of the 38th Standing Committee; ➢ With the signing of the contract under the currently ongoing tender procedure, intense monitoring of the populations and road related threats to 2 species of land tortoises and 2 species of colubrid snakes will be ensured before, during and after (for at least 5 years) the project implementation; ➢ All considerations of Recommendation 98 (2002) of the Standing Committee to the Bern Convention have been taken into account during the project development; ➢ Taking into account the above, the Standing Committee is asked to remove this file from the list of possible files.
Complainant's report November 2019	➢ In September and October 2019, the EC issued two documents that point to the serious failures in the implementation of the EU acquis on nature conservation in case of Struma Motorway construction through Kresna Gorge. Commissioner Vella expressed concern that the E79 intense traffic causes significant mortality of EU protected species and deteriorates the Natura 2000 sites in response to the NGOs update of the EU law Infringement complaint. ➢ On October 15th, 2019, the EC issued observations on the application form submitted by the Bulgarian government for EU funding for Lot 3.2, and assessed that the Bulgarian Government has failed to properly implement Article 6.3 of Directive 92/43 when approving the construction of the Struma highway through the Kresna Gorge. The EC requested that the Bulgarian Government make serious corrections to the decision taken and the Appropriate Assessment (AA) of the project in terms of NATURA 2000 requirements. ➢ These documents, especially the letter of Oct. 15th, indicate quite clearly that the Bulgarian government cannot be considered to "strictly comply with and implement the international, EU and national legislation on species and habitats protection, respecting completely the Bern Convention". ➢ It is also alarming that there is lack of information about the steps the Bulgarian government plans to take to address the gaps in implementation and make the Struma Motorway construction in line with EU law. ➢ Statements of the Bulgarian Prime-Minister threaten that Kresna Gorge part section of the Struma motorway may not be built, leaving the current situation as it is – all motorway traffic will continue to pass through the Kresna Gorge using the current E-79 road, thus disregarding all EC findings, European legislation and Bern Convention Recommendations.

	➢ On November 16th, 2019 the consortium to construct the 13.2 km left lane of Lot 3.2.1 of Struma Motorway was selected. This was one of three open price bids for this section for the construction of the route, which is not assessed in line with EU law. ➢ Taking all that into account, it is believed that provisions of the Bern Convention have been violated such as, to ensure the conservation of Kresna Gorge; to apply Art. 9, para 1 of the Convention regarding derogations; to develop a conservation plan, including defining specific short and long-term site objectives for the Kresna Gorge as part of EMERALD network; and ensure that the decision on the routing of the motorway is taken on the basis of an in-depth environmental impact assessment. ➢ Thus, the NGOs call for opening of a case file on the case during the 39th meeting of the Standing Committee. ➢ They also call on the Standing Committee to mandate the involvement of independent experts to ensure the best support to the Bulgarian Government implementing the goals of Bern Convention for protection of the European wildlife and natural habitats in Kresna Gorge.
Standing Committee December 2019	➢ Noted the updated report of the Bulgarian authorities and the information provided orally on the received observations from the EC on the application package for EU funds for the construction of Lot 3.2 of the highway; ➢ Noted the complainant organisations' concern that the EC observations point to serious failures in the implementation of the EU acquis on nature conservation, including corrections to the EIA/AA with respect of EU Nature conservation legislation; ➢ Five Contracting Parties called for opening the case file while Bulgaria and 3 other Parties called for closing the file. Several NGOs called for holding an on-the-spot appraisal, which was seconded by several Contracting Parties; ➢ Decided to keep the file as a possible file and to mandate an on the spot appraisal involving all parties and stakeholders concerned, subject to the agreement of the authorities at a later stage.
Bureau meeting 7-8 April 2020	➢ The Bureau drew up provisional Terms of Reference for the possible on-the-spot appraisal, while recalling that agreement still needed to be sought from the Bulgarian authorities for the mission. ➢ The Bureau instructed the Secretariat to consult with the Bulgarian authorities on the proposed Terms of Reference and to seek their agreement for the on-the-spot appraisal which could be joined by the European Commission. Depending on progress and on uncertainty surrounding the Covid-19 pandemic, the on-the-spot appraisal could take place in the second half of 2020, or in Spring 2021. ➢ The Bureau requested the Contracting Party to update the Bureau at its meeting in September on the state of play of the application for EU financing. ➢ The Bureau also mandated the Secretariat to contact the European Commission to see if a joint on-the-spot appraisal was feasible.
Respondent Report June 2020	➢ The Bulgarian authorities withdrew their application for EU funding in order to take extra steps to further perfect the assessment of the environmental aspects of the project, and were now remaining in constant contact with the EC. ➢ An OSA had been agreed in principle with the EC, scheduled to begin in the autumn. ➢ The authorities suggested that the Bern Convention team join this planned visit.

Extraordinary Bureau meeting 22 June 2020	➢ The Bureau welcomed the positive and timely reply of the Bulgarian authorities. As the EC was not in favour of a joint-visit, the Bureau instructed that an independent Bern Convention on-the-spot appraisal should go ahead at the earliest delay, taking into account the sanitary situation. It requested that the authorities give feedback on the Terms of Reference sent on 13th May in time for its next Bureau meeting in September. ➢ It also instructed the Secretariat to approach an independent expert who could carry out the visit, and recommended that a member of the Secretariat should join the visit.
EC update August 2020	➢ After receiving the European Commission's observations in October 2019, Bulgaria withdrew the application for EU co-funding of Lot 3.2 of the Struma Motorway in January 2020. Bulgaria also expressed the intention to take damage prevention measures on the existing E79 road to address the current impact on the Natura 2000 sites. In addition, the country is taking steps to set up the site-specific conservation objectives for the two Natura 2000 sites concerned by the major project. The appropriate assessment of the project should be revisited in light of those conservation objectives. ➢ The Commission services cooperate with the authorities, as appropriate, to ensure that the Struma motorway is implemented in full compliance with EU law, irrespective of the source of financing.
Respondent Report September 2020	➢ Following Bulgaria's commitment to start improvements on the existing road imminently, it was agreed with the EC that Bulgaria will implement a series of additional mitigating measures to improve the current situation of the existing road E-79 and reduce the risks in terms of environment and road safety. ➢ Expertise was requested from the EC to support the development of the project and contracts with experts were signed. Two experts were assigned to support the authorities for establishment of detailed and site-specific conservation objectives and mitigation measures for the Natura 2000 sites within the area of the project (Kresna-Ilindentsi SCI and Kresna SPA), and to review and update the project of Struma Motorway Lot 3.2. ➢ The experts will provide methodological assistance and guidance for the implementation of the European legislation. They should work closely with the Bulgarian authorities and external experts by supervising the field studies and data collection to be performed in Kresna-Ilindentsi SCI and Kresna SPA. Subsequently, the experts will help develop the conservation objectives and contribute to reviewing the appropriate assessment. ➢ Following communication with the Bern Convention, it is explicitly contracted that the experts shall review the project for compliance not only with the EU legislation, EC requirements and best practices in Europe, but also with the requirements and recommendations of the Bern Convention. Thus, the external expertise will ensure the conformity of the project with the concerns raised by the Bern Convention institutions and will actually meet the objectives of the mission requested by the Standing Committee. The expertise will take place until 31 March 2021. ➢ Thus, the Bulgarian authorities find it appropriate to complete the external expertise of the EC before an OSA be organised by the Bern Convention. If the results of the expertise are considered insufficient by the Bern Convention, a BC OSA could still be organised, possibly in Spring 2021. The results of the external expertise, and next steps could be discussed at the First Bureau Meeting for 2021 at the latest.
Bureau meeting 15-16 September 2020	➢ The Bureau thanked the Bulgarian authorities for their good cooperation and reporting, and the European Commission for providing an update on their process. ➢ It took note that the Bulgarian authorities have reported taking measures to improve the safety and environmental conditions of the existing road, and that expertise has been requested from the European Commission to support the development of the project.

	➢ It also noted that the experts contracted have been specifically mandated to ensure that the project will comply with Bern Convention recommendations, and that in this regard the Bulgarian authorities suggest awaiting the results of this consultation, due in March 2021, before seeing if a special Bern Convention OSA would still be required. ➢ The Bureau remained concerned with the situation and lack of information on concrete mitigation/compensatory measures and preferred to maintain an OSA in 2021 as per the 39th Standing Committee decision, pending the outcome of the European Commission findings. Specialised experts should be mandated to consult and verify the situation on the ground. ➢ The Bureau asked both parties to present at the 40th Standing Committee the current situation on the ground, including on concrete mitigation measures. ➢ It further instructed the Secretariat to request the European Commission to inform on its monitoring mission. ➢ The Bureau invited the Standing Committee to consider mandating the Bureau to closely monitor the situation in regard to the EC monitoring mission, and to mandate the Bureau to update the Terms of Reference for an OSA in 2021 if it is deemed necessary. The Bureau recalled that the OSA had been originally intended to focus on the alternative routes and not on mitigation measures.
Complainant's report October 2020	➢ there is lack of action by the Bulgarian government to addressed the EC recommendation for implementation of the EC "Habitat" Directive 92/43 EC from October 2019 based on the appraisal of the quality of the 2017 EIA/AA report, namely: revision and improvement of the EIA and AA; urgent designation of the SAC and its objectives; and addressing pressures of the existing E79 road. ➢ Today, the pressure from the traffic of Struma Motorway on the Kresna gorge NATURA 2000 site remains systematic and damaging. ➢ The action reported by the Bulgarian government to the Standing Committee and Bureau, namely the expert support expected in March 2021, will only gain more time and preserve the status quo, while going ahead with construction of the selected route through the Kresna gorge. ➢ Supporting a "business as usual" approach will not only lead to worsening the situation of the NATURA 2000 sites, but will create a precedent for replicating this model to similar cases in Bulgaria, heavily damaging the trust of citizens and civil society in the effectiveness of the current mechanism to ensure implementation of the EU law and International agreements. ➢ The preparation for the construction of the last section of the Motorway is ongoing with resources from the Bulgarian budget (no EU funds approval is considered) thus avoiding any scrutiny by the EC. On September 25th the tender for lot.3.2.2 was opened, offers and contract for the final design and construction could be signed soon. ➢ NGOs are concerned by the request of the Bulgarian government to delay or cancel the visit by the Bern Convention experts. ➢ The Bulgarian government is currently planning the budget for transport infrastructure in the period 2020-2023, with EUR 645 million assigned for Struma Motorway lot 3.2. The first payment of EUR 54 million is envisaged to be spent already in 2020 - thus construction of the Motorway through Kresna gorge could start at any time. ➢ In 2020 and 2021 there is €1.53 million planned to be spent for mitigation measures for decreasing the negative impact of the Struma Motorway traffic on the protected species. In August, 18th 2020 the tender for selecting an entity to apply biodiversity protection measures was opened.

	➢ In February 2020, the Road Agency commissioned monitoring of the 4 reptile species in the NATURA 2000 site with a cost of €122,000. The consultant failed to implement the monitoring in the first half of 2020 and the purpose of this monitoring is highly questionable as construction could start any time, thus the monitoring could not address the critiques of the EC on the inadequacy of the mitigation measures planned under the EIA 2017 decision. ➢ In July 2020, the EU funds Monitoring Committee discussed the shift of funds allocated to Struma Motorway compilation in favour of other two motorways. Thus, the construction of Struma Motorway would remain financed by Bulgarian state budget to avoid further appraisal from the EC services of the EU funding application. ➢ Since August 2020 massive protests are ongoing in Bulgaria against the government with allegations of mismanagement, corruption and non-democratic governance. ➢ Taking all this into account, the NGOs appeal to the 40th Standing Committee to urgently open a file on the Kresna gorge case, send an independent on-the-spot expert commission and prove that it is a guardian of European biodiversity legislation.
Authorities Report October 2020	➢ On February 4th 2020 the Road Infrastructure Agency signed a Contractor for "Monitoring the populations of two species of land tortoises and two species of snakes in the part of the International E-79 route (I-1), in the part traversing the Kresna gorge". According to the signed Contract, the monitoring activities are to be performed at least three times a year. Due to COVID-19, the spring field research was impossible to perform. The practical execution of the Contact was initiated in the summer and as a result 12 field visits were performed. The Interim report, including electronic database of the terrain monitoring has been submitted. Currently the Contractor is performing the 2nd, autumn terrain monitoring. ➢ Recognizing the importance of immediate mitigation measures to be executed on the existing road, the Bulgarian Authorities have initiated the implementation of emergency measures to mitigate the impact of road traffic on wild populations inhabiting Kresna gorge. The mitigation measures are planned in a way to be performed without stopping the traffic, as this is the only road connection with Greece. ➢ The Public Procurement Procedure for mitigation measures was launched on March 4 2020, however, no tenders were received. On August 14 2020 the Call for tenders was relaunched under negotiation procedure. Evaluation of the received tenders is underway, expected to be finalized in November. ➢ The EC has commissioned two external experts, who by March 2021 shall support the Bulgarian Authorities with the following tasks: ➢ review of available information, data and documents related to the design and construction of Lot 3.2 of Struma Motorway; ➢ assist Bulgarian Authorities in the final identification of detailed and site-specific conservation objectives and measures for Kresna – Ilindentsi SCI and Kresna SPA, and specifically to support the achievement of compliance with EU legislation, EC best practices and requirements and recommendations of the Bern Convention and its institutions; ➢ provide methodological assistance and quality assurance during follow-up procedures under the environmental legislation in relation to the development of the investment proposal in order to comply fully with the specified site-specific conservation objectives and measures for the two Natura 2000 sites within scope of the Project (Kresna – Ilindentsi SCI and Kresna SPA); ➢ provide assistance during the update of the project in relation to the site-specific conservation objectives. ➢ In view of the above scope and extent of work of the EC's experts and the activities undertaken by the Bulgarian Authorities since November 2019, despite the outbreak of the COVID-19 pandemic, authorities believe that the file should not be subject of review at this Standing Committee. Work is ongoing and the Bureau and the Standing Committee will be informed of the progress in due time.

Standing Committee December 2020	➢ The Standing Committee noted the information that the EU provides financial support for two independent experts who advise the Bulgarian authorities, and that the Bulgarian authorities suggested awaiting the results of their work, planned for March 2021, before deciding if a Bern Convention OSA was still necessary. The EC informed the Standing Committee that these two experts will advise on the setting-up of site-specific conservation objectives for the two Natura 2000 sites affected by the Lot 3.2 of the Struma Motorway. ➢ Furthermore, the Commission had issued a reasoned opinion on an infringement procedure against Bulgaria for non-respect of its obligations to designate its Sites of Community Importance (SCIs) as SACs and to establish the necessary objectives and conservation measures to maintain or restore the protected species and habitats to a favourable conservation status. ➢ The Committee noted information from the authorities about legitimacy of the EIA procedure, about the temporary withdrawal from the EU funding for completing the Lot 3.2 of the Motorway to provide for the development of site-specific conservation objectives for the two Natura 2000 sites along the route and revision of the appropriate assessment accordingly, the 4-year contract on monitoring of selected precious species and about the fact that no construction other than mitigation measures have been undertaken in the Kresna gorge. ➢ The Committee also noted the complainant's concern about the reluctance of the authorities to allow a Bern Convention expert mission, designation of the SACs, and the delay of the response to the EC recommendation of October 2019 on addressing pressures of the existing E79 road. ➢ Following a discussion, the Standing Committee upheld the decision to mandate an OSA in 2021. The mission should take into account the results of the EU-funded expert support which was due to conclude in March 2021, involve relevant civil society including the complainant organisation, and formulate recommendations on ways to find a solution that will be acceptable for both the safeguard of the protected wild fauna and flora and for putting in place a safe and effective road connection (review alternative routes and mitigation measures). ➢ Following a vote of Contracting parties, the complainant's proposal to open the file was rejected. ➢ The Standing Committee urged the authorities to halt any construction works which are not in line with Bern Convention and EC standards on nature conservation, and to continue the monitoring activities on species. The Committee also requested that the EC keep the Bureau updated on any relevant information.
Authorities report & comments on ToR, Jan 2021	➢ Proposed some changes to the text and advised that the OSA should go ahead as soon as possible so as not to delay the process, and that it should ideally be a physical meeting, as desk research and online meetings could lead to distortion of information, and not achieve the main goals of the mission.
Secretariat action Jan – April 2021	➢ Revised the ToR in line with comments of authorities, and reiterated the rationale behind having a 2-part mission (1st part online, 2nd part physical later in the year pending the pandemic). The complainant was in favour of this.
Bureau meeting 14-15 April 2021	➢ The Bureau took note of progress in the organisation of the on-the-spot appraisal: the national authorities and Secretariat were close to finalising the terms of reference. The Bureau supported the prospect to hold a first part of the mission in an online format. The situation would continue to be reviewed as to whether the on-site part of the mission could take place later in the year, but the Bureau supported the proposal to draft recommendations for the national authorities and for the Standing Committee's possible adoption even if the on-site aspect of the mission cannot take place. ➢ The Bureau also instructed the Secretariat to liaise with the European Commission in relation to the preliminary results of its mission, which was due to finish in March.

Complainant's report July 2021	➢ On May 18, 2021 the order for designation a NATURA 2000 site "Kresna-Ilindentzi" BG0000366 was published including the need and approach for SSCOs, to be developed by a private consultant and advised by 2 experts funded by the EC. However such SSCOs would not meet the detailed requirements of Art. 4.4 to take account the priorities and role of the Kresna gorge for the coherence of the NATURA 2000 network. ➢ In February 2021, independent scientists and NGOs submitted to the Ministry, the EC and the Bulgarian Academy of Sciences a proposal for SSCOs- to date this is the only proposal made public and which satisfies Art 4.4, but it has been ignored by the government, and the EC demonstrates an alternate interpretation. ➢ It is unclear if the Bulgarian government will amend the incomplete SSCOs designation order of BG0000366 "Kresna-Ilindentzi" issued in 2021. ➢ The NGOs welcome the Bern Convention online OSA, urge the experts to visit Kresna ASAP, and expects the SC to recommend that the authorities order a new EIA.
Respondent's report August 2021	➢ Monitoring of certain species continues. ➢ Emergency mitigation measures have been implemented as announced at the last SC, as well as longer-term studies on collisions with wildlife and potential wildlife crossings. ➢ The contract with external EC-funded experts was prolongated till the end of September 2021, as the main contribution of experts is in respect to identification and establishment of detailed and site-specific conservation objectives and measures for both Natura 2000 sites - BG0000366 „Kresna-Ilindentsi" and BG0002003 „Kresna". The process is ongoing. ➢ The authorities look forward to the online OSA.
Online expert advisory mission August 2021	➢ On 25-27 August, meetings were held with the 2 independent experts, and various stakeholders relevant for the Kresna Gorge case. The meetings, which aimed to analyse the situation and data of the past, but focus on future solutions and an effective multi-stakeholder cooperation, were considered successful, and the experts will work on a mission report and draft recommendations for the 41st Standing Committee.
Bureau meeting 15-16 September 2021	➢ Congratulated parties on their excellent cooperation with the Secretariat and two independent experts who had recently conducted online advisory meetings with various stakeholders of the case. The Bureau was informed by the Secretariat that the meetings had gone well, proposals had been made, and the experts were now working on finalising a draft report and draft recommendations to be submitted for the 41st Standing Committee's attention. ➢ Encouraged both parties to continue the timely cooperation in order to ensure deadlines would be met, and looked forward to hearing presentations from both parties and the independent experts on the mission during the Standing Committee. If any progress in terms of the collaborative process would already be achieved by then, it would be a most welcome update for the Standing Committee. ➢ Also recalled that the work of the two experts funded by the European Commission to develop site-specific conservation objectives was ongoing, and should also be taken into account during the Committee meeting.
Joint-report by Govt and Comp, November 2021	➢ The OSA focused on finding a mechanism to bridge the gap between the government and the complainants' NGOs. As a result, the parties agreed to set up a mechanism for finding a consensus solution to all contentious issues and to draw up a joint progress report before the 41st Committee as a first step. This agreement directly reflects point 5 of Recommendation 98/2002. Thus, a meeting of government representatives (MOEW, MTITC, RIA) and NGOs was held on 19 October, 2021 The **establishment of three consensus-based advisory working groups** and their tasks and working principles were agreed at the meeting in detail.

	➢ The first group will be hosted by the MOEW. It will provide a comprehensive legal, managerial and scientific proposal for the designation of SSCOs of NATURA 2000 sites in Kresna. Participants will be from MOEW, research institutes and universities, scientific NGO respondents and developers of NATURA 2000 sites. Representatives of the EC, JASPERS and EIB will be invited as observers. This group would start its work first because its results will become the basis for the work of the other two working groups. The group will discuss the elaborated SSCOs and relevant science-based proposal for their improvement and make consensus recommendations to the authorities. ➢ The second group will be created at the MoRDPW after results from the first group. It will analyse correspondence of the 2017 Appropriate Assessment with the adopted SSCOs and propose the scope of the new Appropriate Assessment (AA) of the Struma Motorway in the section of Kresna Gorge if needed. Participants are governmental institutions (MRDPW, MOEW, RIA, MTITC, SARS), complainant NGOs, research institutes and universities, and independent AA experts, which made the current AA report. Representatives of the EC, JASPERS and EIB will be invited as observers. ➢ The third group will be created at the MoRDPW. It will discuss the two main topics: road safety and socio-economic issues related to local community and local business. Participants are governmental institutions (MRDPW, MOEW, RIA, MTITC, SARS, Ministry of Health, Ministry of Interiors), complainant NGOs, representatives of the local people (local citizen initiative group) and the two local municipalities (Kresna and Simitli), etc. ➢ The work of these groups should give results in a short time due to time constrains for the motorway planning and construction. The recommendations and time schedule suggested in the mission report should be respected to the best extent possible. The Government and NGOs will provide timely joint reports on the establishment of the working groups and the results of their work. After the conclusion of the working groups, the need to re-open the work of the Monitoring Committee of the Struma Motorway will be discussed and the issue will be reported to the Convention. ➢ Government and NGOs welcome the report of the independent experts from the OSA and invite the Standing Committee to adopt a recommendation based on it. However parties diverge on the status of the case: ➢ **Government is calling for not to open a case file** as strong efforts are continuously being made, Rec 98 has been carefully followed, and this could negatively affect and demotivate the authorities given the efforts and progress made, which could lead to a deterioration in communication and dialogue. ➢ **NGOs are calling for the opening of a case file** as, while significant progress has been made in implementing Rec 98, a lot more is still needed; opening a case-file brings proven results as there is a higher commitment of the parties to find a common solution.
Standing Committee Nov/Dec 2021	➢ 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 StC, which in particular informed about the future cooperation mechanisms. These new working groups should provide quite quick results. ➢ It also took note that both parties 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. ➢ Thanked the EC 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 Recommendation No. 212 (2021) on the project to build a motorway through the Kresna Gorge (Bulgaria).

	➢ 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 CPs 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 1st Bureau meeting in 2022.
Joint-report from both parties, April 2022	➢ Since the Parliamentarian elections in November 2021, a new Government was installed in Bulgaria. The Ministry and concerned stakeholders held joint meetings in early 2022 to discuss the forthcoming joint work on the implementation of Rec. 212 (2022). There is common will to finalise the Struma motorway project in full accordance with the EU environmental acquis, particularly with the Habitat Directive requirements and Bern convention recommendations. ➢ Implementation of the Recommendation 212/2021 started with the establishment of new cooperation relationship between the Government and Complainant implementing p. 1 of the Recommendation; ➢ There was establishment of three common consensus-based advisory Working groups (WGs) according p.2 of the Recommendation; ➢ The first WG on biodiversity, hosted by the MOEW, has started work addressing p. 3 of the Rec. The group held its first meeting on February 22nd, 2022. The group had two meetings on February 22 and March 18, 2022. During the second meeting, the existing proposals for SSCOs for the NATURA 2000 sites in Kresna were presented. Further discussion on this topic will be held in April 2022. The NGOs appreciated the constructive sptiti of the groups, and that it will achieve results and approve SSCOs with only a slight delay. ➢ The 2nd (EIA/AA revision) and 3rd Working Groups (road safety and local communities needs according p. 9) are hosted by MRDPW. RIA informed MoEW about the orders issued for the establishment of the two WGs. The groups include between 30 and 40 participants from all stakeholders. NGOs are very concerned that the WGs lack a consensus decision-making mechanism and exclude all mechanisms for publicity. ➢ However the authorities argued that a consensus-based decision-making mechanism is a slow and complex process, as no decision can be taken until all participants have approved it. Within such large working groups (over 30-40 people) and given the various institutional and social structures they represent, it is not possible to reach full consensus. In addition, the decisions of the working group are whether or not to propose a consensus proposal to the relevant competent authority, rather than to take over their functions and decide on their behalf. It should also be taken into account that the representatives of various competent bodies in the working groups are experts, but the policies formulation and final decisions on the relevant procedures is the competence of the heads of government institutions. ➢ Re: Point 5 of the recommendation, monitoring programmesd already ongoing for certain species is reiterated, as is mitigation measures for the road construciton. RIA in November submitted to MoEW documentation for assessing the need for EIA and Appropriate Assessment (AA) of the project for mitigation measures. The NGOs were concerned that they were not informed on time, and of the content of these proposed activities. ➢ Re: development of a National Detailed Timetable implementing point 11 of the Recommendation and point 7.11 of the Mission Report: a decision to approve a National Detailed Timetable to speed up work on the case was taken on February 28, 2022 at an initiative of MoEW. NGOs welcome the decision and will be involved in its implementation.
Bureau meeting April 2022	➢ Thanked both parties for again collaborating since the StC to provide a joint-report, an effort which confirmed the already much-improved cooperation between different stakeholders. It particularly appreciated the fact that the concerns of the NGOs were being recorded, and that the governmental stakeholders were responding to these with constructive debate and solutions.

	➢ Raised the concerns of the complainants regarding implementation of preliminary mitigation measures along the current road in Kresna Gorge, recalling that this ecological corridor is vital for the migration of species. It requested further information from the government on this issue, if possible the report on mitigation measures, or a synthesis of it, for the next meeting. ➢ The Bureau looked forward to receiving more detailed outcomes on progress in achieving Recommendation no. 212 (2021) on the project to build a motorway through the Kresna Gorge at its next meeting. Depending on progress achieved, the Bureau could consider proposing to the Standing Committee to reduce the File to an annual monitoring.
Joint-report from both parties, July 2022	➢ The first working group under point 3 of the Recommendation for the adoption of conservation objectives and priorities of NATURA 2000 sites in the region of the Kresna Gorge has successfully completed its work- the following conservation priorities and objectives were approved by consensus: • General conservation objectives in designation orders • Conservation priorities/prioritized objectives of the NATURA 2000 sites (given in Appendix 1 to this report) • SSCOs- the WG approved changes to the SSCOs for 4 reptiles and 2 large mammal species which are of great importance in view of this case. ➢ At its last meeting on June 20, 2022 the working group discussed the fact that the **SSCOs** need future improvement and some of these comments are reflected in the final protocol of the work of the working group. The RIA found serious discrepancies in the methodological approach and in the way of presenting the volume, scope and the quality of the objectives, which has led to a number of gaps, inconsistencies and contradictions, and believes that the SSCOs should be revised and supplemented with a view to improving their quality. ➢ The 2nd (**EIA/AA revision**) and 3rd WGs (**road safety and needs of local communities**), hosted by the Ministry of Regional Development and Public Works, have not held meetings yet. ➢ RIA finds road **mitigation measures** suitable following studies, and is planning road changes to improve safety. ➢ Both sides unanimously welcome the **democratic approach to decision-making** enshrined in Recommendation 212 (2021) and consider it necessary to continue the constant monitoring of the case by the committee and the secretariat until a satisfactory level of implementation of recommendations 98/2002 and 212/2021 of the Standing Committee and as a tool to achieve better cooperation between the parties concerned in the case.
Bureau meeting September 2022	➢ thanked the parties for their joint report and welcomed the gradual progress in implementation of Recommendation no.212 (2021). Most notably, it welcomed finalisation of the tasks of the 1st working group on the site-specific conservation objectives. It also took note however that the Group believed further improvements were needed. ➢ hoped that the tasks of the 2nd and 3rd Working Groups on Environmental Impact Assessment/Appropriate Assessment (EIA/AA) revision and road safety and needs of local communities could begin without further delay following the principles of Recommendation no.212 (2021). It also encouraged continued monitoring particularly of the mitigation measures of the road. ➢ Noting the new government in place in Bulgaria, the Bureau hoped that the good cooperation between both parties would continue in the implementation of Recommendation no.212 (2021), and that the parties could continue sending joint-reports, which was an unprecedented and most welcome step in the history of the case-file system. Looked forward to seeing the presentations of both parties at the Standing Committee. The file stays possible.
Complainant's report Oct 2022	➢ The Report is a product of the complainant only, due to the fact that, as of August 2022, the new care-taker government has ceased any dialog on any decision or undertakes in a consensus manner, as required by Recommendation 212.

	➢ On 12th August 2022, immediately after the new care-taker Government was installed, the NGO complainant submitted letters to the Ministry of Environment and Ministry of Regional Development requesting meetings for planning and accelerated implementation of the work on Recommendation 212. These letters remained unanswered. ➢ On 13th October 2022 an official sitting of the National Biodiversity Council under the MoE approved by voting the **detailed and specific objectives of Natura 2000 zones** in Kresna Gorge: ➢ The National Biodiversity Council consists of 14 representatives of Governmental institutions most of them with no expertise on biodiversity conservation, 5 of The Bulgarian Academy of Sciences, 5 of other scientific institutes and universities, one environmental NGO, and one NGO of landscape architects. ➢ The NGO complainants were not invited at the discussion nor allowed to express their arguments at the meeting, nor was there online streaming or publication of a detailed protocol of the discussion and the voting. ➢ The consensus product of the Working Group of Rec 212 was rejected and a product prepared by a private consultancy company was adopted, which has not been published, or subject of the public consultations as required by law, nor were submitted written statements of conservation NGOs and biodiversity scientists taken into account. ➢ The **detailed and specific objectives**: ➢ do not reflect the conservation priorities of the NATURA 2000 site in the Kresna Gorge and its role as a reptile bio-corridor for the coherence of the network; ➢ does not adequately feature the Brown Bear; ➢ related to conservation objectives for reptiles (2 species of land tortoises and 2 snakes), include mitigation measures, related to the Struma motorway, which sets the ground to justify the selected alternative that passes through the gorge. Having mitigation measures in a document defining the Natura 2000 goals is unacceptable and against art. 6.3 Habitat Directive AA; ➢ are incomplete - threats, ecological requirements are incomplete and not reflected, not the best available and actual scientific information is used; ➢ The other two WGs to be established on "revision of AA/EIA" and "road safety and local needs" - are still not established, do not have any progress and we, as NGOs, have no information what is the plan for them. ➢ The EU funds Operational Programme "Transport Connectivity" 2021-2027 which is the main source of financing of the Struma motorway was approved with EUR 140 mil. allocated for the finalisation of Lot 3.2 (Kresna Gorge) which is up to 5 times less than all existing financial projections of the project. ➢ Govt is **failing to implement Rec 212** in particular to establish fundamental cooperation relationships between the government and complainants and other relevant stakeholders, especially in relation to the finalization of the SSCOs; and address the concerns and the needs of the local society. ➢ NGOs **ask again for an official opening of the file on the case**, as we see clear signs that the protection of the Kresna gorge is again under imminent threat and the care-taker Government has restored the old regime of non-communication and maladministration practices.
Respondent's report Oct 2022	➢ Given the reluctance of the complaints to submit a joint report the Bulgarian authorities prepared independently the present updated information on the progress of the implementation of Recommendation 212.

	➢ Concerning **development and adoption of the SSCOs**, Rec 212 invites closer cooperation with all stakeholders in the finalization of the project- the task of WG 1, however was much broader compared to the objectives declared to the convention in the joint report of 16.11.2021 and included establishment of a new approach for development of the SSCOs for the two protected sites. ➢ We find it is justified to elaborate some considerations regarding this changed tasks, departing from the approach reported to the Standing Committee as changing the approach, structure, content and level of detail, at this advanced stage creates prerequisites for unbalanced/unmotivated decisions. WG 1 disregarded the agreements reached and progress achieved during the consultations held with the international experts engaged by the EC. ➢ Instead of achieving the desired and expected result, namely discuss the SSCOs developed and adopted in 2021 as a whole and give its recommendations for the improvement of the already structured documents, WG 1 focused on changing the methodology already approved by the European Commission. We believe that the tasks of WG 1, as defined, do not meet Recommendation 212. ➢ Despite the described situation, the MOEW approached the process transparently and ensured the participation of stakeholders in the decision-making process, by publishing both the draft of the SSCOs, developed with the participation of internationally recognized experts and adopted in 2021, as well as the SSCOs amended by the WG 1. Consultation period was from 16.07.2022 to 16.09.2022 and a significant number of comments were received. All opinions were considered and taken into account in the preparation of the materials for the NBDC. ➢ On its meeting held on 13.10.2022, taking into account the reasonable proposals of the WG 1, as well as all the opinions received during the Public consultation, the NBDC decided to propose to the MOEW to approve the SSCOs for "Kresna – Ilindentsi" and "Kresna" protected sites, in their initial structure, proposed by the expert team in 2021. The NBCD also proposed the SSCOs for the two sites to be refined by considering those proposals of the WG 1, which supplement and further develop the SSCOs and correspond to the approved by EC services methodology. ➢ NBDC was convened under the currently acting Rules for the organization and the activities of the NBDC (Rules of Procedure), promulgated in the state gazette on 02.08.2022. The RoP contains a clear and detailed procedure for the election of council members, including NGO representatives. ➢ On 25.10.2022 the amendments to the orders for the designation of the two protected sites "Kresna - Ilindenci" and "Kresna" were published in the State Gazette with which the SSCOs for the two protected sites were introduced. ➢ Concerning **WGs 2 & 3,** currently, the composition established by order of the MRDPW is being updated and their work is about to begin based on approved SSCOs for both protected sites. It is planned that the first meetings of both working groups are held in the beginning of November 2022. ➢ Concerning **monitoring carried out by Road Infrastructure Agency, r**egarding the 4 key species of reptiles, monitoring activities are currently being carried out in the field for the fall season of 2022- the implementation of the contract for monitoring of the target species will continue until 15.06.2024. ➢ Regarding '**Implementation of road safety measures'**, measures were implemented to change the organization of traffic: a ban on overtaking in the section through the Kresna gorge executed with new horizontal marking and a physical separation of the traffic lanes with flexible restraints; new marking of the end lines; three boxes for stationary speed control cameras. ➢ With regard to **mitigation measures**, MOEW required the RIA to present an analysis of the effectiveness of the proposed mitigation measures. Expert biologists and ecologists prepared an analysis on the suitability of mitigation measures (passage and barrier facilities) - existing and newly designed - along the route of the E-79 road in the Kresna Gorge at the stage before the construction of Struma motorway Lot 3.2.

	➢ MOEW issued Decision No. 10-OC/2022, which terminates the procedure initiated under the environmental legislation and practically blocks the possibility of applying the planned measures to mitigate the impact of the existing traffic on wild animals and birds in the Kresna gorge. This decision was taken by the previous political cabinet of the MOEW. ➢ The decision was taken despite the actual field data from monitoring, which clearly shows the existence of viable and numerous populations of the both species of tortoises. In addition, the analyzes presented by RIA to the proposed emergency interim measures show that the suitability of all the proposed population defragmentation facilities can be rated as optimal or very high, and the proposed mitigation measures along E-79 road are applicable, feasible and effective relative to the identified impacts and the species subject to protection. ➢ In conclusion, the authorities welcome the progress achieved in the implementation of Rec 212 and will continue to support the constructive joint work and good cooperation with all stakeholders, including in relation to the work of WGS 2 & 3 established by orders of the MRDPW. We consider that the authorities are continuously putting efforts to ensure the protection of the species and habitats but also the implementation of strategic transportation, economic and national security objectives in the development of this project. In that regard the **Government is calling for not to open a case file, but to continue monitoring the case as a "possible file".**
Standing Committee Nov/Dec 2022	➢ The Committee took note of the information of the authorities that the Working Group on reviewing the SSCOs had completed its work in July 2022, and that some of its conclusions had been taken into account in the final decision. Furthermore, the WGs 2 and 3 had had to be re-constituted but the work was planned to begin by the end of the year based on the adopted SSCOs. Finally, they informed that no new construction works were ongoing, only safety-related maintenance within the scope of the existing road. Finally, the mitigating measures along the existing E79 road to address current pressures are important and should be implemented following their assessment for compliance with the SSCOs ➢ The Committee took note of the information of the complainant who expressed its disappointment that the consensus-based conclusions of Working Group 1 had for the most part not been taken into account and that cooperation with the government had disappeared following the change in government in August. ➢ The Standing Committee also took note of the intervention of the European Commission. ➢ A vote to open the file failed. ➢ The Standing Committee appealed to the Government, together with the Complainants, to fully implement Rec 212 (2021) and to revise the EIA/AA report, following the advice of the EC, on the potential impact of the motorway, thus respecting Rec 98 (2002). It reminded Bulgaria not to start any construction before the Recommendation was fulfilled. Given the ongoing cooperation problems between the Government and NGOs, it instructed the Bureau to consider at its next meeting if a Bern Convention Mediation procedure could be a productive problem-solving instrument for this case.
Govt report 20th February 2023	➢ The Bulgarian authorities are determined to finalize the Struma motorway as strategic part of the TEN-T network, ensuring connectivity in Bulgaria. In this respect the implementation of Lot 3.2 is and will remain a priority. ➢ The **AA review** was initiated following the adoption of the SSCOs and in line with the EC's observation on the need to verify the 2017 AA conclusions against them. The scope of the review, as required by the ToR, is based on examples and methodology for similar AA reviews provided by JASPERS. This analysis is very important and will demonstrate whether the AA conclusions conform with the SSCOs. The review will consider the alternatives that were initially subject to the assessment. Through a public procurement, an external consultant was appointed and contract signed in January 2023. ➢ The draft analysis will have to be considered, inter alia, by the Contracting Authority and JASPERS. In case the Contracting Authority has comments or notes on the submitted documents, the contractor has to adapt them and provide a final report. The final analysis is subject to assessment by the

	competent authority which will also take into account the opinion and recommendations of the working group on environmental issues agreed upon with the stakeholders at the Bern Convention (WG2). ➢ In February 2023, the Minister of Regional Development and Public Works updated the composition of **WG2** and introduced changes in its Rules of Procedure (RoP) to ensure that all opinions and positions have been considered. WG 2 strives to form consensus which, as currently defined in the RoP, exists when there are no substantiated negative opinions expressed on the discussed materials. It is not expected to take decisions by voting and, if consensus is impossible to reach, the majority opinion will be presented to the relevant authorities together with the motivated dissenting opinion/s. In addition, for transparency, WG deliberations will be streamed online. ➢ The first meeting of WG 2 was held on February 15, 2023, at which the members of WG2 and the RoP, as well as the approach for developing the AA Review, were presented. The WG 2 will continuously monitor and discuss the AA Review. ➢ The composition of the **WG 3** with the task of road safety and needs of local communities according to item 9 of the recommendation (WG 3) and the Rules of Procedure was also updated and will start work soon. ➢ Bulgarian authorities welcome the progress achieved in the implementation of Rec 212 (2021) and will continue to support the constructive joint work and good cooperation with all stakeholders, including in relation to the work of the 2nd & 3rd WGs. It is considered that a Bern Convention Mediation procedure could improve the cooperation and common understanding of this case and such support would be welcomed.
Comp report 20th February 2023	➢ The government has intention to start construction in the Kresna gorge before May 2023 and no intention to revise the deficient EIA and AA from 2017. Several media/political announcements support this threat. The Minister of Regional Development and Public Works claims that work must start before the expiry of the 2017 EIA/AA by May 2023, although NGOs claim that it expired already in October 2022. ➢ Site visits in October 2022 confirmed various types of construction/preparations at 5 spots of the road. ➢ Govt continues to ignore all communication from the NGOs. The meeting of WG2 in February was poorly organised with no working documents, and the RoP have removed the necessity for consensus-based decision-making. The NGO & scientific representatives objected to the proposal for the EIA/AA analysis. ➢ After scrapping the consensus results of the WG 1 on SSCOs, non answering requests for meeting with the three responsible institutions, questionable construction activities at the Kresna Gorge and refusal of the Chair of WG 2 to work and provide input for a quality revision of the AA/EIA, NGOs are convinced that the only goal of the responsible institutions is to proceed as soon as possible with the validation of the approved option through the Kresna Gorge without any quality or legally grounded process of revision and consultation of the project with the Complainants or with any other affected or interested party. ➢ In January, NGOs began preparing analyses of the weaknesses and incompleteness in the NATURA 2000 conservation objectives officially approved in October 2022. On February 8, 2023, such an analysis was completed and sent to the European Commission by NGOs with the support of leading experts, including on, key reptile species. A similar analysis is currently being prepared for the two priority species of large carnivores. ➢ NGOs insist on holding urgent mediation procedure as was discussed and proposed during the last Standing Committee. It is believed that the internal mechanism for finding consensus solutions with NGOs is failing because of a lack of political will in the official government to seek such solutions.

Bureau April 2023	➢ noted that the AA review following the adoption of the SSCOs had been initiated with consultative support from WG 2 on "Environmental Issues of the Struma Motorway Project Lot 3.2", and it welcomed that the other alternatives were being considered. It also took note that the composition of the WG and its RoP had been modified, and that the complainant objected to the fact that a consensus-based decision making was no longer a criterium. ➢ took note that WG 3 on road safety and needs of local communities and its RoP had also been updated and would start work soon. ➢ took note of the allegation of the complainant that the government intended to start works in the Gorge before May 2023 (i.e. the expiry date of the 2017 EIA/AA according to the government, although the complainant claims the EIA/AA actually expired in October 2022). It also expressed concern on the complainant's allegation that preparatory construction has begun in several sites, while noting that the authorities insisted that this related to standard road maintenance works. ➢ took note of both party's request for a Bern Convention mediation procedure. ➢ concerned with the situation and remarked that the issue had deteriorated since the change of governmental position in August 2022, which appeared to be neglecting the points of Recommendation No.212 (2021) which had been jointly developed with both parties in 2021. ➢ remarked that a core problem appeared to be the ongoing lack of good communication and collaboration between parties. On the other hand, it noted that the mission in 2021 had included elements of mediation, and so it was not sure if yet another procedure such as this would bring any added value. It also referred to Point 10 of the Rec which suggested holding a workshop or conference in Kresna bringing together a wide range of stakeholders. It decided to further discuss these options at its next meeting (September 2023), and to bring proposals to the 43rd Standing Committee. ➢ Urged the authorities to adhere fully to the Bern Convention rec no.212 (2021) and no.98 (2002) as well as to the European Commission's obligations, and in particular to ensure fair and inclusive participation in the Working Groups and other processes, as well as to stop any construction in the Kresna Gorge until the correct procedures in line with the above have been completed.
Extra-ordinary Bureau June 2023	➢ The Bureau took note of the allegation of the complainant received on 2nd June that construction had begun on a roundabout to the south of the town of Kresna, which connects lot 3.3 with lot 3.2 (the Kresna gorge section), and the allegation that this marks the start of the construction of lot 3.2. It thanked the Bulgarian authorities for responding within such a tight deadline, and noted their response that the road junction of Kresna which was under construction was an independent phase of Lot 3.2 which neither affected, nor predetermined the choice of alternative for Lot 3.2. ➢ The Bureau reiterated its call for Bulgaria to fully implement Standing Committee Recs No. 98 (2002) and No. 212 (2021) and in particular recalled the decision of the 42nd Standing Committee which "reminded Bulgaria not to start any construction before the Recommendation was fulfilled".
Govt report August 2023	➢ The AA review was sent to the Commission services on July 25, 2023 and awaiting feedback. The results of the review confirm the conclusions of the 2017 EIA/AA Decision that G10.50 is the most environmentally preferable in the light of the SSCOs for Lot 3.2. And on August 29, 2023 the AA review is to be presented and discussed by working group 2. ➢ WG 3 on road safety and needs of local communities has not started yet: a major part of the locals, including various organizations and stakeholders (more than 6,000 local citizens) have signed declaration in support of the implementation of G10.50. ➢ The court decided to not take further action on the NGO appeal against the mitigation measures, and terminated the case. The court ruling entered in force on June 14, 2023 and RIA is currently proceeding further with the measures. Their implementation is envisaged to be finalized by March 2024. ➢ Reiterates that ongoing construction relates to a different project which neither affects, nor predetermines the choice of alternative for Lot 3.2.

Comp report August 2023	➢ As expected by the complainants and some of the delegates, the government didn't start any legal procedure in 2023 to revise the EIA and AA from 2017 which were found violating the Habitats Directive and the Bern Convention. ➢ The government started construction of the south junction part of lot 3.2 near the Kresna town, which connects lot 3.2 (Kresna) with lot 3.3 on 16 May 2023 in order to save the 2017 EIA/AA which, according to the government, was to expire seven days later - on 23 May. The official ceremony by the Minister of Regional Development, vice ministers and the mayors of the towns of Kresna and Simitli de facto gives a start to the construction of the G10.5 alternative of the Struma motorway that would destroy the Kresna gorge. At present, construction works continue. ➢ The construction works were preceded by a decision by the Ministry of Regional Development for approval of a Detailed Spatial Plan (DSP) on Kresna junction of Struma motorway and preliminary execution of its construction works. The DCP was approved without any AA thus violating Article 6, Par. 3 of the HabDir and contradicting the decision between DG Regio and the OP Transport Management authorities agreed at Technical meeting in 2017. The consensus was not to proceed with the approval and construction of the road junctions at Simitly and Kresna (connecting Lot 3.2 to Lot 3.1 and Lot 3.3. respectively) before a final decision on the Kresna Gorge alternative is approved. ➢ The new government that took office in June 2023 didn't do anything to stop the ongoing construction, nor to complete any of the points of Recommendation No.212 (2021). The complainants sent several requests to the new ministers of environment and waters and of regional development, but no legal actions were taken by their side to revert the previous government's decisions. ➢ 21 representatives of civil-society organisations submitted a complaint on 2 August 2023 to the European Commission for the construction works of Struma motorway that started. The complaint is on the violations of the procedures and requirements of Art. 6, para. 3 of Directive 92/43/EEC during the construction of the Kresna section of the motorway and the more general violation of Art. 6, para. 2 of the same Directive. The cumulative impacts, resulting from the construction and operation of the other motorway sections 1, 2, 3.1, 3.3 and 4, financed by the EU, deteriorate the integrity and conditions in the NATURA 2000 sites affected by the motorway section in Lot 3.2. ➢ Considers that mediation between the government and the complainants is highly needed. We welcome a conference in Kresna in 2024 to be initiated by the Bern Convention. We also believe that such a conference should not be organised by the government, but by an independent international group (IENA or similar).
Bureau September 2023	➢ noted the information of the government that the AA review had been sent to the EC in July and was awaiting feedback, and that it would also be presented at WG 2 in August. The results of the review had confirmed the conclusions of the 2017 EIA/AA Decision that G10.50 was the most environmentally preferable in the light of the SSCOs for Lot 3.2. The Bureau also noted the complainant's statement that the government hadn't started any legal procedure in 2023 to revise the EIA/AA which had been found to violate the Habitats Directive and the Bern Convention. ➢ noted that WG 3 on road safety and needs of local communities had still not started, but, according to the government, a major part of the locals have signed a declaration in support of the implementation of G10.50. ➢ took note of the diverging information of the parties as to whether the construction of a roundabout near Kresna signals the start of the development of G10.50 or not. It took note that a coalition of civil-society organisations had submitted a complaint in August to the EC concerning the construction works, citing violations of the procedures and requirements of Art. 6, para. 3 of Directive 92/43/EEC and of Art. 6, para. 2 of the same Directive. ➢ took note that the mitigation measures were being implemented and due to be finalised in early 2024. The Bureau called for extensive monitoring by the authorities.

	➢ was again seriously concerned with the clear lack of will of the government authorities to include civil society in the procedures, despite the clear recommendations of the Standing Committee as adopted in 2021. ➢ As a follow-up to Rec 212 (2021), specifically point 10, the Bureau instructed the Secretariat to liaise with both parties on the possibility of holding a Workshop in Kresna in 2024. Such a Workshop could be independently organised and aim to bring together a wide range of stakeholders from Bulgaria but also across Europe. It should also provide the opportunity to improve the relationship between the governmental and civil society stakeholders.
Govt report October 2023	➢ The Bulgarian authorities are determined to finalize this strategic part of the TEN-T network, thus ensuring connectivity of Europe in the South-North transport corridor. In this respect, the implementation of Lot 3.2 is being and will remain a priority. ➢ On 29 August 2023 the AA review has been presented at Working Group 2. The AA review has been discussed by all WG members and they presented their opinions, statements, comments and questions. An agreement was not achievable on the presented analysis, thus according to the Rules and Procedures of WG2 all opinions are to be presented to the authorities. Nevertheless, after a discussion at the meeting, a consensus was reached among the members of the WG 2 that there is a need to initiate a new feasibility study to identify options for additional routes to secure transport corridor from Sofia to Kulata outside the Kresna Gorge.. This would further reduce the pressure from the right lane traffic in the gorge while the already approved alternative is under implementation. This will allow the construction of the new left lane, which will then relocate the entire traffic outside of the Gorge, while the rehabilitation of the existing road is ongoing. The latter is in urgent need of major reconstruction regardless of how it will be used in the long run. On the one hand, bridges, tunnels and other structures on the road are identified as dangerous and their reconstruction needs to be started urgently. On the other hand, such reconstruction would allow the implementation of defragmentation and fencing facilities which will protect the species. Planning the next meeting of WG 2 and also WG3 is ongoing. ➢ Notwithstanding the choice of a route for Lot 3.2., the European Commission requires urgent implementation of interim measures to mitigate the impact of the existing traffic on the protected habitats and species in the gorge. Their implementation is envisaged to be finalized by March 2024. ➢ At the extraordinary Bureau meeting in June 2023, the allegation by the complainant about starting the construction of Lot 3.2. has been discussed. We would like to stress once again that it is only the road junction near Kresna town that was under construction. It is located south of Kresna town and more than 4 km away from Kresna Gorge. The road junction neither affects, nor predetermines the choice of alternative for Lot 3.2. It provides safe connection of the existing part of Struma motorway (Lot 3.3.) with the existing road E79. ➢ Recommendation 212 (2021) of the Standing Committee of the Bern Convention invites closer cooperation with all stakeholders: We would like to assure you that the new Bulgarian government is determined to implement the Bureau recommendations in their efforts and attempt to reach synergy, dialogue and consensus with the non-governmental organizations. ➢ We would like to remind that the project has received a wide public support from the local citizens and various professional organizations, with the result that the Bulgarian authorities need to conform their actions with these and not to allow public tension, conflicts and opposition among various groups, viewpoints and positions on the subject. ➢ We would like to point out that generally, we accept the proposal to convene a Workshop in Kresna in 2024 but we would like such an initiative to be discussed in greater detail, including in terms of time periods, subject matter and ways to conduct it. The authorities reserve the right to weigh up the advantages and disadvantages of such an initiative taking into account public attitudes and viewpoints of a wide circle of stakeholders in the course of the project implementation.
Comp report October 2023	➢ In May 2023, construction began on the southernmost part of Lot 3.2 – a road junction with Lot 3.3. The construction of the junction predetermines the impossibility of choosing an alternative route (outside the Kresna Gorge) other than the G10.5 already approved in 2017. On one hand, the

	construction contracts (one of which started implementation in May 2023) include only the G10.5 Eastern alternative as adopted in the 2017 EIA and nothing else. On the other hand, it is impossible to make corrections to the motorway route once this junction is constructed – e.g. with the aim to avoid the N2K site the junction should be further south. In August 2023, NGOs filed a complaint with the EC - for violation of Art. 6, par. 3 of Habitats Directive 92/43 due to: 1. the lack of revision of the EIA from 2017 violating Art. 6, par. 3 in more than 7 different violations and attempts of the Government to present an informal document called "AA review" as a satisfactory approach to resolve these violations in EIA 2017, without providing real revision of the EIA decision from 2017; 2. The started construction without the DMP of this construction having carried out the procedure under Art. 6, par. 3 of Directive 92/43. ➢ NGOs are preparing a complaint to the committee of the Aarhus Convention related to the fact that the Bulgarian court refuses to recognize the right of NGOs to appeal the decision to approve the DMP of the road junction without an EIA and AA. ➢ During 2nd meeting of WG 2, 1st topic was the informal document, so-called "AA review" - aiming to compare the EIA 2017 decision with the newly formally adopted SSCOs. The "AA review" was not approved by the WG - representatives of NGOs and scientific institutions objected against this document due to the lack of a legally valid revision of the EIA 2017. This "AA review" does not constitute a revision of the 2017 EIA through a procedure with legal consequences and is an informal document. NGOs and scientific institutions also disputed the validity of the conclusions of this document, which predictably tries to validate the EIA decision from 2017 and circumvent the violations of Art. 6, par. 3 of the Habitats Directive found by the EC services. ➢ It emphasizes that it is "taking into account the comments of both JASPERS and the EC on the initial drafts". These comments have been requested from the Chair of the WG but were never disclosed to the Complainants and the other members of the WG. Therefore we cannot assess if these comments were really taken into account nor the quality of the JASPERS intervention. ➢ On the 2nd topic, the WG for the 1st time reached a consensus about the need to make a new EIA and AA in order to find a route that would completely take transit traffic out of the Kresna Gorge. Despite this promising development, discussions began as to whether such a new EIA could begin without delay, (position of the NGOs) or could be postponed indefinitely in order to make new motorway projects, while in the meantime to continue with the construction of the approved 2017 alternative (position of government representatives). It was discussed to have a next meeting as early as September 2023 - but up to 24 October there has been none and again there is silence and lack of communication from the government. ➢ WG3 has not met so far. ➢ It is recalled that new government did not respect decisions of former government and conclusions of WG1 on Conservation priorities. ➢ In October 2023, the Parliament adopted changes to the Law on Biological Diversity, which introduced SSCOs into the law, aimed at obtaining EU funds under the National Recovery and Resilience Plan. But proposals by "Green Movement" were rejected by all other parties on the grounds that "Conservation Priorities" is not necessary from the point of view of receiving and approving RRP funds. There is not only a lack of compliance with Rec 212 but also a systemic approach of disregarding EU environmental legislation and respect of EU fundamental rights. A complaint was submitted by an NGO on 13 October 2023 to the EC. ➢ NGOs fully support proposal of Workshop and hope that the Bulgarian Government will also support it, while stopping the construction of the motorway that started in May 2023. ➢ NGOs ask for an official opening of the file, as we see started construction of the route through the gorge, and no respect to implement Rec 98 and 212. The protection of the Kresna gorge is again under imminent threat and keeping the case as a Possible File has not helped in solving it for 7 years;

	the StC to request from the government to stop construction until a new EIA decision on the motorway in line with EU legislation is provided; the StC to request from the government to revise the EIA/AA including a thorough analysis of all reasonable alternatives outside the Kresna Gorge.

2020/04: ARMENIA: THE AMULSAR GOLD MINE PROJECT AND ITS IMPACTS ON EMERALD NETWORK SITES

Date submitted	20th March 2020
Submitted by (Complainant)	"EcoLur" Informational NGO, Armenian Forests NGO, Green Armenia NGO, CEE Bankwatch Network
Respondent State (Respondent)	Armenia
Specie/s or habitat/s affected	Destruction of habitats of multiple protected species.
Background to complaint	➢ The complaint concerns the development of a goldmine within or near 3 candidate Emerald Network sites: "Djermuk" (AM0000009), "Sevan National park" (AM0000002) and "Gorhajk" (AM0000013). The Armenian Government disregarded procedures for evaluation of projects impacting Emerald sites by not doing proper assessment on protected species and habitats, and the EIA reports applied methodologies that violate the Bern Convention and are incompatible with the Emerald Network. ➢ The Amulsar Gold Project is 70% completed. It foresees excavating metal ore from open pits and extracting gold with cyanide in a heap leach facility. The project has already damaged the Emerald sites by pollution of the Arpa River and could cause further damage to species and habitats through pollution of waters that flow into the three candidate sites, including the reservoir that reverts water into Sevan Lake. The construction stage started in 2016 but since June 2018 has been stopped by local people blocking access roads. ➢ Numerous protected habitats encompassing 1,946 hectares will be affected as well as numerous protected species including: o **Mammals**: Persian leopard, grey wolf, bezoar goat, Eurasian otter, Eurasian lynx, brown bear, marbled polecat, and several bat species; o **Birds**: common kingfisher, tawny pipit, European nightjar, corncrake, Syrian woodpecker, ortolian bunting, red-backed shrike, lesser grey shrike and numerous others; o **Reptiles**: Armenian steppe viper and Eastern four-lined rat snake; o **Fish**: *Aspius aspius, Luciobarbus comizo, Sabanejewia aurata;* o **Plant**s: *Echium russicum.* ➢ Species will be negatively affected by direct destruction of habitats during earthworks and site clearance, topsoil storage, construction of cyanide heap leach facility, barren rock storage, workers camp, roads, conveyers, transmission lines, ADR plant etc. ➢ There will also be deterioration of habitats due to dust from excavation and blasting; introduction of IAS, erosion, water pollution, traffic collisions, feeding areas, change in land use, altered topography, fragmentation of populations, poaching, 24-hour noise and light pollution and cumulative effects with other mining projects in the area.

	➢ As well as Emerald Sites, certain parts are also Ramsar, Key Biodiversity Area, and include 24 threatened species on IUCN red list. ➢ The Complainant is concerned about the Armenian government's recent reductions and/or changes to the composition of Emerald Network sites in the country.
Government's report July 2020	➢ Since 2008 Armenia has been committed to the setting-up of the Emerald Network, and in 2017 a new list of 23 candidate sites comprising 34.7% of Armenian territory developed by experts and specialists was submitted to the Convention. This included the 3 sites affected by the gold mine, where major industrial and economic activities were already underway. ➢ That list was not officially approved by the Ministry of Environment nor circulated amongst relevant state authorities, and this procedural breach is being investigated. ➢ A number of the experts and specialists who participated in the project for the development of the candidate sites were also contractually engaged as experts in the development of the EIA of the Amulsar Gold Mine Project. This circumstance is also subject to further inquiry by the Ministry and possibly other relevant authorities. ➢ Thus a review and optimisation of the previously submitted list is underway involving extensive fieldwork, and once complete will be then submitted to the Convention.
Complainant Report July 2020	➢ Asks the Bureau to include the complaint in the agenda of the next Standing Committee meeting for the following reasons: - The Armenian authorities have initiated "review and optimization" of officially proposed and nominated candidate Emerald sites , which have been evaluated at biogeographical level and confirmed as meeting the criteria to be essential part of the Emerald Network. The motives of the authorities for the "review and optimization" of the sites are not scientific but political ("not agreed with Ministry of Environment", whilst the national authorities were the only ones able to submit the site proposals, using the Common Data Repository) or economic ("industrial and economic activities are underway"). - There is no answer by the authorities regarding the impacts of the Amulsar Gold Project on habitats and species protected in the proposed Emerald sites and to the lack of proper assessment of a project impacting the coherence of the Emerald Network. - In the last weeks there have been confrontations and violent clashes between protesters and the Amulsar project's security forces, with the intervention of the police. There is concern that the project's security will provoke further clashes and violence, with the intention of regaining access to the project site. The serious conflicts surrounding the project are deepening and we are concerned about further social and environmental impacts.
Bureau meeting 15-16 September 2020	➢ Noted the potential negative impacts on numerous species and habitats that the gold mine project could bring, especially affecting three candidate Emerald Network sites, and also noted that the authorities in their letter had not replied specifically to these allegations, but rather had informed that a procedural error had led to these three sites being mistakenly included in a list of candidate sites submitted to the Convention. ➢ The Bureau had already expressed concern at this expected large reduction in size of Emerald Network coverage in Armenia and urged the authorities to clarify on when the revised list would likely be ready and submitted to the Secretariat. The Bureau also

	instructed the Secretariat to evaluate the extent to which the sufficiency of the features occurring in the Emerald Network sites concerned is impacted in the revised list of Emerald Network sites. ➢ Recommended that the authorities halt any developments that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not, and asked for a report specifically responding to this complaint. ➢ Finally, the Bureau suggested that the general situation of the Emerald Network in Armenia should feature during a future Group of Experts for Protected Areas and Ecological Networks meeting.
Complainant's report February 2021	➢ In the last months there has been **pressure to re-open the Amulsar gold mine.** ➢ **Still no appropriate assessment** on the potential negative impacts on numerous species and habitats that the project could bring, especially affecting three candidate Emerald Network sites. ➢ Regarding changes to the country's Emerald Network Complainant points out that: - Any changes to the borders of the Emerald sites should be planned taking into account **only scientific criteria** according to the Recommendations of the Convention; - **All stakeholders should be involved** in the process: Armenian government, Bern Convention, scientific community, NGOs and landowners representatives. The only fora where this would be possible are new biogeographical seminars where sufficiency of the network is evaluated; - These changes should **not contradict the obligations of Armenia** to adopt and protect the candidate sites according to the national legislation. **All three Emerald sites potentially impacted by the project are candidate sites**. ➢ Complainant **fully agrees** with the Bern Convention Bureau request from September 2020 that the authorities halt any developments that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not. ➢ Complainant highlights that this request is even more important taking into account the recent impacts on habitats and species, including by **extensive forest fires** reported.
Bureau meeting 14-15 April 2021	➢ The Bureau thanked the complainant for the timely report and noted the lack of a response from the national authorities. ➢ It took note of the complainant's concern that there has been pressure to re-open the Amulsar gold mine and that still no appropriate assessment of the potential negative impacts of the gold mine project, especially affecting three candidate Emerald Network sites, had taken place. It also noted the complainant's concern about recent negative impacts of extensive forest fires on habitats and species. ➢ The Bureau reiterated its recommendation to halt any developments that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not, and once again asked the authorities for a report specifically responding to the issue of the gold mine.

	➢ The Bureau had already expressed concern at the expected large reduction in size of Emerald Network coverage in Armenia and again urged the authorities to clarify on when the revised list would likely be ready and submitted to the Secretariat. It asked the authorities to provide an update on its Emerald Network structure to the Group of Experts on Protected Areas and Ecological Networks meeting in October 2021. ➢ The Bureau decided to elevate the complaint to stand-by.
Government report 16th April 2021 (shortly after the Bureau meeting)	➢ Activities are being carried out for clarification and adjustment of boundaries of potential sites according to recommendations of the Convention. ➢ As to the Sevan and Gorhajk sites, according to studies conducted, they will not be exposed to negative effects from the mining site or processing plant, as the sites are located much higher. ➢ All impacts of the complainant are unfounded, as the mammal species are not confirmed on the territory; the bird species don't nest on the territory, only fly across, and have large territories around; and the fish, invertebrate and plant species also do not inhabit the territory. ➢ Additional, extensive field work is required to ensure better data: when this is done, the Ministry will officially communicate the optimised list of Emerald sites to the Convention.
Respondent's report August 2021	➢ Relevant **activities** are being carried out **for clarification and adjustment of all boundaries of potential sites**, including "Jermuk", in order to cover the most important habitats and areas of plant and animal species, in accordance with the recommendations of the Convention. According to these recommendations plant and animal species and habitats of Emerald Network candidate sites are dispersed in eyery region as stated in the following categories: A: 15- 100% representation of the population of the species or the habitats; B: 2-15a, C:1-2 , D: non-essential (less than 1%). ➢ As to the "Sevan" and "Gorhajk" sites, according to the studies conducted, in the result of the exploitation of the Amulsar mining site and the processing plant, they will not be exposed to the negative impact, even in the case of emergency pollution, considering that both sites are located the elevation much more higher than processing plant. ➢ All possible negative impacts presented in Complaint are **unfounded** and have not any scientific justification or evidence based predictions, since the **existence of Mammal species** listed in Complaint **is not confirmed on the territory of the mine.** ➢ **Bird species** presented in the Complaint are **not nesting in the indicated territory**. Those species, which fly through the current territory, since they have large hunting grounds within their foraging range **have enough hunting area**, as they already use other nearby territories. ➢ All the **fish species**, **invertebrates** and **plants species** are **not inhabiting the territory** indicated in Complaint. ➢ Optimization of candidate sites of «Emerald Network» is currently being carried out and after the compilation of expert research, the Ministry **will officially submit the optimized list of candidate sites** to the Secretariat of the Convention.
Bureau meeting	➢ Thanked the national authorities for the report and noted the lack of a response from the complainant.

15-16 September 2021	➢ Took note of the information provided by the authorities, namely that activities were being carried out for clarification and adjustment of boundaries of potential Emerald sites according to recommendations of the Convention. It further took note that, according to studies conducted, the "Sevan" and "Gorhajk" sites would not be exposed to negative effects from the mining site or processing plant as the sites are located higher. It also noted that, according to the authorities, the mammal species presented in the complaint were not confirmed on the territory; the bird species do not nest on the territory, only fly across, and have large territories around; the fish, invertebrate and plant species indicated in the complaint also do not inhabit the territory. ➢ Reiterated its recommendation to halt any developments that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not. The Bureau asked the authorities to provide the results of the conducted assessments showing that the project would not bring any negative impacts on species and habitats. ➢ Again expressed its concern at the expected large reduction in size of Emerald Network coverage in Armenia and urged the authorities to clarify on when the revised list would likely be ready and submitted to the Secretariat. It recalled its request for an update on Armenia's Emerald Network structure at the upcoming GoE on Protected Areas and Ecological Networks meeting in October 2021. ➢ The case remained on stand-by. Both parties were invited to submit reports for the Bureau meeting in Spring 2022.
Respondent's report February 2022	➢ Mammal species presented in the complaint were not confirmed in the territory; bird species are not nesting, only fly across, fish, invertebrate and plant species do not inhabit the territory. ➢ All possible risks are taken into account in environmental and social impact assessment. ➢ Program is currently not operational. ➢ Field/analytical works on optimising Emerald Network in Armenia are in process. ➢ The Ministry will formally submit the optmised list of potential areas to the Secretariat, after drawing up its conclusions as soon as possible.
Complainant's report February 2022	➢ we would like to ask the Bureau to instruct the authorities: - To involve NGOs and experts in the revision of the Emerald Network and to make the process transparent and participatory; - To cancel the current Environmental and Social Impact Assessment (ESIA) of the Amulsar Gold Project and to ask the investor to produce a new report taking in consideration the Bern Convention; - To inform about the current status of the declaration process of Jermuk National Park; - To make sure that the recommendation of the Bureau from September 2020 is followed: "in the meantime, it recommended that the authorities halt any developments that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not".

	➢ **Obscure revision of the Emerald Network in Armenia**; None of the complainant organisations, nor WWF Armenia, nor other NGOs who have participated in biogeographical seminars are informed about the process. The best Armenian experts in different animal groups aren't part of the process either. ➢ Need for new ESIA of Amulsar Gold Mine; The authors of the currently approved ESIA report should have informed the government that the Amulsar Project is located within one Emerald site and could have impacts on other sites. The Emerald Network, the Emerald sites (ASCIs) affected by the Amulsar Gold Project and the legal basis of the Bern Convention related to the Emerald Network were not mentioned, referred to or analysed in any part of the currently approved ESIA report. ➢ We don't claim that the ESIA baseline biodiversity data is completely incorrect – the authors have correctly described many of the species present in the area of the gold mine. What we claim is that the assessments on the direct and indirect impacts are incorrect and consequently the mitigation measures. ➢ **The process to declare Jermuk National Park is stopped**; In the ESIA, the main compensatory/offsetting measure proposed is the investor to support the establishment of Jermuk National Park. But the park was not declared before the start of construction of the mining facilities and since 2017 up to now the necessary steps for the declaration or for public consultations are stopped. The park will not be declared in the next years but the negative impacts on some biodiversity features of "Djermuk Area" Emerald site are already significant as the habitats are completely modified for the construction of the barren rock storage facility, some open pits, transportation facilities. ➢ Moreover, the proposed boundaries of Jermuk National Park were changed after signing a memorandum between "Lydian Armenia" and the Ministry of Nature Protection to exclude all areas of Amulsar Gold Project.
Bureau meeting April 2022	➢ Took note of the information provided by the authorities that activities were being carried out for optimising the Emerald Network in Armenia and that all possible risks were taken into account by the environmental and social impact assessment. ➢ Also noted, however, the concerns of the complainant, namely the lack of transparency and participation of NGOs and experts in the revision of the Emerald Network, the need for a new environmental and social impact assessment of the Amulsar gold mine project, as well as the need to establish the Jermuk National Park which should include all areas of the Amulsar gold mine project. ➢ Reiterated its recommendation to halt any developments that could negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not. It further reiterated its request for the results of the conducted assessments showing that the project would not bring any negative impacts on species and habitats. ➢ Once again, expressed its concern at the expected large reduction in size of Emerald Network coverage in Armenia and again urged the authorities to clarify when the revised list would likely be ready and submitted to the Secretariat. It again requested an update on Armenia's Emerald Network structure at the upcoming Group of Experts on Protected Areas and Ecological Networks meeting scheduled for 15 June 2022. ➢ Noting with concern the deficiencies in the environmental impact assessment and the lack of involvement of NGOs and experts, the Bureau requested the authorities to clarify how those deficiencies had been approached. ➢ Complaint remains **on stand-by**.

Government's reply February 2023	➢ Within the framework of EU4Environment Regional Project's Result 4-Ecosystem services and livelihoods implemented by the World Bank, the revision of the potential Emerald Network sites is underway. Under the coordination of the Ministry, the results will be incorporated with the respective info/data from relevant state institutions in order to ensure evidence-based data pertaining to these sites. ➢ Overall optimization process of the potential Emerald Network sites is complex and time intensive (up to 23 sites) ➢ After the activities are implemented, the Ministry of Environment will officially communicate the optimised list of candidate sites to the Secretariat. ➢ Government recognises the importance of following a transparent and open approach through engaging different stakeholder groups. ➢ A series of discussions with different stakeholders will be initiated to share ideas and harmonise the objectives. ➢ Concern of the Bureau regarding the expected large reduction in size of the Emerald Network coverage cannot be shared as actual size is still under review and not official data can be provided. ➢ Amulsar goldmine is currently not operation and all possible risks defined by the environment legislation are counted in the environmental and social impact assessment of the project done according to the legislation of Armenia. In the ongoing optimisation work those considerations will be taken into account.
Complainant's reply January 2023 & additional update submitted in February 2023	➢ **New information about Persian leopard from the area of Amulsar**: - Persian leopard remains critically endangered (> article of Aug 2022: Distribution and status of the Persian leopard in the Caucasus Ecoregion) - The area of Amulsar gold mine is shown in the article as possibly extant, with proof of nearby leopard presence from Arpa Protected Areas, Vayk Ridge and Caucasus Wildlife Refuge. The article indicates that from the mid-2000s onwards, leopards appear to be threatened predominantly by fragmentation of habitat patches intensified by socio-economic development and politically challenging conditions. Before allowing any new development at the Amulsar area, special research on the leopard and its main prey (bezoar ibex and Armenian mouflon) should be carried out. Most of the citings of leopard in Armenia have been reported after the Amulsar environmental and social impact assessment (ESIA) was produced. ➢ **Once stalled, work on Amulsar set to start again:** - Amulsar gold mine project has appeared dormant, but new evidence shows that it can move forward very soon. - Since 2018 the investor Lydian International collapsed, the EBRD exited the project, Armenia began investigating and promised a new ESIA, a criminal case against Lydian was launched by the prosecutor general's office. With the onset of the COVID-19 pandemic in 2020 and the violation of the cease-fire on the Armenia-Azerbaijan border in 2021, it was not clear where Amulsar was headed. A decision on a complaint filed with the EBRD's Independent Project Accountability Mechanism (IPAM) is still on the way.

	- In December 2021, the criminal case against Lydian Armenia was terminated. No new environmental impact assessment was ever carried out. Sources in the current and former governments have told the independent news organisation Eurasianet, on condition of anonymity, that economic needs in the post-war period have meant the likelihood of the mine reopening has significantly increased. - In 2022, Lydian Armenia applied for a new water use permit. On June 18, new amendments in the country's Mining Code went into force, despite a joint statement against these from 44 non-governmental organisations. Among other things, they allow companies to carry out mining with environmental impact assessments more than a year old, as long as the delay was caused by reasons that include "civil disobedience". The only company which applied for renewal of the environmental permit till the deadline (November 2022) was Lydian Armenia. - In October 2022, Chaarat Gold Holdings Limited, a British Virgin Islands-based gold mining company with assets in the Kyrgyz Republic (Tulkubash and Kyzyltash gold projects) and Armenia (Kapan mine), noted recent media speculation and confirmed that it is in discussions regarding the potential acquisition of Lydian Armenia CJSC from Lydian Canada Ventures Corporation. ➢ **SLAPPs:** - An unprecedented number of SLAPPs, *strategic litigation against public participation*, were initiated against independent experts, lawyers and journalists that opposed the project. Between 2018 and 2020 Lydian has launched about 20 lawsuits with defamation appeals against environmental activists, impacted community members who opposed the Amulsar mining project, MPs and media outlets. The subject of litigations was often related to Facebook posts or comments of those people on their personal pages about corrupt activities of Lydian, as well as their public speeches in media or at protest actions. - The courts of Armenia have reacted in different ways, but mostly partly satisfied the claims of Lydian. The loudest case happened with Tehmine Yenokyan (complainant to the Bern Convention complaint) when in November 2022 the court ruled against her and demanded that she denounces her words and pays the maximum amount of compensation demanded, as well as compensates all the legal fees of the claimant. The Armenian civil society has raised the issue publicly as well as through appeals to the government and parliament, but there has been no reaction from their side. There is a high risk that this can become a precedent, as similar SLAPPs against other activists are ongoing at the moment, and this will become a tool used by companies to silence activists. The government and the court system of Armenia need to take urgent measures to make sure that similar litigations be qualified as measures against free speech and public participation and be rejected by courts. ➢ **Asks the Bureau to instruct the authorities**: 1. To involve NGOs and experts in all discussions related to the Amulsar gold mine and the Emerald Network in Armenia; 2. To cancel the current Environmental and Social Impact Assessment (ESIA) of the Amulsar Gold Project and to ask the investor to produce a new report taking in consideration the Bern Convention; 3. To inform about the current status of the declaration process of Jermuk National Park;

	4. To make sure that the recommendation of the Bureau from September 2020 is followed: "in the meantime, it recommended that the authorities halt any developments that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not". 5. To produce an update report before the Autumn Bureau meeting. ➢ **Additional update submitted on 24 February 2023:** - On February 22, 2023, a tripartite memorandum of understanding was signed between Armenian government, Eurasian Development Bank (EDB) and "Lydian Armenia" CJSC, which will allow the development of the Amulsar mine. - Armenia is moving very quickly towards restarting the mining activities at Amulsar without any new assessment and disregarding its obligations to the Bern Convention and the recommendations of the Bureau from September 2020. Therefore, we request **updating the status of the case to a possible file and asking for an update report before the Autumn Bureau meeting**.
Bureau March 2023	➢ It took note of the information provided by the authorities that the gold mine was currently not operational, and the revision of the potential Emerald Network sites was underway. The Bureau also noted, however, the concerns of the complainant, namely the observation of signs that the mine could become operational again soon, in particular the signing of a memorandum of understanding between the Armenian Government, the Eurasian Development Bank (EDB) and the mining company Lydian Armenia, its possible negative impact on the critically endangered Persian leopard, as well as the number of apparent SLAPPs initiated against independent experts, lawyers and journalists that opposed the Amulsar gold mine project. The Bureau reiterated its recommendation to halt any developments that could negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not. ➢ The Bureau instructed the Secretariat to contact the EDB and the European Bank for Reconstruction and Development (EBRD) for possible further information on the Amulsar gold mine project. ➢ Noting with concern the reported signs of a possible re-opening of the mine, the parties were requested to submit reports for the Bureau meeting in September 2023, at which point it would be decided if the case should be elevated to a possible file, thus bringing it to the agenda of the 43rd Standing Committee.
Complainant report August 2023	➢ The mine got financing from the Eurasian Development Bank with the Russian state as majoritarian owner. In June 2023, Lydian met Deputy Prime Minister Mher Grigoryan and discussed the timeframes for resumption of the construction of this mine, the funding process, and matters related to collaboration between the Armenian state and the company. The civil society was not involved in any discussion on the resumption of the mine and no new EIA is foreseen. ➢ On March 17, 2023, a stakeholder and public engagement workshop took place in the Botany Institute in Yerevan as part of the EU-funded project "EU4Environment: Advancing the Establishment of the Emerald Network and Management of the Emerald Sites in Armenia". There could be a reduction of the area to less than half of the current. Many of the species and habitats would then be

	insufficiently protected. If the project resources are used to reduce the Emerald Network it will be a step backwards in the obligations of Armenia towards the Bern Convention and possible misuse of EU funding. ➢ On May 11, 2023, the government of Armenia adopted the resolution "On Approving Mining Sector Development Strategy and Action Plan Arising from It". However, the recommendations of the civil society aimed at solving the problems of the sector were left out of this important document. ➢ A detailed analysis of the new strategy shows that it will facilitate the continuation of mining activities in the Amulsar mountain without any real restrictions including in protected areas (including Emerald sites) which is currently unacceptable. The strategy action plan also includes "a clear procedure for the legal consequences of the failure of hearings" which allows the promoter to bypass the mechanism for ensuring public participation in the decision-making process defined by the Aarhus Convention. ➢ Reiterates 5 key concerns to the Bureau (see January report above) with concern that the Amulsar mine could resume work before the next Spring Bureau.
Bureau September 2023	➢ noted the lack of a report from the Armenian government, of which the focal point to the Bern Convention had recently changed. ➢ very concerned with the information of the complainant that the mine had received financing from the Eurasian Development Bank with the Russian state as majoritarian owner and that in June, a meeting between the mining company and Deputy Prime Minister had discussed resumption of development of the mine, with no involvement of other stakeholders and no new EIA foreseen. ➢ again reiterated its concern that there were plans to reduce the territory of the Emerald Network in Armenia by more than half (from about 35% to 15%) including the PA where the Amulsar mine is located. It again called for Armenia to not pursue this process. ➢ regretted the claims that public involvement in these important processes appeared to be neglected by the Armenian government, and that a new Strategy would seem to allow a procedure to bypass public participation, despite its obligation by the Aarhus Convention. ➢ Given these many serious concerns, along with the apparent lack of commitment of the authorities of Armenia to respond to the allegations of the case, **the Bureau decided to elevate this case to a Possible File**, thereby bringing it to the attention of the 43rd Standing Committee meeting in November. The government and complainant were invited to make presentations at the 43rd Standing Committee meeting on the case in all its elements including state of play of the mine and the Emerald Network related processes, as well as to submit updated reports (notably for the government).
Govt report October 2023	➢ Process of reducing Emerald network is ongoing and secretariat will be notified. ➢ There is no necessity to conduct a new ESIA. ➢ Establishment of Jermuk NP is delayed due to prevailing state priorities and regional instability since 2021.
Comp report October 2023	➢ Leopard recovery in the Southern Caucasus and the importance of the Amulsar mountain for the species. ➢ Unprecedented number of SLAPPs, against independent experts, lawyers and journalists that opposed the project. ➢ In June 2022, new amendments in the country's Mining Code went into force, despite a joint statement against these from 44 NGOs, allowing mining with EIAs more than a year old, as long as the delay was caused by reasons that include "civil disobedience" (the only company which applied for renewal of the environmental permit till the November 2022 deadline was Lydian Armenia.

	➢ February 2023, the Amulsar mine secured funding from the Eurasian Development Bank with the Russian state as majoritarian owner. ➢ Plans to reduce the area of Emerald sites from 35% to as low as 15% of the territory of the country. ➢ In May, the government of Armenia adopted the Mining Sector Development Strategy and Action Plan which facilitates the continuation of mining activities in the Amulsar mountain, for example by allowing mining in protected areas. ➢ In June, the promoters of the project (Lydian) met Deputy Prime Minister Mher Grigoryan and discussed the timeframes for resumption of the construction of this mine. ➢ Government confirmed that no new ESIA will be done for the mine, despite concerns raised by multiple organisations and experts. ➢ Jermuk NP has still not been established after 7 years, threatening its integrity. ➢ All the latest initiatives by the government to facilitate and resume mining activities at Amulsar were not properly consulted with the civil society. The same refers to the process of changes anticipated in the Emerald Network. ➢ Asks the StC to: **Plan an on-spot-appraisal (OSA),** recommend the government to **cancel the outdated environmental permits and to produce a new (ESIA)** taking in consideration Bern Convention obligations**, resume declaration process of Jermuk NP,** and recommend that the authorities **halt any developments** that can negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not".