



Strasbourg, 4 May 2020  
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**T-PVS(2020)1**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

40<sup>th</sup> meeting  
Strasbourg, 1-4 December 2020

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**Meeting of the Bureau**

7 - 8 April 2020  
(Virtual meeting)

**- MEETING REPORT -**

*Secretariat Memorandum prepared by  
the Directorate of Democratic Participation*

## 1. ADOPTION OF THE AGENDA

The Chair of the Standing Committee to the Bern Convention, Ms Jana Durkošová, opened the first annual meeting of the Bureau to the Bern Convention for 2020. She thanked the Secretariat for the hard work in preparing the meeting and maintaining as much as possible the Programme of Activities, especially under the unprecedented circumstances of the Covid-19 pandemic. She further thanked both Secretariat and bureau members for attending by video-conference this meeting and wished them and their families good health.

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

## 2. HIGH-LEVEL CONFERENCE ON THE LINKS BETWEEN HUMAN RIGHTS AND THE ENVIRONMENT (27 FEBRUARY 2020)

The Secretariat informed members about the high-level Conference which had been organised within the Georgian Presidency of the Committee of Ministers. It was attended by many high-level speakers from the Council of Europe (CoE) and beyond, including the Chair of the Standing Committee to the Bern Convention who delivered a speech. Indeed, the Bern Convention had been frequently and proudly referred to as one of the CoE's most effective and well-known tools in the field of the protection of the environment, and ways to which it could contribute to the linkage between environment and human rights had been a key theme. The Convention had also been effectively promoted on the margins of the event with various information publications and visibility materials.

In the ensuing discussion, Bureau members observed that the Conference had confirmed the importance of a healthy environment for human wellbeing and quality of life. The Convention had been stressed as a pioneering mechanism, which had helped over 40 years to maintain the quality of nature, thus ensuring life-supporting ecosystem services for humans. The members also hoped that this event and the recognition of the Convention could create momentum for greater involvement of the Council of Europe in the ecological area with a stronger support for the Convention. It was also suggested to use or refer to the concluding Declaration of the Conference during the elaboration of a new Vision for the Convention.

However, some Bureau members were of the opinion that the importance of nature conservation and biodiversity and indeed recognition of the Convention had not been adequately highlighted.

**Decision:** The Bureau ardently thanked the Georgian Chairmanship of the Committee of Ministers for organising the Conference, as well as the Secretariat for having prepared and promoted Bern Convention information and visibility materials. The Chair also personally thanked the Director General of Democracy, Snezana Samardžic-Markovic, for having had the occasion to meet on the margins of the Conference to discuss the possible future of the Convention. It also supported the idea to refer to the final [Declaration of the Georgian Presidency](#) during the upcoming elaboration of a new Vision for the Convention.

In conclusion the Bureau acknowledged that there is a momentum for promoting the Bern Convention to decision makers and for advocating its standards which aim to maintain healthy nature and through that, support human well-being. A strong narrative should be elaborated by the Secretariat for discussion at the second meeting of the Bureau in September stressing the strengths of the Bern Convention and supporting its financial transformation.

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

The Chair introduced the discussion by thanking Snezana Samardžic-Markovic, Director General of Democracy, Roberto Olla, Head of the Culture, Nature and Heritage Department and Executive Director of Eurimages, and Ana Gomez, Directorate of Legal Advice and Public International Law for having joined the meeting for this point. She recalled that she had also met with the Director General in February, where it had been confirmed that the budget of the Bern Convention could not increase for

the next 2 years. The Chair and several Bureau members reiterated the historic and ongoing importance (CoE) member States and beyond: they stressed the need to support it politically and with a sustainable source of financing. Furthermore, the CoE should not be oblivious to the globally recognised environmental issues, such as the United Nations Sustainable Development Goals, the post-2020 biodiversity framework, etc., when the rest of the world is aware and reacting to these.

The Director General (DG) informed that, despite the current Covid-19 pandemic, financial cuts were unlikely during 2020; however the budgetary situation in 2021 and beyond was less certain, and unfortunately budget cuts usually appeared first in the DGII budget. Although she considered DGII activities including environmental topics as core issues and defended them, some other decision-makers and member States requested more convincing arguments. She suggested that focusing more on awareness-raising, linking the activities of the Convention with human rights, and collaborating with other bodies of the organisation such as the Parliamentary Assembly, of which the new President is from the Green Party and very much interested in environmental issues, could be good steps for going forward and building support. She also suggested that Bern Convention focal points could be invited to lobby further with their national members of the Parliamentary Assembly of the Council of Europe, which could lead eventually to vital support in the Committee of Ministers (CM).

The declaration of the Georgian Presidency at the Conference was mentioned as a possible platform for increasing awareness and thus support for the Convention. The DG, while recognising the importance of the Conference and declaration, believed that their focus had been human-centric, and less on nature: thus linking the Convention with human rights could increase support. She also presumed that several member States could not be supportive of the declaration and that its follow-up may be restricted. It was countered that the Convention takes a holistic approach which encompasses human wellbeing, e.g. through guaranteeing nature-based services.

All members agreed with the suggestion of the DG about crucial importance to increase awareness of the Convention. It is far less well-known in many member States, compared to, e.g. the Ramsar and CBD conventions. It was reminded that there already exists a plethora of visibility and information materials which should be made more accessible to and relevant for the general public. Suggestions also included to get involved in the next World Forum for Democracy in October/November of which the theme this year is the environment, and to collaborate with the Youth Department which also often deals with this topic.

Concerning human resources, the Bureau members reminded that the present staffing is insufficient to deal with the current workload, and thus all suggestions and new activities, while welcome, are unlikely to be effectively undertaken unless reinforcements arrive. The DG reassured that a new executive secretary had been hired and was due to take up his role in May and mentioned that the situation was similar across the Council of Europe with rising workload and decreasing staff numbers.

### **3.1 Inter-sessional working group on financing: membership, working methods and draft working documents**

The Secretariat presented the mandate of the Inter-sessional working group on financing and two options for a new financial mechanism for the Bern Convention - an amendment to the articles of the Convention and/or creation of a Partial Agreement (PA).

Roberto Olla presented to the Bureau the success story of Eurimages, a cultural fund for European cinema, which had been struggling for support and funding from the Committee of Ministers (CM), and thus created a PA which had taken about 2 years. This move had seen the budget rise to over €27 million in 2020, and an increase from 12 to 25 staff members and from 12 to 41 member States. He believed that the Fund would have disappeared if it had relied on CM funding and not created the PA. The PA system allowed great flexibility and adaptability to societal challenges. Decisions are taken by a qualified majority. The PA option poses however a risk as neither the number of members, nor the extent each will contribute can be predicted. He therefore suggested considering having both the Convention and PA in parallel - where the Convention continues the institutional work such as monitoring, and the newly established PA has liberty to address broader environmental issues, through groups of experts

and other mechanisms. The PA would take the financial debate out of the CM and bring it directly to the ministries responsible for environment and biodiversity issues.

The DG supported Roberto's points and stressed that if the Standing Committee decides on the PA route, it should not focus on the financial issue when bringing the proposal to the CM but rather focus on the added value as regards outreach and content.

Ana Gomez elaborated on both financial mechanism options presented to the Bureau: the amendment to the articles of the Convention could be a very long process which must be approved by the CM and each member State. The PA is a completely different mechanism whose core idea is that only those States (not necessarily CoE member States) that wish to have reinforced action on a specific topic voluntarily accede to and contribute financially. The PA creates its own structure and governing body, which can be complex, but which could support and expand the activities of the Convention. It can also take quite long to implement. The amendment is a permanent solution and would secure long-term financial security and member State commitment. She believed that both mechanisms could be launched and managed in parallel as suggested.

During the discussion, concern was expressed that a PA would move away from the core business of the Convention and may add additional workload on the staff and member States, while not sufficiently increasing funding. However, the Secretariat reassured that the ordinary budget of the CoE should continue to finance the institutional functions of the Convention, while the PA could be a way to bring coherence of the CoE to wider environmental issues. It was agreed that there is the risk that an insufficient number of Parties would agree to finance the PA, especially those such as the EU which is already a big payer to the Convention. Further, the budget of the PA would still need to be agreed by the CM, and this was a concern as the Convention would still not have a good level of control over its financing. It was also mentioned that whichever of the options is chosen, both will require a rethink of how the Bern Convention and Standing Committee meetings are managed.

The members agreed that the financial documents required some more time to be analysed by them but should then move quickly through the Inter-sessional working group on financing, and to Contracting Parties, to allow for a long period of consultation before the Standing Committee. It was suggested to draft an explanatory note, to make the ramifications of both options abundantly clear. Finally, it was reminded that the transitional period until a new mechanism is adopted was also important, and Contracting Parties needed to step up and pay their voluntary contributions.

**Decision:** The Bureau thanked the Secretariat for having prepared the documents on possible financial mechanisms, and Snezana Samardžic-Markovic, Roberto Olla, and Ana Gomez for having contributed greatly to the discussion. It appreciated their offers to assist where possible on the elaboration of these mechanisms.

The Bureau endorsed the [Terms of Reference for the Inter-sessional working group on financing](#) and thanked the Secretariat for the preparation of the proposals for financing the Bern Convention.

It further instructed the Secretariat to share the document on financial mechanisms and an explanatory note for consultation first to Bureau members, then to the Inter-sessional working group on financing, and then to the European Commission and the Contracting Parties by the end of June. This would ideally give Contracting Parties about five months to consult ahead of the Standing Committee. At said meeting, a decision should be made on the future financial mechanism(s) of the Bern Convention.

The Bureau noted that a new Secretary of the Bern Convention had been hired and should begin his function in May.

It mandated the Secretariat to review the promotion of the Bern Convention to the general public and its communication strategy, and to contact the World Forum for Democracy organisers to consider a possible participation in the next edition in October/November. It also instructed the Secretariat to follow-up on possible collaboration with the Parliamentary Assembly, as well as to reflect on collaboration with other in-house sectors.

The Bureau also called on Bern Convention focal points to promote the Convention in their countries to MPs and the general public, to gather more awareness and support.

### 3.2 State of play of the voluntary contributions received in 2020

The Secretariat informed that a letter on behalf of the Chair had been sent as usual in January, however so far only 3 countries had paid a voluntary contribution, although several others had signalled their intention to contribute. It was also recalled that several countries had intended to contribute last year, but the payment procedures of the Council of Europe had impeded them. Greater care was needed this year to ensure all payments could go through.

During the discussion, it was stressed that these voluntary contributions are crucial for securing the basic business of the Convention, including paying the staff - thus a reminder should be sent to Contracting Parties urging them to contribute as soon as possible, in line with Resolution 9 (2019). At the 2nd Bureau meeting, the level of voluntary contributions and adherence to the resolution could be evaluated.

**Decision:** The Bureau expressed its concern that only three Contracting Parties had so far paid a voluntary contribution, although several others had expressed their intention. It instructed the Secretariat to send a reminder that voluntary contributions were relied upon in order to pay staff and maintain the functioning of the Convention and its activities. Contracting parties should refer to [Resolution No. 9 \(2019\)](#) which contains a scale of minimum suggested payments. The Bureau also instructed the Secretariat to monitor closely if countries are having difficulties with payment procedures, and to support them where possible.

### 3.3 Report on the use of the resources from the Special Account of the Bern Convention

The Secretariat informed that it is prioritising spending funds from the ordinary budget of the Council of Europe ahead of voluntary contributions from the special account, as any underspend of the ordinary budget at the end of the year would be lost. Only staff salaries are currently originating from the special account.

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

## 4. IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES AND BUDGET FOR 2020

The Secretariat introduced the point and cautioned that there could be many postponed or cancelled events and activities due to the Covid-19 pandemic and travel restrictions.

During a discussion, the point was raised that money saved on cancelled activities such as meetings, on-the-spot appraisals and travel due to the pandemic could be rechannelled this year to other activities less affected by the crisis. Suggestions included consultancies, the elaboration of a communication strategy targeting politicians and the general public and elaborating the Emerald Network tools. Indeed, a project to develop the Emerald Network Viewer which had been on hold could now be envisaged and was expected to cost about €47,000 over a 2-year period.

Regarding the annual summer turtle training event in Cyprus which would likely be cancelled, it was suggested to launch a reporting exercise of the long-time event this year, and in the future make it a biennial event. Furthermore, the training could alternate among different destinations, and be used as a tool to help certain areas within the framework of ongoing case-files on the subject of *Caretta caretta*.

**Decision:** The Bureau welcomed the idea to redistribute money saved on cancelled events due to the Covid-19 pandemic to less-affected activities, and it supported the idea to invest in the Emerald Network Viewer. It also supported the proposal to request a report on the outcomes and added experience of the annual summer turtle training event in Cyprus, and to envisage changes to its structure from next year based on the findings of the report. It mandated the Secretariat to follow-up on these activities.

It also noted the idea to hold more frequent Bureau meetings online, in particular this year due to the heavy uncertainty regarding the programme of activities and budget; and would evaluate the necessity for this in the coming months.

#### **4.1 Expert meeting on the implementation of the Action Plan for the eradication of the Ruddy Duck in Europe**

The Secretariat informed of the meeting which had taken place in London on 25 February, hosted by the Wildfowl & Wetlands Trust (WWT), to which the Bern Convention had sponsored the attendance of 7 international experts from Belgium, France, the Netherlands, Spain and the UK.

The meeting aimed to review progress achieved against the eradication strategy of the ruddy duck in the Western Palearctic since 2015. The expected outcome of the meeting is a review of the implementation of the ruddy duck eradication strategy since 2015, a revised eradication plan for 2021 – 2025 which could result in a draft resolution to be examined at the 40<sup>th</sup> meeting of the Standing Committee.

Based on the assessment of a survey conducted among the governments of over 40 countries in the Western Palearctic, it was noted that, with the exception of Belgium, France, the Netherlands, Spain and the UK, there were very few ruddy ducks being reported elsewhere in Europe.

Participants agreed that existing efforts should continue in Belgium, France, Spain and the UK, and that control measures in the Netherlands should be extended to all provinces with ruddy ducks.

**Decision:** The Bureau thanked the WWT for the organisation of the meeting and appreciated the trend of decline in numbers of the ruddy duck in several countries and encouraged continuing efforts. The Bureau welcomed the preparation of a revised eradication plan for the period 2021 – 2025. It proposed to approach other relevant countries such as Egypt. It stressed that this is a clear success story of the Bern Convention which should be lauded. In that regard it instructed the Secretariat to liaise with the WWT to present the action plan to be examined and possibly adopted by the Standing Committee, as well as to collaborate on a press release to be shared on both organisations' media channels as well as in national specialised media.

#### **4.2 European Diploma for Protected Areas: results of the meeting of the Group of Specialists and planning of the appraisal visits in 2020**

The Secretariat presented the results of the meeting of the Group of Specialists on the European Diploma for Protected Areas (EDPA) which had taken place by video-conference on 18-19 March.

The Group of Specialists examined 15 on-the-spot appraisal visit reports and agreed on the renewal of the Diploma to only 13 areas and on the award of the Diploma to the Regional Park Gallipoli Cognato in Italy as presented in document [T-PVS/DE \(2020\) 12](#).

The Group of Specialists decided to postpone the decision of renewal of the European Diploma to Doñana National Park and to seek for a coordinated position with the UNESCO's World Heritage Centre which had carried out a reactive monitoring mission in February and the European Commission regarding the on-going procedure with the Court of Justice of the EU.

In the absence of a follow-up by the French national and regional authorities on the ultimatum sent by the Group last year regarding the extension of the Scandola Nature Reserve and the creation of a marine reserve, the Group of Specialists decided not to renew the Diploma of the Scandola Nature Reserve.

The Group of Specialists also had an exchange of views with a delegation from the Netherlands regarding the pending draft Resolution renewing the European Diploma of the De Oostvaardersplassen Nature Reserve. The conditions attached to the renewal were objected by the Dutch authorities. Considering that the background document prepared by the Dutch authorities had been shared with the Group of Specialists only the day before the meeting, the Chair suggested to postpone the decision of modifying or not the draft Resolution to the 2021 meeting, as the Group of Specialists needed more time to consider the new information of the Dutch authorities.

Eleven on-the-spot appraisal visits were agreed on for 2020 to examine the opportunity to renew the Diploma of the areas targeted. In addition, an extraordinary visit to the Weltenburger Enge Nature

Reserve because of the alleged intensive logging of beech forest and the anticipation of an on-the-spot appraisal visit the Lüneburg Heath Nature Reserve were decided.

The database of the European Diploma was finetuned and delivered to the European Environment Agency and to WCMC with a view to display the diploma holding areas on [Protected Planet](#).

The Group of Specialists agreed on a vision for the European Diploma which reads:

*By 2030, the community of holders of the EDPA:*

- *is recognised internationally as an assemblage of Europe's most unique and important natural landscapes;*
- *serves people's aspirations to protect both the natural and the cultural heritages of Europe;*
- *demonstrates to all sectors of society how protected areas can meet the many environmental challenges of the 21<sup>st</sup> century, being models for other protected areas;*
- *supports the enjoyment of the natural and cultural features by both local people and visitors; and that the European Diploma for Protected Areas is recognised as Europe's most prestigious natural heritage award.*

And based on a survey carried out among diploma holding managers, Mr Michael Usher had elaborated 7 recommendations on how to revitalise the European Diploma (see document [T-PVS/DE \(2020\) 16](#))

The Group of Specialists instructed the Secretariat to further elaborate on 3 out of the 7 recommendations which had gathered the most support:

- making information more widely available by the means of a communication strategy or a newsletter;
- drafting a more focused statement promoting the European Diploma inspired by the Pisa Declaration adopted at the occasion of the 50<sup>th</sup> anniversary of the Diploma;
- organising topical meetings to meet other managers, discuss issues of mutual importance, or just to be part of the community.

Discussions with the World Heritage Centre are on-going for the monitoring of areas which are both World Heritage Properties and awarded with the European Diploma. It could result in the conclusion of a Memorandum of Understanding.

During the discussion, a possible communication campaign on the EDPA during 2020 was suggested as it would require less time and financial resources of the Secretariat as so much material already existed on the subject. It would also fit in line with the ongoing discussions on a new vision for the EDPA, of which stronger communication and diffusion of information had been recommended by both experts and site managers.

It was strongly agreed to not change the name of the European Diploma. It was pointed out that the initiatives to coordinate more closely with fellow organisations such as the World Heritage Centre fit in nicely with improving the brand and reach of the EDPA.

It was also proposed to issue press releases next month on the European Day of Parks (24 May), and on the International Day for Biological Diversity (22 May).

**Decision:** The Bureau thanked the Secretariat and the members of the Group of Specialists on the European Diploma for Protected Areas especially for having maintained the meeting as a video-conference despite the uncertainty of the Covid-19 pandemic.

The Bureau endorsed the draft Resolutions renewing the European Diploma to 13 areas and awarding the European Diploma to the Regional Park Gallipoli Cognato.

It took note of the pending decisions regarding Doñana National Park and the De Oostvaardersplassen Nature Reserve, and for the latter, urged the Contracting Party to provide information in a timely manner in order to enable effective discussions and decisions.

It regretted the lack of commitment of the authorities of the Scandola Nature Reserve and acknowledged the decision of the Group of Specialists not to renew its Diploma.

It appreciated the good cooperation with UNESCO, and the upcoming addition of Diploma holding areas to the Protected Planet website.

It thanked the expert Michael Usher for his preparation of the vision document and fully supported most of its recommendations. Due to the current financial situation, the Bureau instructed the Group of Specialists to develop a roadmap for the implementation of the selected recommendations.

It instructed the Secretariat, in cooperation with the Chair of the Group of Specialists on the EDPA to prepare and publish press releases on the occasions of the European Day of Parks (24 May), and International Day for Biological Diversity (22 May).

It took note of the planned on-the-spot appraisals to take place as of Summer 2020 and remarked that severe disruptions could be expected due to the Covid-19 pandemic.

#### **4.3 Illegal killing of birds: state of preparation of the joint Bern SFPs Network/CMS MIKT meeting**

The Secretariat informed that the joint Bern SFPs Network/CMS MIKT meeting initially planned for May or June, had been postponed to the second half of the year, and was tentatively scheduled for 6-8 October in Valencia, Spain.

Regarding the Rome Strategic Plan amended and adopted by the 39<sup>th</sup> Standing Committee, the consultations within MIKT resulted in some concerns regarding the changes made during the Standing Committee, but the general view is that countries wish to continue the joint initiative.

Therefore, the MIKT should adopt the version of the Rome Strategic Plan as adopted by the Bern Convention with the understanding that a more detailed and ambitious Programme of Work could be developed specifically for MIKT countries. Several countries have indicated their wish to have a stronger Programme of Work and this approach would capture the concerns raised during the MIKT consultation.

The methodology for the assessment of the Rome Strategic Plan needs to be developed and be discussed at the forthcoming joint meeting in October.

**Decision:** The Bureau took note of the postponement and new tentative date of the joint meeting with CMS/MIKT. It welcomed the preparedness of MIKT to adopt the Rome Strategic Plan as amended by the Bern Convention as well as its wish to continue the collaboration with the Bern Convention.

#### **4.4 Invasive Alien Species (IAS): work plan for 2020**

The Secretariat informed the Bureau that the IAS meeting had been postponed until next year. Nevertheless, the guidance documents which had been launched last year on Communication on IAS, and on IAS and E-commerce, and the draft report on IAS and alien pathogens would be followed up with greater priority following this Bureau meeting.

In the ensuing discussion, it was recalled that the referred to documents are quite advanced following the 13<sup>th</sup> Meeting of the Group of Experts on IAS last June, and that they were meant to be discussed at a Select Group of Experts on IAS meeting this year. Due to the meeting postponement, the documents could at least be circulated to the members of the Select Group of Expert for comments. It was also suggested that the draft report on alien pathogens and pathogens spread by IAS could be considered by the Group of Experts on the Conservation of Amphibians and Reptiles.

**Decision:** The Bureau agreed on the postponement of the meeting of the Select Group of Experts on IAS to 2021, and to give priority in 2020 to the further elaboration of the three documents which were already under preparation, for their possible adoption at the 40<sup>th</sup> Standing Committee: it entrusted the



Secretariat with the follow-up. It also noted that the draft report on alien pathogens and pathogens spread by IAS could be considered by the Group of Experts on the Conservation of Amphibians and Reptiles.

#### **4.5 Setting-up of the Emerald Network: state of play and activities planned for 2020**

The Secretariat informed the Bureau that several processes have been initiated to follow up on the decisions of the 39<sup>th</sup> Standing Committee:

A Sufficiency index and an online barometer to monitor the implementation of the Emerald Network is being developed to measure the territorial extension and the qualitative evolvement of the Network in each Contracting Party.

The final evaluation of the Revised Calendar for the implementation of the Emerald Network (2011-2020) was commissioned. The findings of the evaluation and in particular of the gap analysis will aim to identify avenues for the 2021 – 2030 strategic plan for the Emerald Network.

Two legal comparative studies aiming to assess obligations of Contracting Parties vis-à-vis their Emerald Network candidate and adopted sites were initiated with a view to align the obligations of non-EU Contracting Parties on the obligations of EU member States towards Natura 2000 sites. Both comparative studies are expected to be discussed at the Group of Experts on Protected Areas and Ecological Networks end of October and could result in recommendations at the Standing Committee so as to limit the number of case-files related to Emerald Network sites in the future.

The Secretariat also reported to the Bureau that a small budget originating from a country-specific Action Plan for Belarus had been allocated to the Bern Convention. A series of activities aiming to extend the Emerald Network in Belarus, address the conclusions of previous biogeographical evaluations, embed the Emerald Network provisions in national legislation, and work towards managing Emerald Network sites will be carried out throughout 2020.

In the discussion it was mentioned that the European Environment Agency (EEA) had recently published a [report](#) on the state of the European Environment in 2020, mentioning the Emerald Network, and that this could be shared on the Convention's media channels.

**Decision:** The Bureau took note of the on-going processes and looked forward to their outcomes. It instructed the Secretariat to consider ways to share the report of the EEA on the Convention's media channels.

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

The Secretariat presented updates on the Reporting under Resolution No. 8 (2012) exercise. A first draft summary [report](#) had been finalised just before the meeting, with a final draft expected by 15 September.

- 2 scientific experts and one GIS expert had been entrusted with the analysis of the tabular and spatial data received, submitted from 8 countries out of approximately 15 possible countries according to the reporting format of Resolution No. 8 (2012).
- The deliveries were expected to include tabular and spatial data. In some cases, spatial data was incomplete. Norway had not supplied any spatial data.
- Thanks to the intensive harmonisation and standardisation between Resolution No. 8 (2012) and the Art. 17 of the Habitats Directive and the Art. 12 of the Birds Directive data, it was fairly easy to merge tabular data collected within Resolution No. 8 (2012) with the EU data to become a Pan-European data set on the conservation status for the Bern Convention subset of features.
- All countries except the Russian Federation had reported on over 75% of the features of the expected reports, while Belarus had reported on all features in the checklist.
- While the Russian Federation had delivered the smallest number of reports, its commitment to take part in the reporting exercise despite it being only an Observer to the Convention should be stressed.

- The report published includes a few examples showing that non-EU countries host large proportions of the whole European resource for many species and habitats. This might have been even more evident if more countries would have reported data and if those countries which did report would have fewer “unknown” assessments.
- The quality of data for the conservation status assessments is very variable among non-EU countries and is in general lower than the EU average.
- Despite good preparatory work and active engagement in the preparatory workshops, Ukraine had not delivered any data. Given the central position and size of the country, the absence of data will create a major gap in the assessment of the conservation status in Eastern Europe.

**Decision:** The Bureau highly appreciated the presented initial findings and looked forward to more concrete information for its next meeting and reminded that final results are to be presented to the 40<sup>th</sup> Standing Committee. It also invited the Secretariat to seek further cooperation with the European Commission, Birdlife International and the European Environment Agency to harmonise the reporting interpretation and results.

#### **4.7 Climate Change and Biodiversity: plans for 2020**

The Secretariat reminded of the Joint meeting of the Groups of Experts on Biodiversity and Climate Change and on Protected Areas and Ecological Networks last year in Trondheim which had resulted in Recommendation No. 206 (2019) on nature-based solutions and management of protected areas in the face of climate change. A meeting in 2020 to follow-up this recommendation had been envisaged for the 2<sup>nd</sup> half of the year, but this was currently on hold pending further clarification on the Covid-19 situation, as well as of the financial and staffing situation of the Convention and Secretariat. Regarding the latter, the impending arrival of the new Secretary in May could lead to a decision on further action on this thematic area.

**Decision:** The Bureau took note of the information that further steps including a possible meeting following on from Recommendation No. 206 (2019) were on hold pending clarification on the pandemic, financial, and staffing situations, while reminding that momentum on this theme should be maintained if possible. It looked forward to further information and decisions at a later date by electronic means, as the Autumn Bureau meeting would be too late to endorse a meeting in 2020.

#### **4.8 Review of the European Plant Conservation Strategy: coordination with Planta Europa**

The Secretariat reminded that this initiative launched in 2019 was being elaborated by Planta Europa and funded by the Bern Convention. It consists of a review of progress achieved in the framework of the European Plant Conservation Strategy. As a result, a report on the progress in the implementation of the European Plant Conservation Strategy and recommendations to serve the post 2020 biodiversity framework are expected. A final report by the end of the year, is to be presented to the 40<sup>th</sup> Standing Committee.

**Decision:** The Bureau took note of the progress on the preparation of the report which is expected to be completed in 2020 and presented to the Standing Committee and welcomed the dissemination opportunity at the global level. It also remarked that the Bern Convention had been involved in the strategy from the beginning and that its follow up should be well publicised.

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

### **5.1 Biennial reporting request and submissions**

The Secretariat reminded that there have been issues with the ORS which enables Contracting Parties to submit biennial reports: many countries said they have delivered reports, but not all have been received by the Secretariat.

The questionnaire for reporting during the period 2017-2018 remains open, and considering the problems encountered last year with the delivery of the biennial reports, Parties who were unable to deliver that report will be invited to deliver it again. They will also be informed shortly of the opening of the reporting questionnaire for the period 2019 – 2020.

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

## 5.2 ORS and EU Member States obligations

The Secretariat informed that, following the Standing Committee mandate, contact had been made with the WCMC who provided the ORS, to determine if a long-term solution to the constant technical glitches could be provided. The response had been rather positive: WCMC was aware of the issues which several other organisations were also experiencing, and they were taking steps to find long-term solutions. The Secretariat had been invited to be part of a Steering Group to discuss common issues and possible solutions, and a virtual meeting was expected in the next few weeks. An update to the current ORS version was also scheduled for the 15 April. Finally, the WCMC was developing maintenance contracts for its user organisations to cover costs. The Secretariat had asked for more precise information on the contracts including financial aspects, before it would make an informed decision.

During a discussion, it was reminded that the 39<sup>th</sup> Standing Committee had also mandated the Secretariat to seek alternative reporting platforms such as the EU Habides + tool if the ORS continued to malfunction. It was however agreed that, due to the promising reply of the WCMC and the steps they were taking, it would be preferable from a financial, time, and continuity point of view to remain with the ORS, subject to further information on the maintenance contracts. Furthermore, it was mentioned that a new version of Habides + was being developed, so it may not be a good time to switch to that platform.

**Decision:** The Bureau thanked the Secretariat and the WCMC for their ongoing dialogue, and took note of the impending Steering Group discussions, and possible maintenance contracts which may require a financial commitment. It also looked forward to the update of the ORS version. It asked the Secretariat to update it at its next meeting, when ideally a decision could be made on whether to remain with the ORS, or switch to another platform.

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

### 6.1 Requests for clarification

#### *The wolf policy in Norway: request for clarification on the exception other overriding interests in Article 9(1) indent 3 of the Bern Convention*

The Secretariat recalled that it had been approached last year by NOAH which is a Norwegian animal rights organisation engaged in the protection of wildlife, including large carnivores such as wolves, bears and lynx.

In its letters, NOAH questions the management of wolves in Norway referring to complaints against Norway introduced in the late 1990s and challenges the objectivity of the decisions of the Bureau and the Standing Committee regarding the way these complaints were dealt with and dismissed.

The second letter requests to look into whether the interpretation by Norway of the principle of “other overriding public interest” (Article 9.1 of the Convention) complies with the genuine intention of the Convention.

During the discussion, Bureau members were informed that NOAH had lodged a case to the Norwegian Court of Justice against the Norwegian State. The Court of Justice had dismissed the case last year and the case had been subsequently lodged to the Norwegian High Court. It was assumed that, should the Supreme Court find that the failure of management of the wolf by the Norwegian State was justified, the ensuing Court decision might result in a shift of policy.

It was reminded that the Bern Convention does not have a mandate to deal with every individual concern of European NGOs, unless they arrive as an official complaint via the proper procedures. The aim of the Bern Convention is to set standards, to design a framework of best practices, and to provide guidance to its Contracting Parties.

The issue at hand is very complex, and covers conservation, legal, and animal welfare aspects, the latter two of which the Convention does not have a clear mandate to address, thus any reply to the letter must remain impartial, so as not to influence any legal proceedings. The NGO can be invited to submit a case-file if there is a strong concern, and the matter can be dealt with in a proper way. Finally, the IUCN Large Carnivore Initiative for Europe (LCIE) was mentioned as a potentially useful advisory body for the NGO on this matter.

**Decision:** The Bureau took note of NOAH's letters and that the issue was currently being examined by the Norwegian High Court. It further instructed the Secretariat in liaison with the Bureau to formulate an objective reply reminding that animal welfare is beyond the mandate of the Bern Convention and inviting NOAH to introduce a complaint should it have evidence that the case presents breaches of the provisions of the Convention.

## 6.2 On-the-spot appraisal visits

### 6.2 a Visit to North Macedonia within the framework of the:

- *Open case-file*
  - *2013/1: North Macedonia: Hydro power development within the territory of Mavrovo National Park*
- *Complaints on stand-by*
  - *2015/2: North Macedonia: Possible impact of wind-farm developments on bats*
  - *2017/2: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments*

**Decision:** The Bureau took note of the draft Terms of Reference for an on-the-spot appraisal visit to North Macedonia that had been considered and amended in liaison with the North Macedonian authorities. The Bureau particularly thanked the North Macedonian authorities for their willingness to collaborate and seek guidance from the Bern Convention's monitoring tools.

It advised that more than one expert may need to be contracted, due to the complexity of the visit, especially regarding SEA/EIA assessment, the conservation of the lynx and the management of Emerald Network sites in the face of wind energy development projects.

The on-the-spot appraisal should mainly focus on Mavrovo National Park and on Lake Ohrid and Galichica National Park candidate Emerald Sites. However, the recommendations resulting from the on-the-spot appraisal should also be useful for the other candidate Emerald Network sites in the country, in particular those targeted by complaints under the case-file system. Therefore, the Bureau advised to consider Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites when drafting the conclusions of the evaluation.

Furthermore, due to the ongoing Covid-19 pandemic, the visit was postponed until the 2nd half of the year if the situation allows but more likely could take place in Spring 2021.

The Bureau approved the Terms of Reference with several modifications, and mandated the Secretariat to share them with the North Macedonian authorities, and to begin the process of identifying possible independent experts. The Bureau should be kept updated on possible dates of the visit, and if it will be postponed until 2021.

### **6.2 b Visit to Bulgaria within the framework of the possible file 2001/4: Bulgaria: Motorway through the Kresna Gorge**

**Decision:** The Bureau drew up provisional Terms of Reference for the possible on-the-spot appraisal, while recalling that agreement still needed to be sought from the Bulgarian authorities for the mission.

The Bureau instructed the Secretariat to consult with the Bulgarian authorities on the proposed Terms of Reference and to seek their agreement for the on-the-spot appraisal which could be joined by the European Commission. Depending on progress and on uncertainty surrounding the Covid-19 pandemic, the on-the-spot appraisal could take place in the second half of 2020, or in Spring 2021.

The Bureau requested the Contracting Party to update the Bureau at its meeting in September on the state of play of the application for EU financing.

The Bureau also mandated the Secretariat to contact the European Commission to see if a joint on-the-spot appraisal was feasible.

### **6.2 c Visit to Ukraine within the framework of the complaint on stand-by 2018/1: Ukraine: Presumed threat to Emerald site “Polonina Borzhava” (UA0000263) from wind energy development**

**Decision:** The Bureau recalled that an on-the-spot appraisal had been suggested for this case, but that due to other priority visits and the ongoing Covid-19 pandemic, this visit would most likely take place in 2021. Furthermore, the Standing Committee would need to mandate such a visit, thus in its September meeting the Bureau would decide whether to bring this point to the agenda of the 40<sup>th</sup> Standing Committee. It could also decide if a more general on-the-spot appraisal visit should take place taking into account the numerous other complaints on Ukrainian Emerald Network sites.

The Bureau instructed the Secretariat to continue communications with the Ukrainian authorities and to enquire if an independent evaluation of the relevant legislation on SEA in line with Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites exists. The Bureau further mandated the Secretariat to inform the complainant that the Bureau is looking into the situation and considering an on-the-spot appraisal.

### **6.3 Open files**

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

**Decision:** The Bureau thanked the Bulgarian authorities for the report which highlighted the first part of the study on Methodology for assessing accessible information on the impacts of wind energy development on birds in the region of Kaliakra. It encouraged further efforts and requested that in their next report the authorities precise the timeline of when the report is expected to be finalised, update the Bureau on the progress on other aspects from Recommendation 200 (2018), and prepare a list of main obstacles and possible solutions. It also reiterated its request that the authorities ensure more collaboration with civil society.

The Bureau also asked the complainant to report on the current situation. Both parties are asked to report for the next Bureau meeting in September.

The Bureau also instructed the Secretariat to seek information from the European Commission on the state of play of their proceedings on the same case. The file is kept open.

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

**Decision:** The Bureau thanked the authorities for the report, but regretted that few updates had been mentioned following on from previous reports on the implementation of Recommendations No. 182 (2015) and No. 183 (2015). Nor had a detailed and timebound action plan been provided.

The Bureau asked the authorities again to urgently provide a detailed and timebound year-by-year action plan for complying with the provisions of the above Recommendations, elaborated in close liaison with relevant actors, including civil society organisations, together with a detailed report on the implementation of the actions planned for the 2020 nesting season. A list of main obstacles and effective solutions elaborated in cooperation with NGOs should also be included.

It also urged the authorities to undertake as many proactive mitigation measures as possible before the summer nesting period including removal of planted trees on the beach, of light pollution and others listed in the recommendations. It suggested that the authorities collaborate with NGOs and volunteers as a low-cost solution for some of these activities in particular as a way to raise awareness of local communities and tourists alike on the importance of conservation, and urged them to use existing visibility and information materials.

The Bureau requested reports from both the authorities and the complainant for its next meeting in September. The file is kept open.

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

**Decision:** The Bureau thanked both the Albanian authorities and complainant for their timely and detailed reports. It noted that there has been no update on the situation regarding the Poçem hydropower project and that the River Basin Management plan for Vjosa is delayed by several months. It also noted that a short EIA report had been presented on the Kalivaç hydropower plant, however the complainants are awaiting the full report, which is being finalised.

It further noted information from both parties on the revision of the Protected Areas Network in Albania: the complainant fears that an inadequate portion of the Vjosa river area is to be considered protected, and that Vjosë-Nartë Protected Area is under threat from the possible construction of Narta Airport. The authorities deny both concerns.

The Bureau appreciated the progress of the authorities and encouraged continuing efforts. It requested a further report for its next meeting including updates on the above-mentioned issues, as well as a timescale and milestones for the implementation of Recommendation 202 (2018), in particular responding to the complainant's concerns, such as on the possible construction of Narta Airport. The report is kindly requested for the meeting of the Bureau in September, and the file is kept open.

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

**Decision:** The Bureau thanked both the authorities and complainant for their timely and detailed reports. It welcomed the progress in certain areas of the authorities, such as the mapping of the site, the counting of birds, the reference list of habitats, the withdrawal of the original plan for the commercial project, and the setting up of a working group for the elaboration of a management plan the protected area "Nature Park Ulcinj Salina". The Bureau was however concerned about the new plans regarding the proposed motorway across Rijeka Crnojevica, the upgrade of the road infrastructure, the increase in tourist facilities and the building of marinas and ports which are in contradiction with the provisions of Recommendation No. 201 (2018).

The Bureau encouraged the authorities to keep it updated on the implementation of Recommendation No. 201 (2018), focusing on new developments in its next report, as well as to react to the continuing concerns of the complainant. The file remains open and both parties are requested to report again for the next Bureau in September.

#### 6.4 Possible files

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

**Decision:** The Bureau thanked both the Greek authorities and complainant for their timely and detailed reports. It noted that few developments had occurred since the Standing Committee meeting, in large part due to the low winter season. It noted the complainant's ongoing concerns about illegal constructions, possible negative changes to management plans, lack of action against extreme touristic pressure, and slow judicial procedures, among others.

It also noted that the authorities have initiated some actions such as the national action plan for *Caretta caretta* which mostly targets Laganas Bay and should be approved in 2020, the approval of project funding including from the EU, and the willingness to cooperate with the Bern Convention.

The Bureau urged the Greek authorities to take strong mitigation measures against extreme touristic pressure on the beaches ahead of the high summer season 2020, which should be reported to the Bureau at its next meeting. The report should also include more information on the national action plan for *Caretta caretta*, including a time schedule and the complainant is also invited to give feedback on this plan and other measures. It asked both parties to report back on these actions and others for the 2<sup>nd</sup> Bureau meeting in September, and the authorities to present the national action plan at the forthcoming Standing Committee.

The Bureau also mandated the Secretariat to contact the European Commission and enquire whether there is a follow up on the judgement of the European Court of Justice on this case.

## 6.5 Complaints on stand-by

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

**Decision:** The Bureau thanked both parties for their constant and timely reporting. It welcomed significant progress by the authorities and noted in particular that the Serbian government had accepted the Tunis Action Plan, efforts of the authorities to centralise IKB evidence, ensure autopsies, conduct trainings and awareness-raising activities, and allocate financing. It further appreciated that the recommendation of the Standing Committee had been submitted to the government for approval.

The Bureau also noted however the continuing concerns of the complainants that the situation has not changed at all, and especially that law enforcement against perpetrators of IKB remains very weak. It remarked that the issue of poisoning is one which does not affect only wildlife, but also the wider environment and human health.

The Bureau called on NGOs to better support the Ministry and encouraged both parties to enhance their cooperation to find collective solutions.

The Bureau encouraged the Serbian authorities to take advantage of the international IKB action plans and strategies for stepping up efforts to combat IKB, especially through improved law enforcement and adequate penalties. The authorities should also be proactive in the handling of illegal waste.

The Bureau recommended the authorities to develop a national action plan and to adopt the Bern/CMS Rome Strategic Plan 2020-2030 for the eradication of illegal killing, trapping and trade of wild birds ([Recommendation No. 205 \(2019\)](#)).

The Bureau requested new reports for its Bureau meeting in September. The governmental report should update on the above-mentioned issues, include an action plan, and elaborate on the guidelines on dealing with poisoning, including when they will be finalised. The complaint remains in stand-by.

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

**Decision:** The Bureau thanked both parties for their reports. It noted that awareness-raising activities have been carried out by the authorities, as alluded to by the complainant, but that the latter fears that this is all that is being done and is thus insufficient. It also took note of several medium-term actions: on the review of the institutional framework for the control of fishery products, and the project on

“Mapping of protected marine shelled molluscs on national level and proposed measures for their conservation”.

The Bureau appreciated that the Greek authorities are aware of the issue and have taken many steps. Efforts should focus on more enforcement, monitoring and inspection. The complainant and other NGOs should cooperate with the authorities on activities such as awareness-raising and strengthen their collaboration to find collective solutions.

The Bureau thus requested a report from the authorities which should include more information on the monitoring of and penalties to businesses which illegally continue to trade in these molluscs, results of the review of the institutional framework, and concrete results of the mapping project and whether its follow up is foreseen beyond 2021. The report is requested for the meeting of the Bureau in September.

- 2016/9: Georgia: Possible threat to “Svaneti 1” Candidate Emerald Site (GE0000012) from Nenskra Hydro Power Plant development

**Decision:** The Bureau thanked both the authorities and complainant for their timely and detailed reports, and acknowledged the excellent cooperation and efforts of the Georgian government to establish Emerald Network sites. It noted that the government wanted the case to be dismissed, and the complainant that it be upgraded to a possible file.

It took note that 12 Emerald Network sites had been removed from the list of candidate sites during the 39<sup>th</sup> Standing Committee by the authorities, however the authorities had reassured that studies on those sites would be completed by the end of the year. Further, freshwater habitat sites were lacking, but were also due to be mapped by the end of the year. It also noted the concerns of the complainant on the reduced scale and scope of the proposed Emerald Network sites, which exclude areas where hydropower plants are planned to be constructed, the lack of protection of large rivers and the lack of strategic planning for hydropower development in Georgia.

The Bureau reminded that the authorities should follow Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites, and that they should respect the genuine interest of the Emerald Network. It appreciated that the authorities expressed willingness to cooperate for further sufficiency assessments next year. It requested that the authorities update it on the mapping of freshwater habitats and on the evolution of the Emerald Network in one year’s time. It further invited the authorities to envisage a national plan for the protection of water courses to avoid the situation replicating in other Emerald Network sites. The complaint remains on Stand-by.

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

**Decision:** The Bureau 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 40<sup>th</sup> Standing Committee, depending on the information provided.

- 2018/2: Ukraine: Presumed threat to Emerald site “Black Sea Biosphere Reserve” (UA0000017) from military trainings

**Decision:** The Bureau thanked the complainant for its report stating that no new negative actions had taken place. Although no government report had been received on time, the Bureau considered that the situation had improved sufficiently to be able to close the case. It urged however the Ukrainian authorities to maintain the integrity of this Emerald Network site and Biosphere Reserve, and asked the complainant to continue monitoring the site and inform the Bureau if any deterioration of the situation occurs.

## 6.6 Other complaints

- 2018/5: Ukraine: Alleged threats to the Emerald Network sites Skhidnyi Svydovets, Marmaroski ta Chyvchyno-Hryniavski Hory and Carpathian biosphere Reserve
- 2019/01: Ukraine: Possible negative effects of hydrocarbons extraction in four Emerald sites in Donetsk-Kharkiv region
- 2019/02: Ukraine: Presumed threat to Emerald site Zatoky (UA0000214) from windfarm developments
- 2019/03: Ukraine: Presumed threats to Emerald site Cholhynskiyi (UA0000178) from windfarm developments

**Decision:** The Bureau treated these complaints together, noting that reports from the Ukrainian authorities on each case had only arrived the day before the meeting, not allowing the Bureau time to consider them, and noting that the only complainant report received was on the complaint 2019/02.

The Bureau expressed its concern at the poor communication and late replies of the authorities, which has been an ongoing issue, and has led to an unintended but unavoidable one-year postponing of any concrete Bureau decisions on all these complaints.

It mandated the Secretariat to write a letter to the Ministry of Ecology and Natural Resources expressing its concern, and requesting a general response on Emerald Network sites for its next meeting, while urging the authorities to refer to Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites.

The Bureau also mandated the Secretariat to verify the content of the late reports which had been received, and to request the authorities to complement their reports should further information be available and the complainant to comment on the information provided for the next Bureau meeting. In order to not lose any more time, the Secretariat should elaborate a scale of urgency of the complaints. Certain cases may at that meeting be elevated and brought to the agenda of the 40<sup>th</sup> Standing Committee, if requiring urgent attention.

Finally, the Bureau instructed the Secretariat to liaise with the authorities to understand the reasons for the lack of communication and for their strategy of continuous designation of new Emerald Network sites without appropriate conservation measures which results in numerous complaints.

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

**Decision:** The Bureau thanked the complainant for their report, noting that Olmany Mires and Topila Bog is considered one of the most renowned and significant natural sites in Belarus, has Ramsar, IBA and national Biosphere Reserve status among others, and is a planned UNESCO World Heritage

Property. It noted the concerns of the complainant on the past or planned infrastructure developments, and alleged low-quality EIAs carried out.

The Bureau expressed its concern at the allegations of the complainant. It requested that the Belarusian authorities respond to these claims and reflect on the extent to which a road construction complies with the management of the Emerald Network site in a report to be submitted to the second Bureau meeting in September. It also recalled the project which is ongoing this year to assist Belarus to reach its Emerald Network targets, and reminded the Belarusian authorities to refer to Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites when drafting its report.

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

**Decision:** The Bureau thanked the complainant for the new complaint, and took note that the UK authorities had acknowledged the complaint, but had asked for a longer deadline in order to respond in a comprehensive manner. It also recalled that a similar complaint from the same country had already been dismissed by the Standing Committee in 2015. The complainant should prove that measures aimed to control the population of badgers are in contradiction of the sustainable management prescribed for species listed in Annex III of the Convention or using prohibited means of killing.

The Bureau decided to postpone the discussion of this complaint to its next meeting in September, and looked forward to receiving the UK authorities timely report, and meanwhile reminded them to adhere to the relevant articles of the Bern Convention.

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

**Decision:** The Bureau thanked the complainant for the new complaint, and the Turkish authorities for their short response. It noted the allegations of the complaint form, and the confirmation of facts by the authorities. It expressed its concern that the relevant ministries had not followed up on their sanctions to the Municipality concerned.

Taking into consideration the rarity and risk of disappearance of marine turtles in the Mediterranean, as well as the obligations of Turkey to the Bern Convention, the Bureau hoped that the Administrative Court would apply the precautionary principle and forbid all further actions on and around the beach area and instruct the authorities to protect and restore the nesting sites, and proactively raise awareness and undertake actions on the importance of conservation of these species and habitats. All of these measures should urgently take place ahead of the high summer and nesting season.

The Bureau also urged the authorities to enforce the necessary sanctions to the offending Municipality related to the breach of national law and international conventions, and to keep it updated of the outcome of the litigation procedures, results of the above actions, and any other updates for its next meeting in September. The complainant is also invited to keep the Bureau updated for the same meeting.

➤ 2019/06: Denmark: Border fence construction between Denmark and Germany

**Decision:** The Bureau thanked the complainants for the new complaint, and the Danish authorities for their detailed response. While noting that linear barriers such as this fence can have negative effects on the migration of species, the Bureau considered that the short-term purpose of the fence to prevent the spread of African swine plague, the adherence to national and international policies before development, mitigation measures taken during construction, and the assurance to monitor and evaluate the success and effects of the fence were all justifiable. Furthermore, the Bureau accepted the assessment of the authorities that negative effects to each species concerned would be minimal, especially the Annex II species mentioned which are mostly water or bird species.

The Bureau thus requested that the Danish authorities carry out monitoring and evaluation of the effects of the fence on the concerned species and habitats, as well as on its effectiveness to reduce the swine plague, and report to the Bureau on this in one year. They are also asked to clarify on whether the fence

is only to be a temporary measure. The complainant is also invited to monitor the effects of the fence and measures of the authorities, and to report for the same meeting.

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

**Decision:** The Bureau thanked the complainant for the new complaint, and took note that the Turkish authorities had acknowledged the complaint, but had asked for a longer deadline in order to respond in a comprehensive manner.

The Bureau expressed its concern especially as the area is a hotspot for biodiversity, as well as from the point of view of cultural heritage. It asked the authorities in their expected response to provide information on the biodiversity in the area and how mitigation measures for the biodiversity were being considered and how the species protected under the Bern Convention were taken into consideration during the evaluation process and development of the project, and to give detailed information on the project, its current stage and expected timeline. They were also asked if the EIA for the project was available in English. The report was expected for the next Bureau meeting in September where the complaint could be properly assessed.

- 2019/08: Belgium: Lack of appropriate legal protection of Fungi species

**Decision:** The Bureau thanked the complainant for the complaint, and noted that fungi species are an important part of flora which deserve appropriate protection and conservation. It however also recalled that an attempt to add fungi species to the Annexes of the Bern Convention had been made in the late 1990s, but the initiative was not supported by the Standing Committee.

As fungi are not included in the Bern Convention annexes, and thus there is no evidence that Belgium has been in breach of its obligations to the Convention, this complaint is deemed inadmissible and is dismissed. The Bureau concluded by inviting the complainant to liaise with the Belgian national authorities in the case he feels that fungi should be further protected in Belgium.

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

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

The Secretariat reminded that a report from the Icelandic authorities had been expected for the 39<sup>th</sup> Standing Committee meeting, but a report had only been sent in December at short notice to the AEWA Standing Committee which was jointly monitoring the case. The AEWA Secretariat had shared a summary of the report with their Standing Committee's feedback, for which the Bureau thanked it.

**Decision:** The Bureau kindly requested that AEWA shares the complete Icelandic report in time for its next meeting in September as well as a copy of AEWA's reply and observations.

The Bureau expects a further report of the Icelandic authorities on the implementation of Recommendation No. 190 (2016) ahead of the 40<sup>th</sup> Standing Committee meeting, as they were instructed to report to both committees annually.

## 8. ANY OTHER BUSINESS

There was no other business.