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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, 28 November - 2 December 2022

APPLICATION OF THE CONVENTION

- Summary of case files and complaints -

**- COMPLAINTS ON STAND-BY &
FOLLOW-UP OF CLOSED FILES /
RECOMMENDATIONS -**

WINTER 2022

*Memorandum prepared by
the Secretariat of the Bern Convention*

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

Date submitted	01 December 2017
Submitted by (Complainant)	Mr Gunnlaugur Pétursson, Iceland Nature Conservation Association and Fuglavernd BirdLife Iceland
Respondent State (Respondent)	Iceland
Specie/s or habitat/s affected	Birch forests in Breiðafjörður Nature Reserve’s
Background to complaint	<ul style="list-style-type: none"> ➤ The complaint alleges a possible breach of the Convention by Iceland due to the development of new road infrastructure. ➤ According to the complaint, a new road to pass through the Breiðafjörður Nature Reserve and more specifically the Teigsskógur birch woods is being planned by the Icelandic Road Administration. The complainants specifically mention that the area is of extremely important value for biodiversity and could qualify as an Emerald Network site under the Bern Convention. ➤ The initial plans for the road date back to 2004-2005, when the chosen options were rejected due to their high environmental impact. This decision of the National Planning Agency was confirmed also by the Supreme Court of Iceland. ➤ A new environment impact assessment was undergone in the period 2016-2017 based on new alternatives for the road, including a so called “leið D2” tunnel alternative and a new “leið Þ-H” road option still going through the Teigsskógur wood and passing over fjords. The complainants consider that the “leið Þ-H” route option is in practice the same as the “leið B” option rejected back in 2004-2005 due to its extensive environment impact. ➤ It is also reported that a number of consulted national institutions during the environmental assessments consider the old “leið B” and the new “leið Þ-H” as the worst of the alternatives. These institutions are the Marine & Freshwater Research Institute, the Icelandic Institute of Natural History, the Environment Agency of Iceland, the Cultural Heritage Agency of Iceland, and the Icelandic Forest Service. ➤ A report was requested to the authorities regarding the status of the planned road infrastructure and further steps in its development, the status and conclusions of the Environment Impact assessments implemented in 2016-2017 for the planned road and the way the cumulative impact of all existing, planned and pending roads through the Breiðafjörður Nature Reserve are considered.
Authorities’ report May 2018	<ul style="list-style-type: none"> ➤ A proposal for a revised route through the Teigsskógur woodland (called route Þ-H) went through Environmental Impact Assessment (EIA) in the years 2015-2017. Following the EIA process, the municipality decided to amend its municipal plan. In a consultation draft planning proposal presented by the municipality in the autumn of 2017, two alternative routes for the road were presented, a tunnel alternative (route D) and route Þ-H. The planning process is not yet concluded. The local council did decide earlier this year

to choose route P-H and that a planning proposal with route P-H should be put out for formal public consultation. The local council has, however, since decided to postpone that, and has instead decided to seek independent road engineering appraisal of the two alternative routes.

- A development permit cannot be issued by the local authority for the road (regardless which route is chosen by the local council) until the municipal plan has been amended. The municipal plan amendment is subject to adoption by the local council and approval by the National Planning Agency, following a public consultation period.
- Furthermore, it should also be added that a legislative bill has been submitted in Parliament by five members of Parliament, who represent the Northwest constituency. The Act, if passed by Parliament, would give development permit to the Icelandic Road Administration (IRA) for the road according to route P-H, overriding the local authority's role according to the Planning Act to issue the development permit. The bill waits its first reading in Parliament. If the bill would be passed, the aforementioned amendment of the municipal plan would still need to be adopted and approved by the local council and the National Planning Agency.
- The planned road has undergone Environmental Impact Assessment (EIA), i.e. both with an EIA process in the years 2003-2007 and with a second EIA process 2015-2017. NPA's conclusion was made on March 28th 2017
- The NPA's concluded that route D2 best fulfills the objectives of the EIA Act on minimizing as possible the negative impacts of a project on the environment. Furthermore it is the view of the NPA that there remains uncertainty about the effect of the fjords' crossing on physical aspects of the sea and its littoral and marine life, which requires further research, before decisions are taken on the project. With regard to the known impacts of the proposed project on birch woodland, wetlands, mudflats og salt marshes, species under protection, cultural relics and landscape it is the conclusion of the NPA that routes A1, I and P-H are likely to have significant adverse environmental impacts that cannot adequately be prevented or mitigated.
- The Breiðafjörður nature reserve is under the Breiðafjörður committee. The committee has not assessed, in its plan for the area, the cumulative impacts of existing, planned or pending road construction. No other plans have addressed cumulative impacts of road projects in the Breiðafjörður nature reserve. However, in the IRA's Environment Assessment Report (EIR) for Vestfjarðavegur (Bjarkalundur-Skálanes) and in the NPA's EIA conclusion, cumulative impacts of that road project along with existing roads are addressed.
- The IRA's EIR contains a chapter on cumulative impacts of their proposed project and other existing parts of the Vestfjarðavegur road along the north coast of Breiðafjörður. Uptil now, three fjords in northern Breiðafjörður have been crossed, i.e. Gilsfjörður, Kjálkafjörður and Mjóifjörður and other parts of the road have been built in the littoral environment, e.g. by Múlaklif in Kollafjörður, at the bottom of Vattarfjörður and by Hörgsnes in Vatnsfjörður. These road projects have to a varying degree disrupted the Breiðafjörður nature reserve. Furthermore, the IRA has recently started working on an EIR for a new crossing of Vatnsfjörður, the westernmost fjord on the northern coast of Breiðafjörður.

	<ul style="list-style-type: none"> ➤ The IRA’s EIR considers the cumulative effects of the proposed project on mudflats and salt marshes in Breiðafjörður to be minimal. The IRA states that the proposed project is not in opposition with the conservation objectives of the Nature Conservation Act for habitat types, ecosystems and species and will not impact biological diversity in the area. ➤ In the NPA’s conclusion on the EIA of Vestfjarðavegur (Bjarkalundur-Skálanes) the agency states that the IRA has not convincingly assessed impacts of existing roads on the marine flora and fauna in the fjords that have been crossed.
<p>Bureau September 2018</p>	<ul style="list-style-type: none"> ➤ The Bureau thanked the national authorities for the report submitted in relation to the recent complaint. ➤ After a deliberation on the case, the Bureau agreed that both the authorities and complainant should submit additional information, and possibly clearer maps, on the proposed routing of the new road infrastructure, on the natural values of the area, and to inform in detail on possible conflicts with currently existing protected areas in the country and possible Emerald network sites.
<p>Authorities’ report January 2019</p>	<ul style="list-style-type: none"> ➤ The EIA was finished and the local authority has now accepted, under protest, the municipal plan proposal concerning route Þ-H. There is protest concerning that the IRA would not accept any other route than route Þ-H. The local authorities may challenge the IRA’s decision but at this moment further development of this case is uncertain. ➤ The conclusion of the National Planning Agency, NPA, route D2 would best fulfill the objectives of the EIA Act according to NPA <p>THE PROPOSED ROUTING OF THE NEW ROAD INFRASTRUCTURE</p> <ul style="list-style-type: none"> ➤ Map 1 shows the fjord Breiðafjörður and the protected area of Breiðafjörður, green dotted line, and the EIA area, black dotted line. ➤ Map 2 shows clearly the route of the different road proposed in the EIA. It appears that a combination of alternative A1 and route D2 (preferred by the NPA in the EIA) would have least impact on the natural values of the area. ➤ Map 3 shows the protected area of Breiðafjörður and means that all areas are not inside protected area but Teigsskógur is registered under Article 61 of the Nature Conservation Act No 60/2013. Area under this article are not strictly protected because the protection can be overruled by local authorities through municipal planning if they show the necessity of the project and that other options are not available ➤ Map 4 and 5 show some of the areas in and around Breiðafjörður that are registered in the Icelandic Nature Conservation Register but have not the same level of protection. <p>ON THE NATURAL VALUES OF THE AREA:</p> <ul style="list-style-type: none"> ➤ All the routes presented in the EIA have significant negative impacts on the landscapes. Uncertainty remains about the effect of the fjords’ crossing on physical aspects of the sea and its littoral and marine life, which requires further research, before decisions are taken on the project. With regard to the known impacts; the NPA concludes that routes A1, I and Þ-H are likely to have significant adverse environmental impacts that cannot adequately be prevented or mitigated.

	<ul style="list-style-type: none"> ➤ Concerning the cumulative effects of the proposed projects, the IRA’s EIR considers these to be minimal and states that the proposed project is not in opposition with the conservation objectives of the Nature Conservation Act for habitat types, ecosystems and species and will not impact biological diversity in the area. But the NPA considers that the IRA has not convincingly assessed impacts of existing roads on the marine flora and fauna in the fjords that have been crossed. <p>TO INFORM IN DETAILS ON POSSIBLE CONFLICTS WITH CURRENTLY EXISTING PROTECTED AREAS IN THE COUNTRY AND POSSIBLE EMERALD NETWORK SITES:</p> <ul style="list-style-type: none"> ➤ There are proposed sites to the Ministry for the environment and Natural Resources and one of those sites is Breiðafjörður. The reason for the proposal is the conservation value of coastal habitat types in the fjord and the whole area of Breiðafjörður is considered an important bird area for several bird species (list of coastal habitat types and birds species is mentioned). ➤ A web map shows a description of each habitat type. ➤ In conclusion, both the IINH and the NPA’s conclusion in the EIA agree that route D2 would have least impact on the nature conservation value of Breiðafjörður. As far as IINH knows no new research or monitoring is available neither for the cumulative effects nor for the impact of new different bridges. ➤ Breiðafjörður and its subzones or areas will most likely be suggested as tentative site(s) in Emerald Network both as coastal habitat types and important bird areas. ➤ Although the birch woodland around Breiðafjörður is not part of the protected area some of the birch woodland areas, including Teigsskógur, are on the Nature Conservation Register and some birch woodlands fall under special protection according to Article 61 of the Nature Conservation Act. Which birch woodlands have this status has not been defined but most likely Teigsskógur will have this status as it is already on the Nature Conservation Register. It is the responsibility of the Icelandic Forest Service to register birch woodlands under this article.
<p>Complainant’s report February 2019</p>	<ul style="list-style-type: none"> ➤ The area where IRA plans to build “leið Þ-H” along the virgin birch wood and on causeways over the fjords is either protected by Icelandic law in various ways or “needs to be protected”. ➤ Extremely rare and protected plants, such as <i>Paris quadrifolia</i>, have been found in this wood. The coast in this area is a part of “Verndarsvæði Breiðaffjarðar” (= Breiðafjörður bay Nature Reserve) which is also a designated Important Bird Area (IBA). The two fjords are important for many migrating bird species such as knot (<i>Calidris canutus</i>) and other species such as whooper swans (<i>Cygnus cygnus</i>) and are known for kelp growth. Route Þ-H is also very close to a white-tailed eagle nest (<i>Haliaeetus albicilla</i>), but this species is strictly protected in Iceland. Nominations of the Breiðafjörður Bay as Ramsar site, as well as UNESCO World Heritage Site are in progress. ➤ Other fjords have been impact by both previous and pending road construction in the Breiðafjörður Bay Nature Reserve. Some of which have already been strongly affected.

	<ul style="list-style-type: none"> ➤ The complainant also gives maps showing the area and the proposed routing of the different road proposed and the route P-H chosen by IRA's EIA. According to the maps: The road as the IRA suggests (the blue line) risks further the integrity of the Breiðafjörður Bay Nature Reserve, as an additional encroachment into a nature area of very high European and international value for birdlife, landscape and important natural woodland. The alternative suggested by the nature protection organisations (the red line with a tunnel under the Hjallaháls heath) saves the fjords and the woodland as well as it seems to be more obvious future road and even more secure in winter. <p>THE INDEPENDENT ROAD ENGINEERING APPRAISAL</p> <ul style="list-style-type: none"> ➤ The local council decided to seek independent road engineering appraisal of the two alternative routes. These proposed a new alternative route R (reports linked). According to both company, route P-H is the far worst of all the proposed routes from the environmental point of view. <p>ADDITIONAL INFORMATION</p> <ul style="list-style-type: none"> ➤ The planned road (route P-H) with three new fjord crossings would be harmful for large areas of important intertidal areas of importance to arctic migratory waders and other bird life in the nature reserve of Breiðafjörður. ➤ The density of the birch in the forest is unique and the route P-H has a significant negative impact on the birch fields in the area due to the high disturbance of the "Teigsskógur" forest which has a great ecological importance. ➤ Breiðafjörður bay has an international nature conservation value and the Icelandic government has proposed that the site will be placed on the UNESCO World Heritage List. In the Biological Protection Agreement diversity, that Iceland is a member of, says that the protection of ecosystems and natural habitats should be promoted and the maintenance of viable species in their natural environment. ➤ The white-tailed eagle (<i>Haliaeetus albicilla</i>) enjoys special protection according to Art. Act no. 64/1994. The eagle is also on the red list of The Icelandic Institute of Natural History and also on the IUCN International Conservation Association list. Breiðafjörður is on the list of important bird areas in Europe and on a list of coastal areas of the Nordic Region that is important to protect.
<p>Bureau meeting March 2019</p>	<ul style="list-style-type: none"> ➤ The Bureau thanked the national authorities and complainant for their detailed reports. ➤ It expressed its strong concerns that this important site is compromised, also in view of its potential Emerald Network designation in the future and in view of the World Heritage application. The choice of the new road infrastructure routing appears to be compromising the area and is recognised as a non-optimal routing solution in the presence of alternatives less harmful for the environment. ➤ The Bureau instructed the Secretariat to request a new progress report to the national authorities for its second annual meeting in September 2019 on:

	<ul style="list-style-type: none"> - who is in charge of the choice and approval of the road alternative selection and how the opinion of the main agencies and institutes of the country are taken into account; - updated information on the status of the road construction; - progress in the setting-up of the Emerald network, namely, information on planned calendar for the submission of proposed sites database. <ul style="list-style-type: none"> ➤ Eventually, the Bureau stressed that the lack of any progress in the setting-up of the Emerald Network in Iceland, in the past 20 years, is compromising many high value biodiversity areas such as the one of concern in this file. ➤ In this respect, the Bureau decided to place the file in the category on stand-by and to make a decision on moving it further for consideration by the Standing Committee in its next meeting.
<p>Authorities' report August 2019</p>	<ul style="list-style-type: none"> ➤ Concerning the choice and approval of route, the NPA informed that the municipality is the licensing authority for the project and has final say with certain stipulations. It must take into consideration opinions of relevant agencies and institutes before finalising changes to the municipality plan. ➤ Regarding the status of construction, the road has not begun, but is in planning phase. The NPA must first approve the plan- if it does not, the Ministry of Environment and Resources will be consulted. ➤ On the Emerald Network in general, it was informed that there has been no development, and that the proposal remains with the Ministry for its consideration, but no final decision has been taken and so progress is halted.
<p>Bureau meeting 9-10 September 2019</p>	<ul style="list-style-type: none"> ➤ The Bureau thanked both the complainant and the authorities for their reports. ➤ The Bureau reminded again of the importance of the area for biodiversity conservation and the existence of a least harmful alternative for the road infrastructure planned. ➤ The Bureau instructed the Secretariat to request a new updated report by the complainant, as soon as new information is available and at the latest for its upcoming meeting in March 2020. The authorities are also requested to submit an updated report on progress in the selection of the alternative for the road, through the competent authorities with the overall coordination of the Focal point of the Convention. ➤ The Secretariat was also instructed to monitor the progress in the setting-up of the Emerald Network in the country, through the competent Group of Experts and the Standing Committee. ➤ The Bureau decided that it will consider a possible upgrade of this case as a “possible file” at its upcoming meeting in March 2020, which will automatically put the case on the agenda of the Standing Committee meeting.

<p>Complainant's report February 2020</p>	<ul style="list-style-type: none"> ➤ The complainant stressed again the information provided from its previous report. More recently, the municipality in the area, Reykhólahreppur, published a proposal for a new master plan “aðalskipulag” (in Icelandic). ➤ Unfortunately, the road shown there is practically unchanged from previous proposals, it will cross the two fjords, Guðufjörður and Djúpifjörður, and run along the Teigsskógur birch wood. ➤ Thus, there won't be a “possible” negative impact on the Breiðafjörður Nature Reserve, but a certain negative impact. The complainant calls for quick action to stop construction, and an environmentally and climatically better and cheaper alternative to be chosen.
<p>Authorities' report February 2020</p>	<ul style="list-style-type: none"> ➤ The latest development in the process in Reykhólahreppur is that the municipality has sent out for comments a draft construction permit for the road construction according to route Þ-H. The municipality and the National Planning Agency accepted the master plan for the route Þ-H on 22 November 2019 and published it on 26 November 2019. As far as the Icelandic Institute of Natural History knows, a construction permit will be issued in the near future. As the case stands now in Reykhólahreppur, there is no longer any alternative routes being considered in the selection progress. ➤ Concerning monitoring progress of the Emerald Network, the government refers back to its previous report of August 2019. An ecological network was proposed to the Ministry for the Environment and Natural Resources in 2018, and the sites are still in the evaluation process- it is taking far longer than the IINH expected.
<p>Bureau meeting 7-8 April 2020</p>	<ul style="list-style-type: none"> ➤ The Bureau thanked both the authorities and complainant for their short, timely reports. It strongly regretted that the road construction plan is going ahead with no alternatives being envisaged, despite the numerous calls for concern and recommendations of the Bern Convention to halt development. It was particularly regrettable given the importance and fragility of this Nature Reserve, which is qualified to be an Emerald Network site, as well as a possible Ramsar site and World Heritage Property. ➤ The Bureau strongly called on the Icelandic authorities to guarantee compensatory and mitigation measures during construction, should the development go ahead. ➤ The Bureau also noted with great concern the continuing slow progress in the general development of the Emerald Network in Iceland, and on the lack of mechanisms to prevent damage to possible Emerald sites. ➤ It mandated the Secretariat to write a letter to the Ministry for the Environment and Natural Resources expressing its grave concerns on the development of the road through Breiðafjörður Nature Reserve and requesting for a roadmap for the development of the Emerald Network. The letter should also call for the elaboration of a preventive mechanism to avoid replication of this situation in the future. ➤ The Ministry in coordination with the Icelandic Institute of Natural History would be asked to respond for its next meeting in September. The Bureau could then decide to upgrade the complaint on stand-by to a possible file thus bringing it to the 40th Standing Committee, depending on the information provided.
<p>Complainant's report July 2020</p>	<ul style="list-style-type: none"> ➤ The complainant stressed again the information provided from its previous reports.

<p>Respondent intermediate message August 2020</p>	<ul style="list-style-type: none"> ➤ IINH has been in contact with the Ministry for the Environment and Natural Resources of Iceland to obtain clear and timebound roadmap for the setting up of the Emerald Network etc. but a decision has not been taken on the matter. ➤ IINH has earlier explained to the Bureau the status of the work already done by IINH concerning mapping of habitat types and important bird areas etc. Based on that work the institute also proposed new protected areas in 2018 in relation to ecological network in context with Emerald Network. The proposals are still being processed according to the Nature Conservation Act. ➤ Concerning the formal status of the road project, regarding the complaint on Breiðafjörður, IINH refers also to its earlier answers on that subject where the institute has explained the process and the Planning Agency opinion on the matter e.g. in Environmental impact Assessment of the road project.
<p>Bureau meeting 15-16 September 2020</p>	<ul style="list-style-type: none"> ➤ The Bureau acknowledged the short communications of both parties, noting that the complainant had reiterated its previous report, and the respondent had requested more time to receive an adequate reply from the Ministry for the Environment and Natural Resources regarding the setting up of the Emerald Network. ➤ The Bureau took note that no updates had occurred regarding the construction of the road, and it was assumed that development would eventually go ahead. ➤ The Bureau, deeply concerned with the situation and lack of cooperation from the Icelandic Ministry as well as the lack of commitment towards the Emerald Network decided to exceptionally bring the complaint to the agenda of the Standing Committee, in order to give all Contracting Parties an opportunity to hear presentations of the situation from the Icelandic authorities and the complainant. The Standing Committee would be invited to take a position on the complaint and consider an on-the-spot-appraisal. ➤ Therefore, both Parties are urged to attend and make a short presentation at the 40th Standing Committee- the case remains on stand-by. ➤ Furthermore, due to the ongoing poor communication, the Bureau mandated the Secretariat to contact the Permanent Representation of Iceland to the CoE in order to discuss the communication issues.
<p>Standing Committee Meeting December 2020</p>	<ul style="list-style-type: none"> ➤ The Committee took note of the information of the national authorities that there was little they could do now as the project had already passed through all legal procedures. The Committee also expressed concern at the presentation of the complainant which portrayed a deteriorating situation of this high nature value area, and of their proposal to open a case file. ➤ The Committee agreed on a compromise to mandate an OSA in 2021 and depending on its results, mandated the Bureau to take a decision on the possible upgrading of the file. The Terms of Reference (ToR) of the OSA should take into account not just the case-file in question but also include a mandate to evaluate progress of the entire Emerald Network in Iceland. ➤ Meanwhile, the Committee urged the Icelandic authorities to cease any works in the Nature Reserve until the OSA has been conducted, so as not to endanger the nature of this biodiversity-rich area.

	<ul style="list-style-type: none"> ➤ As regards the general lack of progress of Iceland in the implementation of the Emerald Network, the Standing Committee took note that the submission of a list of a hundred possible proposed Emerald Network sites was pending the agreement of the Ministry of the Environment and Natural Resources since 2018 and urged the authorities to release the list.
Complainant's update March 2021	<ul style="list-style-type: none"> ➤ Reiterates previous documents sent and refers to the letter sent to the Secretariat from Landvernd (nature protection society of Iceland), which supports the 40th Standing Committee decision to hold an OSA, and refers specifically to the phrase: "The Board of Landvernd is dismayed by the recent decision by Icelandic authorities of selecting the route of most environmental concern rather than alternative solutions for facilitating road transportation in the area."
Secretariat action Spring 2021	<ul style="list-style-type: none"> ➤ Prepared a draft ToR and submitted to the Bureau for consultation during its Spring meeting.
Bureau meeting 14-15 April 2021	<ul style="list-style-type: none"> ➤ The Bureau took note of progress regarding the on-the-spot appraisal (OSA) mandated by the 40th Standing Committee to assess the situation at Breiðafjörður Nature Reserve as well as the general state of implementation of the Emerald Network at national level. ➤ The Bureau considered a draft terms of reference for the OSA, proposed several amendments, and mandated the Secretariat to consult these terms with the national authorities and complainant, and in particular to ascertain as to whether a part of the mission can take place online (virtual meetings and online desk research). The potential to hold an on-site visit would continue to be reviewed during the year. ➤ Concerning the Emerald Network, the Bureau again strongly urged the Icelandic Ministry of the Environment and Natural Resources to release the list of a hundred possible proposed Emerald Network sites which had been pending since 2018, as well as provide a general report on Emerald Network implementation progress at national level. The Bureau was very concerned that Iceland was lagging the most out of any other country in terms of its commitment to the Emerald Network, and it also advised to request a meeting with high-level Ministry officials during the OSA. ➤ The Bureau again called on the authorities to halt any road works until at least after the results of the OSA,
Extra-ordinary Bureau meeting June 2021	<ul style="list-style-type: none"> ➤ The Bureau noted the change of Focal Point for Iceland and expressed its appreciation for the commitment of the Icelandic Ministry for the Environment and Natural Resources to conservation actions of the Convention. The Bureau underlined the importance of the Pan-European Emerald Network and the OSA planned for Iceland. It hoped that the OSA could still go ahead this year. ➤ The Bureau instructed the Secretariat to continue with the organisation of the remaining three OSAs until the end of the year even if resulting documents could possibly not be finalised in time for the 41st Standing Committee meeting. It suggested that a draft document could be submitted to the Standing Committee and an online consultation could be considered in order not to postpone the Standing Committee decision until December 2022.
Respondent's report August 2021	<ul style="list-style-type: none"> ➤ The Icelandic Road Administration (IRA) has reached an agreement with landowners at Gröf in Þorskaufjörður where road construction (Vestfjarðavegur-road 60 from Birkilundur to Skálanes) is planned, going through Teigsskógur birch woods of the Breiðafjörður Nature Reserve. Landowners at Gröf were the only landowners that IRA had not reached an agreement with.

	<ul style="list-style-type: none"> ➤ According to the agreement the IRA's developments in the area must have as little environmental impact as possible. ➤ The Ministry has sent an inquiry to IRA and Reykhólahreppur Municipality and asked for information about the status of the development in light of these news. The ministry has also asked for information on what actions will be taken to minimize the environmental impact of the project. That information will be shared with Bern when it arrives.
NGO's report September 2021	<ul style="list-style-type: none"> ➤ The Road Authority has initiated the construction of the new road. However, it would be of utmost importance to conduct an on-site assessment by the Bern Convention. The assessment would serve as an enlightenment for the authorities and could also pinpoint possible improvements that can reduce the negative impact of the current plans for the construction. Consequently, BC is encouraged to conduct the on-site assessment as soon as possible.
Standing Committee Nov/Dec 2021	<ul style="list-style-type: none"> ➤ recalled its decision of last year to mandate an OSA and to consider the status of this complaint following its results. Regrettably, the OSA had not gone ahead this year due to a transition in the Focal Point of Iceland. The government had only responded to the ToR of the mission in October, and recommended that the OSA go ahead, but that it focus on mitigation measures, as the road construction had already begun after correctly following all national legal procedures. ➤ Expressed its regret that the construction had begun despite repeated calls of the Bureau and Standing Committee to halt development until an OSA could be carried out- it reminded Iceland that there were international treaties to be followed as well as national procedures when carrying out projects such as this. ➤ Supported the proposal of the authorities to refocus an OSA early next year on mitigation and compensatory measures. It charged the Bureau and Secretariat with reformulating the ToR in consultation with both parties. The mission could be carried out online if restrictions remained in force next year, as this activity could not afford to be delayed any longer. Following results of the OSA, the status of the case would be reviewed. ➤ Both parties were requested to cooperate fully with the Secretariat and Bureau when reformulating the ToR and preparing the mission, and were also requested to send an update report to the first Bureau meeting of 2022.
Secretariat action regarding OSA, Spring 2022	<ul style="list-style-type: none"> ➤ During the beginning of 2022, both parties, the Secretariat and the proposed independent expert met online to discuss the mission. The complainant had some reservations about the online-only element of the mission, as well as the fact that the expert had no prior experience in Iceland. The Secretariat recalled the Standing Committee decision that this mission should go ahead without further delay and ideally online. It also recalled that independent experts are chosen for their general experience and expertise, and do not always have local knowledge, which reinforces their independence. Furthermore they can be assisted by local experts. ➤ As a compromise, it was agreed to take a 2-step approach: the desk research and online meetings would go ahead before the end of April. After that, if it was agreed by both parties and the mission team that an on-site visit was needed, this visit could be arranged, to ideally take place by the end of June. The ToR were adapted to reflect this and the expert was agreed to.
Bureau meeting April 2022	<ul style="list-style-type: none"> ➤ The Bureau was informed that, following consultations with both parties and the independent expert where the complainant had expressed concern at the online-only nature of the mission, it had been agreed to envisage a two-step approach. The first step would

	<p>involve desk research and online meetings with concerned stakeholders to be completed by the end of April. After that, the parties and mission team would decide if a follow-up on-site visit was required: if that were to be the case, this should ideally take place by the end of June.</p> <ul style="list-style-type: none"> ➤ The Bureau appreciated the willingness of the parties to be flexible with the format of the mission, and supported the 2-step approach, reiterating that the OSA should ideally be completed before the summer break. ➤ The Bureau looked forward to hearing the outcomes of the OSA in September. Both parties would be requested to send short reports on their feedback of the OSA, as well as any other updates they deemed necessary. The complaint remains on stand-by.
<p>Online advisory mission May 2022</p>	<ul style="list-style-type: none"> ➤ Took place over 2 days in May with representatives of the Ministry for the Environment and Natural Resources, Breiðafjörður Committee, Icelandic Road Administration, The Icelandic Planning Agency, Reykhólar Municipality, Icelandic Environment Agency, The Natural Science Institute of the Westfjords, The Icelandic Institute of Natural History, Icelandic Environment Association, Iceland Nature Conservation Association, BirdLife Iceland, The Power Company of the region Westfjords and a Landowner. ➤ Was decided to not go ahead with a supplementary physical visit, despite the request of the complainant. The report is currently being developed.
<p>Bureau meeting September 2022</p>	<ul style="list-style-type: none"> ➤ thanked both parties for cooperating during the online advisory mission held on 5th-6th May. It was informed that the mission report and draft Recommendation were in the final stages of elaboration and would be published ahead of the 42nd Standing Committee for possible adoption. The Bureau in particular took note of the information of the Secretariat that both parties were being very constructive and informative during the process, and it commended this approach, reminding that this is the aim of the process: to have a collective dialogue and reach agreeable solutions for all parties. ➤ looked forward to reading the report and draft Recommendation at the 42nd Standing Committee and invited both parties to provide oral (and written if so desired) feedback of the mission, as well as on any relevant updates of the case.

2011/5: France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)

Date submitted	21 st June 2011
Submitted by (Complainant)	NGO Pro Natura – Swiss League for the protection of nature
Respondent State (Respondent)	France and Switerland
Specie/s or habitat/s affected	Rhone streber (<i>Zingel asper</i>)
Background to complaint	<ul style="list-style-type: none"> ➤ The complainant denounced the pollution of its habitat, the Doubs River, as well as the lack of investigation by the relevant authorities concerning the causes of that pollution. ➤ Furthermore, the NGO denounced the lack of intervention to stop hydraulic engineering works such as dams and weirs, which act as impassable barriers to the species and isolate sub-populations from each other. Pro-Natura additionally noted that the micropolluants related to human activities and the waste waters which fall directly into the river are leading to a severe degradation of the species' habitat. ➤ In conclusion, the complainant evoked a possible violation by both Switzerland and France of articles 7 and 9 of the Bern Convention of Bern in the departments of Doubs (France), and in the canton of the Jura (Switzerland).
Swiss authorities report February 2012	<ul style="list-style-type: none"> ➤ the Swiss authorities recognised that the Rhone streber is a species endemic to the Doubs which is under threat of extinction in Switzerland and is strictly protected within the meaning of the Bern Convention. Its distribution in Switzerland was limited to a 20 km stretch of the Doubs in Jura. A study carried out in 1999 by the Federal Office for the Environment (BAFU/OFEV) and a monitoring programme running since 2000 had confirmed its critical situation in Switzerland. The population in the Doubs in Jura comprised 80 to 160 adult fish. ➤ The authorities underlined that the Doubs is a complex ecosystem subject to much disturbance. Conservation of the species therefore demands action plans co-ordinated at international level. Among the main threats the authorities evoked: hydroelectric schemes on the Franco-Swiss Doubs, water quality, breaks in ecological continuum and leisure and recreational activities. ➤ The Federal Government and the cantons (Neuchâtel and Jura) were working to improve the quality of the habitat and its capacity. The issues were being addressed comprehensively through a governance body institutionalised by France and Switzerland in May 2011. ➤ The steps taken involved the following:

	<ul style="list-style-type: none"> ○ changes to the operation of the three hydroelectric plants on the border stretch so as to reduce the sluice effects; ○ improvement of water quality and control of the spread of algae: a binational working group had met in May 2011 to fine-tune knowledge and agree a general framework for action; the revised federal legislation on water protection had entered into force in 2011; ○ a sectoral water plan for the Republic and Canton of Jura would be drawn up by 2014; ○ upgrading of the three weirs to restore migration of the fish into the Clos du Doubs. <p>➤ In conclusion, the Swiss authorities said that the overall strategy for the conservation of the Rhone streber and the corresponding operational arrangements were in place. However, the matter remained complex in material terms and some aspects such as the international nature of the problem, the experimental nature of the certain measures already taken and the lack of knowledge of certain issues justified a cautious approach. The efforts undertaken at both federal and cantonal level should be continued and, indeed, stepped up.</p>
<p>French authorities report March 2012</p>	<ul style="list-style-type: none"> ➤ The Rhone streber is regarded as one of the four species in the country under serious threat of extinction. It was actually found in only 11% (240 km) of the length of waters where it had traditionally been found (2 200 km). There are three populations in France, in the Loue, the Ardèche basin, and the Durance and Verdon basin, in addition to the population in Switzerland. ➤ The threats and limiting factors involved: (i) degradation of habitats because of loss of natural river dynamics; (ii) work carried out in riverbeds; (iii) variations in water volumes and quality; (iv) the presence of dams/weirs blocking access by breeders to spawning beds and fragmenting habitats; (v) genetic deterioration. ➤ The Rhone streber in the Swiss stretches of the Doubs and the Loue were considered to be particularly vulnerable because, being far from the Durance basin (the cradle of the population), they were genetically much less diverse. ➤ On the section concerned, the Doubs is greatly fragmented by the presence of a large number of hydroelectric dams and weirs. In recent years, water quality seemed to have deteriorated in the Doubs and also in its affluent, the Loue. This was being accompanied by serious eutrophication of the water, reflected in substantial growth of algae. ➤ Two LIFE Nature programmes had played a major part in improving knowledge and identifying the threats. A conservation strategy had been agreed during the first programme (1998-2001) and then implemented during the second one (2004-2010). At the end of the second programme, a national action plan (2012-2016) was drawn up and validated in September 2011. The goal was to achieve the following: improved knowledge, increased populations and genetic mixing, conservation and restoration of habitats, consideration of the species in public policies, public awareness-raising and co-ordination of measures with Switzerland through the establishment and operation of a co-operation network. Several bi-national working groups were set up, including one to improve the quality of water and aquatic environments in the Franco-Swiss Doubs. The countries were also both working on the establishment of a cross-border regional nature reserve for the Doubs.

	<ul style="list-style-type: none"> ➤ The cross-border context significantly complicated practical measures concerning the Doubs. While there was a shared desire to act, the geopolitical context and hydroelectric and agricultural activities were slowing down progress. The steps taken to expand cross-border co-operation should, however, help to optimise the efforts on the two sides of the border.
Bureau March 2012	<ul style="list-style-type: none"> ➤ In consideration of the complex transboundary context, the Bureau decided that the complaint deserved to be considered by the Standing Committee as a possible file.
Standing Committee 2012	<ul style="list-style-type: none"> ➤ At the Standing Committee meeting in 2012, both Parties gave a detailed presentation of the current state of the situation and ensured their commitment towards achieving the proper conservation of the Rhone streber. The Chair reminded that the Bureau had requested EU opinion with regards to the pollution of the French part of the Doubs River in the context of the EU Water Framework Directive. The delegate of the EU thus informed that the European Commission was still assessing the River Basin Management Plans (RBMPs) that Member States prepared for the implementation of the Water Framework Directive (WFD), and added that the Doubs Franco-Suisse sub-basin had indeed been reported as being in bad chemical status from 2006 to 2011, while the ecological status had been good for the last four years (and moderate in 2007). Both improvement on the water management in existing infrastructure and measures to restore the river continuity had been defined as priorities for the first planning cycle (2010-2015). ➤ The representative of Pro Natura illustrated the situation in the Doubs, stressing that the issue needed urgent action and control of sewage, agricultural run-off and irregular water flow by hydroelectric plants. He acknowledged the efforts from the concerned governments but requested that a case-file be open, in order to exert a certain degree of pressure which may help speeding-up the implementation of the planned measures. ➤ The Committee noted that although both Parties were doing efforts to improve the situation, the species is in a critical state. It decided to keep the complaint as a possible file and suggested to organise and on-the-spot appraisal in order to prepare a list of recommended actions to be submitted to the Parties at their 33rd meeting. The authorities of France and Switzerland expressed their agreement.
OSA July 2013	<ul style="list-style-type: none"> ➤ The terms of reference for the on-the-spot appraisal were prepared by the Secretariat in March 2013 and communicated to both Parties. Professor Jean-Claude Philippart accepted to be the independent expert in charge of the preparation of the appraisal's report. ➤ The on-the-spot appraisal took place in July 2013 and included a 2-day visit to Saint-Ursanne (Canton of Jura, Switzerland), and a 1 day-visit to Ornans and Quingey (Doubs Department, France), during which the expert met with the representatives of the concerned Parties as well as of the NGOs. ➤ The programme of the visit included in-room discussions and different in situ visits to observe the natural environment of the species and some visible problems (hydroelectric works, algae).

	<ul style="list-style-type: none"> ➤ Regarding the Suisse part of the Doubs (“the Suisse loop”) and its median part serving as border between France and Switzerland, discussions mainly focussed on the fragmentation of the environment, the management of the water flow, and water quality. The measures already implemented as well the work of the bi-national working group were also examined. ➤ Concerning the French part of the visit, discussions focused on the national action plan (2012-2016), which was presented by Ministry of Ecology and its regional Department (DREAL) from the Franche-Comté region - and the data presented by different civil society’s representatives, led by the NGO France Nature Environnement (FNE). ➤ The main criticism of the French NGOs concerned the presumed lack of attention paid by the national action plan to the environmental consequences of the intensive farming that would result in important deterioration of the soil and rivers, and collapse of several local species of fishes and invertebrates. According to the NGOs, although the Doubs department is classified as a Natura 2000 site, it presents severe gaps in terms of biodiversity conservation. They forwarded their written comments and recommendations to the expert so as to be possibly considered during the preparation of the appraisal’s report.
<p>NGO report August 2013</p>	<ul style="list-style-type: none"> ➤ The occurrence in the area of four other species protected under the Bern Convention (Appendix III), and listed both in the Annex of the Standing Committee’s Resolution No. 6 (1998), and in Annex II of the EU Habitat Directive, namely: South-west European nase (<i>Parachondrostoma toxostoma</i>); European brook lamprey (<i>Lampetra planeri</i>); European bullhead (<i>Cottus gobio</i>); and Souffia or Western Vairone (<i>Leuciscus souffia agassizi</i>); ➤ The protection status of the Suisse part of the Doubs and of its alluvial areas which were just declared part of the Emerald site “Doubs Valley” and the harmonisation of the management of this area with the downstream stretch of the “Suisse Loop” in France, which is a Natura 2000 site; ➤ Farming pollution over-exceeding the assimilation capacity of soils (Critical load index).
<p>Standing Committee 2013</p>	<ul style="list-style-type: none"> ➤ the Standing Committee took note of the report of the on-the-spot appraisal and of the comments of both the concerned Parties and the complainants. Despite a very complex situation at the beginning of the process, the concerned stakeholders welcomed the dynamic of transboundary co-operation initiated by the on-the-spot appraisal, which also helped gathering information and initiating discussions at regional level on a very swift way. ➤ The Committee noticed that the concerned Parties and the complainants reached agreement on a number of amendments to the recommendations proposed following the on-the-spot appraisal and therefore examined and adopted the Recommendation No. 169 (2013) on the Rhone streber (<i>Zingel asper</i>) in the Doubs (France) and in the canton of Jura (Switzerland). ➤ Finally, taking into account the good progress on addressing the survival of the Rhone streber in the Doubs and in the canton of Jura, the Committee instructed the Bureau to assess this complaint as a complaint in stand-by at its meetings, in the light of the implementation by the Parties of the recommended actions. ➤ The Secretariat further requested the French and Swiss authorities to send their reports by 25 July 2014.

<p>French and Swiss Government progress reports 2014</p>	<ul style="list-style-type: none"> ➤ Each country had its own “Streber” action plan. The Swiss action plan “Streber” was being prepared by the Federal Office for the Environment and proposed a global approach integrating all the different measures in the river basin, through specifically created working groups. This action plan addressed the measures for the restoration at a favourable conservation status of the population of the Rhone streber (<i>Zingel asper</i>) and for preventing the species from becoming extinct. It also included the elaboration of a management plan for the Emerald site CH02 – “Clos du Doubs/Saint-Ursanne”. ➤ At the same time, the French National Action Plan for the Rhone streber (2012-2016), which was already being implemented, included measures necessary to restore a favourable conservation status of the Streber’s population. The documents defining the objectives for the Natura 2000 sites FR4301298 - “Vallée du Dessoubre, de la Réverotte et du Doubs” and FR4301291 - “Vallée de la Loue et du Lison” were respectively approved in 2009 and 2011 and were being implemented as well. ➤ Two Swiss-French Binational Working Groups, on "flow management" and on "water quality" worked on improving respectively the hydrological regime and water quality of the Doubs. The revision of the regulation of waters was in progress and could be considered satisfactory; the goal of a complete revision for the end of 2014 seemed realistic. However, in accordance with the Swiss legislation on water protection, measures to eliminate the negative effects of sluices should be defined as part of a cantonal planning. The cantons of Neuchâtel and Jura have already submitted their interim report and the final report was expected by the end of 2014. ➤ Concerning the water quality, roadmaps validated by the two States planned to work simultaneously on several fronts to reduce the flow of pollution, regardless of their origins. Moreover, discussions had been initiated within the technical working group to develop a dashboard in order to have a coherent and effective monitoring of the implementation of actions on the Swiss-French Doubs on water quality. ➤ Moreover, an appraisal of the pollutants flows on the Swiss watershed has been launched in 2014, to identify and quantify the various sources of pollution, but also to understand the flow and pathways of these substances into the Doubs and to determine their effects. In France, special governance was established in the department of Doubs to address issues of water quality in several rivers including the Loue. In the watershed, where the Streber population is located, and upstream, a draft land contract covering the Haut-Doubs and Haute-Loue was being prepared. ➤ Concerning the collect of knowledge on the Rhône streber in the Doubs, this was ensured in Switzerland since 2000 by the Swiss Confederation and the Canton of Jura, through the monitoring of the evolution of the species’ numbers .Regarding environmental parameters, the Swiss report mentioned the putting into service, in early 2014, of a new station of sampling, as well as the continuous analytical monitoring of waters of the Doubs to Ocourt, at the output of the system and in the area of occurrence of the Streber. ➤ In France, the knowledge collected on the Rhône streber was synthesised under the National Action Plan for this species. Besides the known and followed populations, additional surveys had been conducted on Lower Doubs valley and the Lantern. These did not detect the presence of the Streber in the areas. On the other hand, the main sources of knowledge about the state of water flow came from data collected in France for the implementation of the European Water Framework Directive.
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	<ul style="list-style-type: none"> ➤ Both countries reported that work towards changing the management of the plants (Châtelot, Refrain and La Goule) to come under control of one single operator (instead of three separate ones at present) was not possible within the legal framework of current permissions. However, the review of the regulation of water designed to improve coordination between the three operators was clearly in line with the recommendation. ➤ The Swiss authorities equally reported on the progress in the implementation of the four additional recommendations specific to Switzerland. Concerning the re-establishment of connectivity among critical habitats for the Rhône streber, the report informed that a project of the hydroelectric plant's contract-holder to restore fish passage at the threshold of St. Ursanne was stopped due to the opposition of the municipality and some NGOs. The cantonal and federal authorities have launched a new project in the form of a stream of semi-natural bypass and the remediation works should be conducted during the summer 2015. The first results of a study on the restoration of fish passage at four thresholds on the Doubs border were presented in June 2014. The cantonal planning for the revitalisation of water of Jura and Neuchâtel was being finalised as well, and the final reports were expected in late 2014. ➤ The Swiss report concluded that six months after the recommendations of the Standing Committee to the Bern Convention, the progress to improve the overall quality of the Doubs and its ecosystems can be considered satisfactory. Significant advances have been made in almost all the areas mentioned in the recommendations, some work will be in progress for several years, and other activities have yet to be started.
<p>Swiss complainant report 2014</p>	<ul style="list-style-type: none"> ➤ The Swiss complainant expressed disappointment on the fact that the NGOs were not being consulted by the Swiss authorities "at the time of designing the action plan" (as required by the recommendation), but that they would be only before the adoption of the action plan. He considered that the revised regulation of waters improved the situation with respect to the regulation in force, but not enough to sufficiently reduce the negative impact caused by the Doubs sluicing waters. Concerning the reestablishment of connectivity, the complainant deplored that the Swiss report was concentrating on the four French-Swiss thresholds and on the St.-Ursanne one, while it did not mention those from Bellefontaine and Moulin d'Ocourt. Eventually, with regard to the construction stopped at St.-Ursanne, the Swiss complainant pointed out that the conflict was not recent. NGOs were advocating for connectivity to be re-established as soon as possible as a way to contribute to the conservation of the Rhône streber. Moreover, the solution found should be sustainable and take into consideration both the different interests and the stakeholders' views. The complainant intended to submit to the Swiss authorities a critical analysis of the national report after its extensive study. He also reserved the right to communicate again to the Bern Convention on the subject. The Swiss complainant concluded that the NGOs wished to be actively involved in the working groups, and planned to fund scientific support and provide additional information to the basic work done by the authorities.
<p>French complainant report 2014</p>	<ul style="list-style-type: none"> ➤ The French complainant considered that the situation of the Doubs had not improved since mid-2013. Concerning the water flows, numerous reports of deaths at the level of the 3 hydroelectric dams were made, indicating substantial damage to fish and invertebrates. An example of report written by a fishing guard was attached. The complainant informed that EDF (Electricity of France) was forced to close its plant in Refrain, due to inadequate management of storage capacity of the dam Châtelot in April 2014. That had, as a direct consequence, a significant reduction in the flow of the Doubs. The report pointed

	<p>out that juveniles Rhone streber 0+ had never been observed, and therefore the mortality of this species could not be put into evidence when it occurred. A statement attached to the complainant's report denounced the violation of the decree on the protection of aquatic environment in the Doubs bordering France and Switzerland, and the lack of regulations in this respect.</p> <ul style="list-style-type: none"> ➤ The French complainant further considered that the specific conservation measures for the species Rhone streber were not taken into account in the drafting of the future water regulation. He therefore asked that the species' reproduction and growth phases were taken duly into account when updating the regulation. This would only be possible if a sufficient base flow was ensured by the managers of dams without possibility of unwatering of spawning grounds. In addition, the French complainant considered that the results pursued through the roadmaps of the Binational Group on water quality, would presumably arrive in a too long-term and would therefore be unsuitable for addressing the critical and urgent situation of the Rhône streber. He found that there was a gap between the French state's declaration that the situation was under control by means of actions to re-establish the water quality, and the slowness of the progress obtained through the implementation of the planned measures. Finally, the complainant strongly regretted that his reports and observations on water flows and water quality were not taken into consideration by the authorities.
Bureau September 2014	<ul style="list-style-type: none"> ➤ the Bureau thanked the Parties and the complainants for their reports and acknowledged the serious commitment of the authorities to address the recommendations of the Standing Committee. In order to improve the cooperation with the NGOs for the sake of mutual interest, the Bureau encouraged the French and Swiss authorities to associate, where appropriate and whenever possible, the complainants to the discussions on the implementation of the recommended actions. ➤ Finally, the Bureau decided to keep the complaint on stand-by and to re-assess it at its next meeting, in light of updated information to be submitted by the Parties and the complainant in due time.
French and Swiss Government progress reports 2015	<ul style="list-style-type: none"> ➤ The two Swiss-French Binational Working Groups, on "flow management" and on "water quality" have continued their work. ➤ The discussions between the operators, the authorities and the NGOs to revise the water regulation from 5 February 1969 have continued in 2014 and came to a successful conclusion. A new water regulation which settles the operating regime of the three hydroelectric plants (le Châtelot, Le Refrain, Le Goule) was defined and formalised; its entry into force is fixed on 1st December 2015. Some measures are already included in the intermediary water regulation that has been applied since 1st December 2014 through voluntary commitments of Swiss operators and a derogation of water regulation for the French operator. The implementation of the derogation will be followed-up in 2015. ➤ In France, among the new developments, the report mentions the ongoing "Rhône streber" National Action Plan (2012-2016) which also identifies several works to level or to equip a number of dams in the Loue with fish ways adapted to the Rhône streber. ➤ The contract of territory covering the water quality for the Haut-Doubs and the Haute-Loue was approved; it concerns the ponds where are located the populations of streber and upstream to them. This contract is consistent and complementary to the contract for the French-Swiss Doubs.

	<ul style="list-style-type: none"> ➤ In Switzerland, a project of national plan for the Doubs was elaborated by the Federal Office for the Environment (OFEV); it includes the measures to restore in an acceptable state of conservation the streber population. The project was submitted for consultation to the Federal Office for energy (October 2014), to the cantons of Neuchâtel, Bern and Jura (December 2014 – January 2015) and then presented to the complainant NGOs which can react up to mi-April 2015. ➤ The Swiss parliament has approved the modifications of the law on water protection to allow the Confederation to partially finance the measures to reduce the micro-pollutants in hundred STEPs which answer certain criteria. ➤ The Swiss report mentions other ongoing or to be launched activities for almost all the recommendations. The authorities conclude that the works to improve the global quality of the Doubs and its aquatic ecosystems are ongoing and satisfactory and there has been significant progress since their previous report in July 2014.
<p>French and Swiss complainants progress reports 2015</p>	<ul style="list-style-type: none"> ➤ According to the Swiss complainant, the intermediary water regulation improves the lock management but there is still room for amelioration; the complainant presents a list of remarks to be considered when elaborating the next regulation which enter into force on 1st December 2015. Complementing the work of the authorities, Pro Natura has attributed two scientific mandates for the period 2014-2016, to monitor the habitat of the Rhone streber and to analyse the water quality. The Swiss complainant welcomes the national plan for the Doubs and formulates a few suggestions to the Confederation. ➤ Taking into account the absence of a unique management of the three hydroelectric plants, the French complainant draws the attention on the need of biological results as a sine-qua non condition versus the objectives of production. The complainant also points out the 40 last kilometres of channel of the Basse Loue, not compatible with the presence of the streber. On the other hand, the French complainant welcomes the general measures on the water quality taken for the French Doubs and the Loue. ➤ Both complainants consider that there are still gaps in the implementation of the Recommendation 169 and some of the measures are still insufficient. However, they understand the difficulty to quickly remediate to the 40 years of damages and find that the authorities have shown their willingness to save the Rhone streber and the Doubs. ➤ In this context, the Swiss complainant finds necessary to add the Recommendation 169 on the agenda of the next Sanding Committee meeting, in order to allow the Parties and the complainants to present their reports, as requested at item 10 of the recommendation.
<p>Bureau March 2015</p>	<ul style="list-style-type: none"> ➤ The Bureau thanked the Parties and the complainants for their reports. It congratulated the authorities for their work and recognised that the slow progress is certainly due to the bad situation inherited, which is unlikely to be solved in a short time-frame. The Bureau further appreciated the cross-border cooperation between the French and Swiss authorities, as well as their good collaboration with the NGOs. In conclusion, the Bureau decided to keep this complaint on stand-by, but invited both the Parties and the NGOs to present the results so far obtained through their work at the next Standing Committee meeting, as an example of good practices. The Secretariat will therefore include the monitoring of Recommendation n° 169 (2013) under the agenda item “Follow-up of Recommendation” of next Standing Committee meeting.

Standing Committee 2015	<ul style="list-style-type: none"> ➤ The Committee acknowledged the reports submitted by the authorities of Switzerland and France, as well as the French and the Swiss NGOs, and warmly thanked them for accepting, in a spirit of compromise, not to make their oral presentations due to time constraints. The Committee agreed to append the written statements delivered to the Secretariat to the present report. Finally, the Committee invited the Parties and the NGOs to report on progress at its 36th meeting.
Reports 2016	<ul style="list-style-type: none"> ➤
Standing Committee 2016	<ul style="list-style-type: none"> ➤ The Committee took note of the detailed reports presented by the national authorities of France and Switzerland and welcomed their efforts both in tackling the complex issues linked to the conservation of the fish species and in ensuring good transboundary cooperation. ➤ The Committee further noted the concerns expressed by both the Swiss and French NGOs on the lack of real impact of the many measures implemented by the authorities on the species concerned by the case, but also on many other fish species. ➤ The NGOs however welcomed the efforts implemented by both authorities and expressed their hopes that the driving force of the Bern Convention Recommendation will continue to operate in the future as additional action is needed to ensure the measures foreseen finally have a tangible impact on the ground. ➤ The Committee, with the agreement of all parties concerned, agreed that the case-file should be kept on stand-by. Finally, it invited the national authorities of both countries to present progress on the implementation of the Recommendation to the Standing Committee every 2 years, starting in 2018.
Reports 2017	<ul style="list-style-type: none"> ➤
Reports 2018	<ul style="list-style-type: none"> ➤
Standing Committee 2018	<ul style="list-style-type: none"> ➤ The Standing Committee expressed its appreciation of the work done by authorities and private enterprises. ➤ Given that the situation of the Apron is still dire and has not improved, that much of the permitted projects have yet to be implemented on the ground and in view of the obstacles that still need to be overcome at all levels, the Committee decided to keep the file on stand-by. ➤ The Standing Committee further expressed its concern that no measures have been taken to prevent any further pollution from agri- and silviculture and request that measures aimed at controlling and reducing these should be added to the portfolio of measures, such as: stricter enforcement of existing agricultural legislation, and the creation of a sensitivity map of the zones in the Doubs hydrogeological basin which are especially sensitive to the application of possible contaminants.
Complainant report September 2019	<ul style="list-style-type: none"> ➤ While activities continue to be undertaken by the authorities and hydropower operators, the improvements made unfortunately still show no effect on the Rhone Strebler who is still on the brink of extinction. Many of the measures which have been formally approved still need to be implemented; in some cases they are even put into question again at local and regional level.

	<ul style="list-style-type: none"> ➤ There is still no agreement between Swissgrid and Moulin Grillon concerning the indemnisation of giving up the operation of the hydropower plant, which could finalise the assessment of the fish migration; the federal government has not yet decided if they approve the cantonal hydropower plan; and the decisions on NGO participation in the accompanying group of a new international Convention on renewal of the hydropower concessions is still pending. ➤ The expertise the operators of the hydropower plants had commissioned on constructive changes which would allow for less sudden and rapid changes in the water flow and was handed to the Swiss Office for Energy, has still not been shared with NGOs, despite calls to the Bureau already in 2018. ➤ A major gap in the implementation is still in the agricultural sector where no measures have yet been taken, despite repeated insistence of the NGOs. Also, NGOs are not consulted in these processes with the Swiss Federal Office for the Environment, only informed of the decisions after. ➤ Due to these and other obstacles, it is strongly recommended to maintain the file on stand-by.
<p>Bureau September 2019</p>	<ul style="list-style-type: none"> ➤ The Bureau thanked the complainant for the detailed report and noted the lack of a report from the authorities of France or Switzerland. ➤ The Bureau regretted that despite all efforts only one species has been observed in 2018 and shares the fears expressed by the complainant organisations. It reminds again to both the French and Swiss authorities that major gaps remain in the implementation of several of the operational points of the Recommendation No.163 (2013), in particular regarding the agricultural sector. ➤ The Bureau looks forward to the organisation and results of the workshop and requests again an updated report from the authorities is provided for the second annual meeting of the Bureau in 2020 and requested to put the case on the agenda of the 2020 Standing Committee meeting for follow-up, in line with the agreement for a biannual Standing Committee follow-up.
<p>Swiss Government progress report June 2020</p>	<p>For France</p> <ul style="list-style-type: none"> ➤ Rec F+CH 1: The follow-up category of measures for 2020 was approved for the 5th time in September 2019. ➤ Rec F+CH 2: <ul style="list-style-type: none"> - The national action plan for the Doubs identifies 259 priority species for Switzerland in the "CH02 Clos du Doubs/Saint-Ursanne" Emerald site, including 42 Emerald species and 67 species that have a high to very high priority at the national level. The elaboration of a management plan for the Emerald site is included as a measure in the national action plan for the Doubs; fish are defined as the main target group. - The cantonal and federal authorities proposed to focus on the implementation of the priority measures defined in the action plan and to elaborate, in a second phase (3 to 4 years), an Emerald management plan. This proposal will be discussed during the next session of the support group (September 15, 2020). ➤ Rec F+CH 3:

	<ul style="list-style-type: none"> - Since the entry into force of the new Franco-Swiss Doubs Water Regulation (22 November 2017), which introduces new provisions that apply to the three hydroelectric facilities (Châtelot, Refrain, Goule), the Water Regulation has shown beneficial results for the environment. - Inventory fisheries are planned for the fall of 2020. Hydrological monitoring (annual lock index and during sensitive periods, continuous thermal probe on 6 stations) and biological monitoring (trout and grayling spawning grounds, stranding and trapping) are underway and complete the monitoring implemented. - The efforts to clean up the locks continue in accordance with the strategic planning reports of the cantons of NE and JU, in particular the elimination of negative ecological impacts on the Châtelot-Biaufond section (section T2). ➤ Rec F+CH 4: - Discussions to date with the Swiss Federal Office of Energy/SFOE (responsible for waterpower concessions) indicate that this recommendation is not feasible within the legal framework of the current concessions. However, the new Water Regulations, which aim in particular to improve coordination between the three operators, are de facto clearly in line with the recommendation. - In anticipation of the relatively close return of concessions (between 2024 and 2032) of the three developments (Châtelot, Refrain and Goule), a dialogue has been in place for several years between the Swiss and French authorities to analyse the reflection on a general hydraulic power agreement covering the whole of the Franco-Swiss Doubs. This agreement is the basis for the granting of new concessions to a single concessionaire. Discussions are continuing with the aim of benefiting from a global and long-term vision of the issues at stake on the binational section of the Doubs. ➤ Rec F+CH 5: - The projects related to the improvement of collective sanitation systems are continuing. The stations de transfert d'énergie par pompage/pumped energy transfer stations (STEP) in La Chaux-de-Fonds and Le Locle will be equipped with an activated carbon filter for the treatment of micropollutants. Credits have been accepted by the municipalities and work began in 2020. Commissioning is planned for 2022-2023. As regards the Les Brenets STEP, a feasibility study is underway to study the possibility of connecting to the Villers-le-Lac network. Equipping the new STEP to eliminate micropollutants is a major step forward in terms of improving the quality of the Doubs' water. - Other actions to improve collective sanitation systems are currently either being developed or the necessary steps have been launched. However, these are large-scale operations whose effects will be gradually rolled out over the medium term. ➤ Rec F+CH 6: - The flow balance study aimed at characterizing the flows of substances from the Swiss Doubs catchment area showed that, apart from some local problems (e.g. recurrent ammonium peaks), the Doubs has globally a good to very good water quality. The provision of a mobile water quality probe recording the "classic" parameters (turbidity, ammonium, oxygen and conductivity) has so far not identified any anomalies during three campaigns carried out since 2018. - From the end of August 2019 to October 2019, a special water sampling program was carried out in the Doubs River at St-Ursanne using the MS2field device. These analyses provided real-time, high-resolution concentration measurements of a range of phytosanitary products. In addition, cumulative samples taken from the Doubs at Ocourt were analysed to
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	<p>determine the concentrations of insecticides (pyrethroids and organophosphates). The 2019 campaign shows no exceedance of the quality criteria in the high-resolution and real-time measurements for the phytosanitary products studied. On the other hand, the concentrations of four pyrethroids exceeded the quality criteria. This study will make it possible to identify potential sources of these substances and to take appropriate measures.</p> <ul style="list-style-type: none">- The reservation of a "watercourse area" along the Doubs (a buffer strip where all intensive exploitation is prohibited) will contribute to improving the quality of the Doubs water. Other significant improvements are to be expected as a result of the sanitation of the STEP (improved efficiency and treatment of micropollutants).- In addition, and in response to the decisions of the Standing Committee of the Bern Convention adopted at its 38th plenary session (27-30 November 2018), contacts between cantonal and federal authorities and NGOs have led to the organization of a workshop devoted to agricultural issues. <u>The workshop, initially scheduled for June 2, 2020, had to be postponed to September 29, 2019 (note of secretariat:2020) due to the containment imposed by the coronavirus crisis.</u> <p>➤ Rec F+CH 7:</p> <ul style="list-style-type: none">- Knowledge about the Doubs apron is acquired through the monitoring of apron populations organised since 2000 by the Swiss Confederation and the canton of Jura. The 2019 monitoring confirms the precarious situation of the species since only two aprons have been observed at the investigated sites.- Other research based on environmental DNA as well as intensive underwater and headlamp observation campaigns have not allowed the presence of apron to be observed in the Goumois region and upstream. <p>➤ Rec F+CH 8:</p> <ul style="list-style-type: none">- This recommendation is ensured through the monitoring of the evolution of the apron population since 2000. Monitoring, aimed at searching for the occurrence of apron at several sites identified as potentially favourable, is guaranteed until the end of 2020. The monitoring is carried out according to several methods (daytime campaigns of underwater dives, night-time observations with headlamps).- In addition, an individual record is established for each apron captured and its habitat is described in a precise manner. The results are recorded in an annual report. <p>➤ Rec F+CH 9:</p> <ul style="list-style-type: none">- Cross-border cooperation with France is ensured through the work of the scientific and technical committee of the French National Apron Plan (PNA). However, the Confederation did not have the opportunity to participate in a session. <p>➤ Rec F+CH 10: The present report responds to this recommendation and is the 7th reporting for Switzerland.</p> <p>For CH</p> <p>➤ Rec CH 1:</p> <ul style="list-style-type: none">- In accordance with Swiss water protection legislation, measures to clean up fish migration are subject to cantonal strategic planning (prioritization and technical solutions). The final report of the canton of Jura established a remediation priority for the thresholds located in the potential apron perimeter (Saint-Ursanne, Bellefontaine, Ocourt).
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	<ul style="list-style-type: none"> - The fish run at Saint-Ursanne (Moulin Grillon) has been ensured since the end of 2019 thanks to a crossing structure in the form of a semi-natural bypass stream. The efficiency of the structure is currently being monitored. - The restoration of fish migration on the other weirs (Bellefontaine and Ocourt) is under study. ➤ Rec CH 2: - For Switzerland, all necessary measures to restore the population of the Doubs apron are being implemented according to a national action plan for the Doubs. This document brings together all the measures decided within the framework of international governance as well as those decided by the canton of Jura. The national action plan provides for a catalogue of measures that is updated every year. The latter is discussed within an accompanying group composed of federal and cantonal authorities, NGOs and the Parc Naturel Régional du Doubs (PNRD). The new catalogue of measures for 2020 has been posted on the Federal Office of Environment (OFEV) website. ➤ Rec CH 3: - NGOs and the PNRD were consulted both in the development of the new Water Regulations and in the development of the National Action Plan for the Doubs. - In addition, the implementation of the measures of the national action plan is monitored by a support group including NGOs and the PNRD. This group can propose new measures or adaptations of current measures during annual meetings. ➤ Rec CH 4: Awareness-raising activities are currently being conducted by the PNRD and the competent authorities. <p>GENERAL CONCLUSION</p> <ul style="list-style-type: none"> ➤ Since the last reporting by the authorities in 2018, the progress of the work to improve the overall quality of the Doubs and its ecosystems has continued and can be considered satisfactory. Significant progress has been made in almost all the areas mentioned in the recommendations. Several measures have already been completed; others are in progress but are long-term and will have an impact in the medium to longer term. Despite these measures, it is clear that the situation of the apron, in terms of effectiveness, remains extremely precarious.
<p>French Government progress report August 2020</p>	<ul style="list-style-type: none"> ➤ REC 1: - The efforts and actions implemented under the French National Action Plan (NAP 1) for the Rhone apron over the period 2012-2016 are beginning to bear fruit thanks to the improvement of environmental conditions and knowledge on the distribution of apron at the scale of the Rhone basin. - A second national action plan (NAP 2) for the period 2020-2030 is currently being finalized and approved and includes specific measures for the Doubs and Loue basins. The assessment of NAP 1 was carried out in 2017 and the draft NAP 2 was presented on June 26, 2020 to the "Species and Biological Communities" commission of the National Council for the Protection of Nature. - A consultation of the public, as well as administrations and associations, will be organized during August. - Several studies are being carried out within the framework of the NAP (1 and 2) in order to better understand the functioning of the different populations and to improve knowledge of the species within the framework of Franco-Swiss cooperation.

- Studies on the structure and genetic diversity of Apron populations on the scale of the Rhone basin carried out within the framework of NAP 1 have highlighted the fact that, although the Doubs and Loue populations share a common adaptive history, the result of adaptations to specific environmental conditions compared to other populations in the Rhône basin, the genetic characteristics of the individuals colonising the Swiss loop of the Doubs are today strongly differentiated from those observed on the Loue.
- Overall, the Swiss Doubs appears to be one of the apron populations with the lowest genetic diversity, whose values are comparable to those observed in the extinct Drôme population and significantly lower than the indices measured in the Loue fish. Associated with a very low effective population size, these elements seem to testify to a very strong demographic fragility of this population.
- Concerning the Loue population, the genetic diversity is qualified as rather low (compared to the Ardèche or Durance basins) and does not appear to be structured by the transversal structures present on the section with an a priori limited impact on the genetic flows (at the downstream as well as at the upstream stages).
- The apron is present on the Loue River on a line of about 48 km extending from upstream to downstream, from Buillon to Chissey, where there were observations for the first time in 2018, i.e. 3 km further downstream than the previously known distribution limit.
- The results of the population monitoring conducted by the French Office for Biodiversity (OFB) annually on 4 stations in the Loue indicate the presence of the species on all of them. The numbers observed at each station show strong interannual variability in relation to the quality of recruitment of juveniles. However, over the last few years (2017, 2018), a general decrease in the number of individuals contacted has been observed, particularly juveniles (yearling fish), which can probably be related to the particular hydrological conditions encountered, characterized by severe and long low-water episodes.
- Concerning the Doubs, in 2017, a study of apron detection by environmental DNA (eDNA) on the Franco-Swiss and Swiss Doubs, i.e. upstream of the known range, will cover a linear area of about 18 kilometers over a sector from Soubey in Switzerland to Goumois in France. Of the 8 stations, 3 were positive but with a very weak signal. The joint surveys between Switzerland and France conducted in 2018 (on 15 stations presenting habitats favorable to the species and representing nearly 3.5 km of river) and in 2019 did not allow the observation of individuals.
- The results of the eDNA study conducted in 2019 in collaboration between France and Switzerland on this section (from the border to Saint-Ursanne) at 6 stations distributed every 2 km confirm the observations made by the FOEN: the densities of aprons appear too low to generate a signal detectable by this technique.
- It should be noted that this same technique has also been deployed since 2016 in other areas of historical presence of the species in order to detect the possible presence of relict populations. This important prospecting effort on 13 stations (26 filtrations) spread over the Lanterne and the Doubs rivers downstream of the confluence of the Loue and downstream of the Swiss loop did not detect any DNA signal of the species. Additional sampling is being carried out in 2020 on the Loue

	<p>downstream of the known colonization limit of the species (5 stations sampled in 2020) and on 2 tributaries (La Furieuse and Lison) in order to refine the limits of the range of occurrence.</p> <ul style="list-style-type: none"> - The biological monitoring of the fish pass of Quingey on the Loue River, extended over the period 2015 to 2016, has allowed to complete the achievements of the first campaign (2010-2011) and to consolidate the knowledge on the movement of apron over the seasons. The monitoring carried out by punctual trapping on the Quingey sill run on the Loue River (2010-2011 & 2015-2016) shows that a significant number of aprons have used the fishway (57 individuals observed in 2010/2011 in 49 campaigns of 24 and 18 h in 2015/2016 in 44 campaigns), with extended size classes between about 85 and 170 mm, probably corresponding to several ecostades (adults and juveniles 1 to 2 years old). - However, the number of observations, linked to the monitoring protocol (40 to 50 trapping days carried out over the year) and its duration (2 years only), remains too small to characterize in detail the periods of movement of individuals, its possible link with environmental conditions, the total flow, and especially whether this flow is sufficient to maintain the populations in the different stretches. - In the continuation of occasional monitoring by trapping implemented at the Quingey site, a study is proposed within the framework of the PNA 2 with the implementation of monitoring of the migration of all individuals using the system using a continuous video monitoring system. Carried out throughout the year, over a minimum of 3 full years, this monitoring will provide an annual evaluation in terms of migration kinetics and size classes, which will then be easier to link to environmental factors (primarily river flow and thermic). In addition, they will make it possible to refine, or reinforce, the criteria for dimensioning the corrective measures attached to the problems of fish continuity in connection with the transversal structures. - Within the framework of the study on diet (action 8), a reference station is located on the Loue river. The results show that, despite inter-individual variability, aprons preferentially consume three preys: certain species of mayflies (notably <i>Baetis fuscatus</i>) and Heptageniidae (<i>Ecdyonurus</i> sp.), as well as trichoptera (<i>Hydropsychidae</i>); results on 1,102 apron excrement collected and analysed - 1,800 invertebrate samples collected, i.e. 394,924 invertebrates accounted for and identified). Thus the availability of prey is a determining parameter, which opens new avenues for conservation measures. The diet of the species is now well known in the Loue, Beaume and Durance catchment areas, providing us with valuable information on its feeding behavior and the trophic resource of each river. <p>➤ REC 2:</p> <ul style="list-style-type: none"> - The objective documents for the Natura 2000 sites FR4301298 - Vallée du Dessoubre, de la Réverotte et du Doubs and FR4301291 - Vallée de la Loue et du Lison were approved in 2009 and 2011 respectively. An inventory of the breeding areas of the Apron was carried out in 2016 within the framework of the Natura 2000 site of the Loue and Lison valleys. Following this study, the Bellerive dam was built (see point 5). <p>➤ REC 3:</p>
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- The work of the binational "flow management" working group in charge of the revision of the 1969 water regulation common to the three hydroelectric works of the Franco-Swiss Doubs begun in 2012 resulted in a common water regulation for the three facilities, approved in October 2017.
- This document sets out new requirements and management methods for hydroelectric facilities, reconciling the challenges of preserving aquatic environments and those of producing peak electrical energy (notably by the Châtelot Dam) on the basis of several studies (hydraulic and fish habitat modelling, analyses of trapping and sinking risks) and on lock management tests to reduce variations in flow.
- This work has contributed to calming the climate between NGOs and operators because of the convincing results on fish mortality and a regular and constructive dialogue with the NGOs (creation of a Franco-Swiss environmental monitoring committee).
- Monitoring is carried out under the responsibility of the operators of the hydroelectric dams. It is based on the following indicators:
 - o Hydrology and temperature monitoring (annual lock index and during sensitive periods, continuous thermal probe on 6 stations);
 - o biological monitoring (trout and grayling spawning grounds, stranding/trapping, exhaustive inventory fishing).
- **REC 4:**
 - This recommendation is not feasible within the legal framework of the current concessions. The granting authorities are working on this hypothesis in the context of the upcoming renewal of the three concessions, which expire between 2024 and 2032.
 - The dialogue established between the French and Swiss authorities is working to remove the legal obstacles to the granting of a single concession under an agreement covering the entire Franco-Swiss Doubs region.
 - However, the new water regulation aims to improve coordination between the three operators (production of a joint annual report) and, de facto, is in line with the recommendation.
- **REC 5:**
 - Work on improving water quality in the Doubs is being addressed by the binational Water Quality Working Group. The action sheets validated by the two countries provide for simultaneous action along several lines to reduce pollution flows, whatever their origin. Among the priority objectives identified for France are a programme to reduce pollution linked to collective sanitation upstream of the Franco-Swiss Doubs (action A.1.1) and a programme to improve the sanitation network in Villers-le-Lac (action A.1.2). The investigative and police work carried out by the State services has led to the prescription of more stringent discharge standards than those provided for by national regulations, adapted to the sensitivity of karstic environments. Actions related to the reduction of anthropogenic polluting pressures are addressed in a comprehensive manner on the karstic rivers of the Doubs department within the framework of the departmental conference.

	<ul style="list-style-type: none"> - This is a special governance system set up to deal with water quality issues in several rivers, particularly the Loue. It is based on regular meetings of stakeholders concerned with water and aquatic environments within the "Loue et rivières comtoises" conference. - It should be noted that the members of the Conference are assisted in their work by a scientific group. - The NAP also identifies several works to be dealt with with the objective of restoring the circulation of the species (fully or failing that, by corrective measures such as upstream devices) and, as far as possible, to improve the quantity and functionality of habitats favourable to the apron by removing or levelling the obstacles to reduce the effects of impoundments generated by the latter. - On the Doubs, the restoration of ecological continuity appears to be one of the major issues identified in the action plan validated in 2014 by the bi national group for the improvement of the quality of the water and aquatic environments of the Franco-Swiss Doubs. The Moulin du Plain constitutes the first obstacle to the upstream ascent of the Swiss section of the Doubs. The next sill of the Theusseret is located upstream of Goumois, for which additional studies have been produced, notably on geotechnical aspects. - Discussions about the project management and financing of the works are ongoing, but the projects of erasure raise local opposition which must be taken into account by a specific support. An important political step was then taken and should be completed by the end of 2020 to bring about the emergence of a new project leader, the Syndicat Mixte du Dessoubre. - Its missions have been greatly enlarged, due to the emergence of a new mandatory competence for the French public institutions of intermunicipal cooperation: the GEMAPI competence (Management of water, aquatic environments and flood prevention). - <u>The implementation of the appropriate budgetary and human resources, in a period of French municipal elections and a health crisis, has slowed down a process that should be fully operational at the beginning of 2021, with the stated objective of resuming these two levelling projects as a matter of priority, where they have been stopped.</u> The binational group reaffirms its desire to move forward towards the levelling of these two works. - On the Loue basin the situation is as follows: <ul style="list-style-type: none"> o The Roche hydroelectric plant was equipped with a macro-roughness ramp in 2014 ; o The Bellerive/Lombard weir was equipped with a macro-roughness ramp in 2016; o Work to equip the Chenecey-Buillon dam (project owner, City of Besançon) with an "all-species" ascent device is underway and the facility should be commissioned by the end of 2020; o A project for an ascent system was finalized this year for the Moulin Larnaude site and the work should be completed in 2021; o A project for the partial or total levelling of the Rennes-sur-Loue dam is technically defined, but its implementation is facing difficulties in reconciling it with issues relating to the conservation of the historical heritage linked to the weir and the body of water generated upstream;
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- 5 structures (Chay, Brères, Port-Lesney, Champagne & Moulin Neuf) are the subject of a preliminary project study carried out by the Syndicat Mixte Haut-Doubs, Haute-Loue and the Communauté de communes du Val d'Amour.
- In spite of the strong opposition sometimes encountered by the owners, the concretization of all the actions in progress on the existing structures should allow in the short term the complete decompartmentalization of the distribution area of the species currently known on the Loue River.
- **REC 6:**
- Action sheets have been validated by both countries. They provide for simultaneous action in several areas to reduce pollution flows, whatever their origin.
- The section of the departmental health regulations relating to the management of livestock effluents has been strengthened by the prefectural decree dated April 11, 2014. The effect of this regulation is to homogenize the regulations applicable to livestock farms. Thus, the rules applicable to the storage of livestock effluents and the conditions for spreading these effluents are the same, whether or not the farms fall under the regulations on facilities classified for environmental protection (storage from 4 to 6 months depending on altitude). Operations to modernize and bring farms up to standard are continuing. The environmental police services are carrying out increased surveillance of the territory with regard to the actual practice of spreading to identify any bad practices or even infringements of spreading rules (seasonality, topography, meteorology, proximity to aquatic environments, etc.). The use of alternatives to the practice of land application is currently being considered in the context of health risks (COVID 19), and the specifications of the AOP Comté, which plans to prohibit the land application of sludge from wastewater treatment plants in the AOP zone (including the French bank of the Franco-Swiss Doubs).
- In the watersheds where the apron populations are located and upstream of them, the Haut-Doubs - Haute-Loue 2015-2017 territory contract has been approved. This contract, consistent and complementary with that of the Franco-Swiss Doubs, includes the following five main areas: reducing nutrient inputs, initiating actions to restore morphology and restore continuity, examining the consequences of fishing practices, implementing information, education and compliance missions and actions to reduce micro-pollutant discharges at source. Collective action aimed at understanding the flows of industrial pollutants and promoting actions to reduce them at source is carried out by the Syndicat Mixte du Dessoubre.
- As far as contamination by toxic substances is concerned, linked to silvicultural activities and particularly to the treatment of wood in the forest, a charter of good practices for the treatment of wood in public forests was signed on 28 June 2019 between several institutional partners, the players in the wood sector and the Minister in charge of the environment. This charter aims to better control the practice of wood treatment in the forest, given the great vulnerability of rivers and water resources, which are particularly fragile in karstic environments. It includes twelve commitments aimed at acquiring a better knowledge of softwood treatment practices, carrying out more effective on-site controls, and encouraging the emergence of good practices to limit the use of treatments in the forest environment. Including the respect of a minimum distance of 20 m from watercourses.

	<ul style="list-style-type: none">➤ REC 7:<ul style="list-style-type: none">- The collection of knowledge on the apron du Rhône is synthesized for France within the framework of the NAP for this species. These elements are put online on the website dedicated to the monitoring of this plan.- Within the framework of the NAP, an apron observatory has been set up at the scale of the French apron range, in order to continue the acquisition of thermal data and knowledge on apron populations and their range. The Loue is an integral part of this network :<ul style="list-style-type: none">○ 9 thermal probes have been set up on the Loue. The monitoring stations on the Loue have been taken over and developed by the syndicat mixte du Dessoubre ;○ on the Loue sector, 4 stations are monitored annually within the framework of the observatory.- A work of valorisation of the thermal data collected within the framework of the observatory is carried out in order to qualify the sectors of presence of apron and to try to identify the factors which could explain a good or bad recruitment.➤ REC 8:<ul style="list-style-type: none">- This recommendation is ensured by monitoring the evolution of the apron population. The knowledge on the state of the water comes from data collected in France for the implementation of the European Water Framework Directive. These data are accessible to all.- To be noted concerning the Loue :<ul style="list-style-type: none">○ a study carried out under the aegis of the University of Franche-Comté on the Loue ;○ the setting up of a "metrology" group within the scientific group mentioned. This group will follow the setting up of a station allowing the acquisition of physico-chemical parameters (in particular nitrogen, phosphorus, suspended matter, conductivity...) continuously on the Loue.➤ REC 9 :<ul style="list-style-type: none">- For many years the French and Swiss administrations have been working together for a cross-border approach on the Franco-Swiss Doubs.- A joint commission for fishing on the French-Swiss Doubs border was created by the French-Swiss agreement of July 29, 1991, concerning fishing and the protection of the aquatic environment in the part of the Doubs forming the border between the two States. Its main purpose is to examine the conditions of implementation of this agreement, but also actions to preserve the aquatic environment.- Governance was strengthened in 2011, in order to better understand the issues of this watershed with the creation of two working groups:<ul style="list-style-type: none">○ The objective of the "flow management" working group is to improve the management of hydroelectric facilities in order to reduce their impacts (see point 3 of this note).
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	<ul style="list-style-type: none"> ○ The binational working group for the improvement of water quality and aquatic environments deals with other environmental aspects of the Doubs, such as water quality, species protection and morphology. The group's technical secretariat is provided by the Etablissement public territorial du bassin Saône & Doubs. The role of this group is to refine knowledge and to define a general framework of actions mobilizing and federating the Swiss and French actors. It is co-chaired by the Prefect of the Doubs and the Deputy Director of the Swiss Federal Office for the Environment. A framework document commits the competent authorities to implement actions aimed at reducing the impact of human activities on the Franco-Swiss Doubs. - As far as the NAP apron is concerned, cross-border cooperation with Switzerland is ensured by inviting the Swiss authorities to the work and meetings of the NAP steering committee and the NAP scientific and technical committee (2 meetings in 2014, 2 in 2015 and one in early 2016). The minutes of these meetings can be downloaded from the apron website. ➤ REC 10 : This report responds to this recommendation and is the fifth report from France.
<p>Swiss NGOs Complainant report July 2020</p>	<ul style="list-style-type: none"> ➤ The situation is quite like that of 2019. While activities continue to be undertaken by the authorities and the hydropower operators, the improvements made unfortunately still show no effect on the Rhone streber who is still at the brink of extinction. ➤ Many of the measures which have now been formally approved still need to be implemented on the ground/in the river; in some cases, they are even put into question again at local and regional level. ➤ In addition to resistance and opposing plans, such as (re-)installation of hydropower, there are also several administrative obstacles. For example, there is still no agreement between Swissgrid and Moulin Grillon concerning the indemnisation of giving up the operation of the hydropower plant, which could finalise the assessment of the fish migration; the federal government has not yet decided if they approve the cantonal hydropower plan; and the decisions on NGO participation in the accompanying group of a new international Convention on renewal of the hydropower concessions is still pending. ➤ A point we already addressed in 2018 was that the expertise the operators of the hydropower plants had commissioned on constructive changes (dotation turbine) - which would allow for less sudden and rapid changes in the water flow (in times of minimum runoff) - had been handed to the Swiss Office for Energy (OFEN) only, not to the NGOs. ➤ <u>Major new developments since 2019:</u> <ul style="list-style-type: none"> - A meeting of an agri- and sylviculture working group in order to follow up on the recommendation by the Standing Committee of 2018 has now been organised and is scheduled for September 29, 2020. - Plans and financing for the sewage treatment plants of the 2 largest Swiss cities in the Doubs river basin have now been adopted. Work on the sewage treatment plants in La-Chaux-de-Fonds and le Locle will commence in autumn 2020. - The cantons of Neuchâtel and Jura have established buffer zones along the Doubs and adopted related cantonal plans. - French-Swiss collaboration needs to be improved. The binational group working on water quality has not met since 2016.

	<ul style="list-style-type: none"> - New political developments make it harder to prioritize nature conservation in the Doubs. These include a likely dilution of the Cantonal decision to protect the river and the acceptance in the Swiss Parliament of a motion by MP Albert Rösti to change the reference base for assessing the impact of hydropower plants which now does not need any more to be the state before building the plant. ➤ In order to keep momentum for further activities and because of the mentioned shortcomings, obstacles and risks and the alarming state of the Rhône streber, we strongly suggest maintaining the file's status as a file on stand-by.
<p>French NGOs Complainant report July 2020</p>	<ul style="list-style-type: none"> ➤ Adaptation of French law to the fragility of karstic rivers: No progress on this point. ➤ Regarding Agriculture: <ul style="list-style-type: none"> - At this date, the progress reported in 2018 for the Doubs department (25) has still not been extended to the Jura (39). This has had a negative impact on the Apron populations scattered throughout the Jura (39). - The same negative factors remain and have been aggravated by the continued increase in the volumes of milk produced on the karstic plateaus. - Revision of the specifications of the Appellation d'origine contrôlée (AOP) Comté: The draft specifications have been validated at the General Assembly of the Comité Interprofessionnel de Gestion du Comté (CIGC) and will be submitted to the Institut national de l'origine et de la qualité (INAO) public inquiry in 2021. If it brings improvements for animal welfare, unfortunately it ratifies two new ceilings that are the maximum volumes of milk per cow at 8500 kg/year* and the maximum size of farms at 1.2 million liters of milk per year, a level closer to the industrial than the claimed craftsmanship, a source of additional pollution. (* 85% of the nitrogen present in the water of the Loue is of diffuse agricultural origin. The annual limit per dairy cow for not producing excess Nitrogen and Phosphorus must be less than 6500 l of milk per year under optimum soil conditions.) - The presence of SDI molecules (agricultural fungicides) in the Comté rivers. ➤ Since 11/2018 : NGOs and scientists have noted and denounced the increasing destruction of hedges and outcropping rocks. Two actions that have direct negative consequences on water quality and are a sign of intensification of agricultural practices. ➤ Regarding domestic water pollution: <ul style="list-style-type: none"> - Following the recent European and French recovery plans, the French water agencies will be allocating additional aid to municipalities and communities of communes for wastewater networks and TT. - Since 11/2018, NGOs have observed recurring failures in several cheese dairies with regard to wastewater treatment that have not been modernized or adapted to the increase in volumes of milk treated. - Agencies still do not subsidize TT devices for micropollutants and drug residues.

<p>40th Standing Committee 2020</p>	<ul style="list-style-type: none"> ➤ took note of the reports and appreciated the progress that has been made by authorities and private enterprises. Noted need for a more frequent and better coordination between French & Swiss authorities and between the different binational working groups. ➤ welcomed the upcoming entry into force of the Second French National Action Plan on the Rhone Streber, as well as the dedicated Swiss workshop on agriculture in Switzerland and additional funding committed by Switzerland to reduce the amount of micro pollutants reaching the river in Switzerland. ➤ highlighted the need to address agricultural pollution, especially on the French side. It encouraged the French and Swiss authorities to further pursue their implementation efforts and investigations in the different areas of work, such as water quality, hydraulic regime and connectivity in order to effectively minimise the pressures on the Doubs and to improve the situation of the Rhone Streber. ➤ Following a suggestion to reduce the monitoring of this case, in particular due to the fact that aquatic systems often take many years to recover, the Committee, with support of all Parties, agreed to retain the biennial reporting to the Standing Committee, but remove the requirement of Parties to report to the Bureau in the intervening year. In that regard, the Committee requested progress reports for the 42nd Standing Committee in 2022.
<p>Swiss Government progress report July 2022</p>	<ul style="list-style-type: none"> ➤ Rec F+CH 1: The 2022 catalogue of measures has been supplemented by a new strategic axis “Adaptation to climate change” (2 measures) as well as by an agricultural component (1 measure + 1 information sheet). ➤ Rec F+CH 2: the possibility of NGOs taking the lead in the file has been examined; in the absence of a clear response the authorities have decided to postpone the development of an Emerald management plan to 2025. On the other hand, a management plan for three alluvial areas of the Doubs located within the perimeter of the Emeraude site has been drawn up with concrete measures which are partly already implemented. ➤ Rec F+CH 3: The last exhaustive fishing inventories planned in the monitoring were carried out in autumn 2020. Hydrological monitoring (annual lock index and during sensitive periods, continuous thermal probe at 6 stations) and biological (trout and grayling spawning grounds, strandings/ trapping) are in progress and complete the monitoring set up. A status report on the interim results of the monitoring was presented to environmental and fisheries associations in November 2021. The five-year monitoring report is scheduled to be presented in 2023. ➤ Rec F+CH 4: no updates. ➤ Rec F+CH 5: The improvement of collective sanitation systems continues. The WWTPs of La Chaux-de-Fonds and Le Locle will be equipped with treatment of micropollutants by activated carbon filter. Commissioning is planned for 2023-2026, which will represent major progress in terms of improving the quality of the waters of the Doubs. ➤ Rec F+CH 6: <ul style="list-style-type: none"> - The various studies carried out to date (modelling of the flow balance, analyses of micropollutants MS2field) as well as ongoing monitoring (water quality measurements from the national NAWA program, mobile water quality probe, measurement station at Ocourt) show that, apart from a few occasional problems, the Doubs generally has a good to very good physico-chemical quality.

	<ul style="list-style-type: none"> - The realization of the “watercourse area” along the Doubs (buffer strip where any intensive exploitation is prohibited) is in progress. The case is progressing well. There are only two appeals left to deal with, appeals that do not concern the Doubs watershed. ➤ Rec F+CH 7: For the time being, the last observation of apron in the Doubs dates from August 29, 2021. The results of the latest campaigns try to show the virtual disappearance of the species in the Doubs (and this despite the implementation of many measures of the action plan). A workshop bringing together cantonal and federal authorities, NGOs and the Doubs Regional Natural Park took place on May 10, 2022 with the main theme of reconsidering the conservation strategy of the apron. ➤ Rec F+CH 8: Given previous results obtained, the continuation of monitoring according to current methods is in question (workshop of May 10, 2022). ➤ Rec F+CH 9: no updates ➤ Rec F+CH 10: The present report responds to this recommendation. ➤ Rec CH 1: The restoration of fish migration on the other weirs (Bellefontaine and Ocourt) is under study. A leveling study is underway on the Ocourt sill, which is not suitable for hydroelectric operation. The restoration of fish migration at the Bellefontaine sill will be carried out via a crossing structure in the event of the sill being refitted or by another measure in the event of the abandonment of hydroelectric operations. ➤ Rec CH 2: see recommendation F+CH 1. Following the results of the latest monitoring, the support group is considering a change in conservation strategy for the apron (subject of the workshop on May 10, 2022). A new conservation concept in the form of a decision support is being developed and will be available end of 2022. Further steps will be defined on the basis of this document. ➤ Rec CH 3: <ul style="list-style-type: none"> - NGOs and the PNRD are consulted both in all developments. ➤ Rec CH 4: Awareness-raising activities are currently being conducted by the PNRD and the competent authorities. GENERAL CONCLUSION ➤ Since the last reporting by the authorities in 2022, the progress of the work to improve the overall quality of the Doubs and its ecosystems has continued and can be considered satisfactory. Significant progress has been made in almost all the areas mentioned in the recommendations. Several measures have already been completed; others are in progress but are long-term and will have an impact in the medium to longer term. Despite these measures, it is clear that the situation of the apron, in terms of effectiveness, remains extremely precarious. This situation has motivated the authorities to reconsider the apron conservation strategy and to study the opportunity to launch a reintroduction program.
<p>French & Swiss NGOs report Oct 2022</p>	<ul style="list-style-type: none"> ➤ Despite all efforts, the objective of maintaining the only population of Rhône aprons living in the Doubs in a favorable conservation status has still by far not been achieved. Despite a proven methodology for inventories and optimal conditions for field surveys, almost no fish have been found in recent years, which clearly indicates that the population is very weak. The preservation of the Rhône apron (and its genetic specificities) is nevertheless crucial. Although a large number of measures have

	<p>been established which go in the right direction for the preservation of the apron, the implementation of these is sometimes very difficult and suffers from significant delays. Faced with the dramatic situation, options for strengthening the population through breeding and reintroduction must be analysed and are currently being discussed between NGOs and the authorities. It is a question of analysing different variants of the most suitable and realistic conservation to restore the population of apron du Rhône in the Doubs.</p> <p>➤ Without calling into question the commitment of the authorities at national, cantonal and municipal level, the "stand-by complaint" to the Bern Convention and the obligation to make a report are essential tools to ensure that this case continues to move forward. We therefore warmly thank the Standing Committee for keeping the complaint on stand-by.</p>
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Closed file No. 2011/4: Threat to the Mediterranean monk seal (*Monachus monachus*) in Türkiye

Date submitted	June 2011
Submitted by (Complainant)	the Middle East Technical University Institute of Marine Sciences
Respondent State (Respondent)	Türkiye
Specie/s or habitat/s affected	Monk Seal (<i>Monachus monachus</i>), Appendix II
Background to complaint	<ul style="list-style-type: none"> ➤ the complainant complained that the development plans comprising the construction of a road as well as of a new marine terminal near Yesilovacık village (Silifke district, Mersin Province) would eventually have a detrimental impact on the Mediterranean monk). ➤ The complainant expressed concern with regards to the location of the planned marine terminal, foreseen at just 500 meters away from a breeding cave acting as a bridge between the core monk seal colony of the area and the pioneers moving further east. ➤ Moreover, the complainant considered that the breeding cave, formed by soft geological material, may eventually collapse once the planned road will be opened to lorry traffic, and that pollution, turbidity and noise will force the actual inhabitants to abandon the cave without having in the vicinity other caves with similar morphology. ➤ In 2012 the case-file was classified as possible. ➤ In 2015 an Action Plan targeting the monk seal in Mersin area was drafted by competent authorities, to be implemented in the next five years. ➤ In 2016 the Standing Committee dismissed the case-file and required Turkish authorities to report in two-years time. ➤ The file was then assessed by the Standing Committee in 2018 and 2020.
Standing Committee 2020	<ul style="list-style-type: none"> ➤ The Standing Committee took note of the biennial progress report of the Turkish authorities, noting that according to the information received, the monitoring studies and Monk Seal Conservation Action Plan are progressing well. ➤ The Committee requested that the Turkish authorities update the Committee in 2 years' time or earlier, should the Action Plan be completed before the 42nd Standing Committee meeting.
Bureau meeting September 2022	<ul style="list-style-type: none"> ➤ The Bureau took note of the report received from the Turkish authorities and asked the authorities to submit the report to the 42nd Standing Committee for its consideration. The Standing Committee could consider closing the monitoring of this case-file.
Respondent report October 2022	<ul style="list-style-type: none"> ➤ Monitoring studies confirm <u>monk seals are using the breeding area</u>. ➤ The company managing the harbour is also in charge of <u>awareness raising activities</u>, which continued in the biennium.

	<ul style="list-style-type: none">➤ During the construction 8 years ago, one young individual was found dead for long-term hunger, malnutrition due to the noise generated by the construction. Since completion of construction, <u>marine biodiversity improved compared to pre-construction level.</u>➤ <u>Population in the region is stable.</u>➤ Under the monk seal action plan, it is foreseen that the route determination works will be completed by the end of 2022.
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