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T-PVS(2022)05

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, 29 November - 2 December 2022

Meeting of the Bureau

6-7 April 2022
(virtual meeting)

- MEETING REPORT -

*Document prepared by
the Secretariat of the Bern Convention*

1. OPENING OF THE MEETING

The Chair of the Standing Committee to the Bern Convention, Ms Merike Linnamägi, opened the first annual meeting of the Bureau to the Bern Convention for 2022 taking place again online. She welcomed the members, especially the new member Mr Andreas Schei (Norway), and thanked the Secretariat for the work in preparing the meeting and documents.

The Secretariat informed the Bureau about recent measures that had been taken by the Committee of Ministers of the Council of Europe in light of the aggression of the Russian Federation against Ukraine:

By decision of 16th March 2022 (CM/Del/Dec(2022)1428ter/2.3), the Committee of Ministers had decided, in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, that the Russian Federation ceases to be a member of the Council of Europe as from 16th March 2022.

By decision of 17th March 2022 (CM/Del/Dec(2022)1429/2.5), the Committee of Ministers had decided to suspend all relations with Belarus as a result of the country's active participation in the aggression of the Russian Federation against Ukraine. This also concerns Belarus' participation in partial agreements of the Council of Europe, but is without prejudice to the rights of Belarus as contracting party to international conventions. The Committee of Ministers had also decided to cease all technical co-operation with Belarus.

Decision: The Bureau took note of the information provided. The Bureau expressed its strong condemnation of the unjustified and unprovoked aggression of the Russian Federation against Ukraine and echoed the calls of the Council of Europe for peace.

The Bureau recalled that, as well as the primary tragedy of the mass deaths of the Ukrainian people, the natural environment of the country was also taking a catastrophic hit, and would take many years to recover. Furthermore, the war in Ukraine was compromising the ability of multilateral environmental agreements to co-operate with their member states, and the positive environmental work undertaken with Ukraine over the last decades was being undone. It expressed the support of the Bern Convention towards Ukraine once the situation has stabilised and to continued international activities.

2. ADOPTION OF THE AGENDA

The agenda was adopted with one amendment: the new sub-item “Amendment proposal by Switzerland: Downlisting of the wolf (*Canis lupus*) to Appendix III of the Convention” was added under agenda item 6.

Decision: The meeting agenda was adopted (appendix I).

3. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION

3.1. Inter-sessional working group on financing: state of play

The Secretariat recalled the mandate of the Intersessional Working Group on Finances. The 41st Standing Committee had:

- extended the mandate of the Intersessional Working Group on Finances, and instructed it to assess the feasibility of establishing an Enlarged Partial Agreement (EPA) in light of the last survey and to follow up the GR-C instruction to review all options available and explore possible new options for consideration by the 42nd Standing Committee;
- instructed the Secretariat to liaise with Parties which were either not ready yet to join the EPA or which had not yet expressed their intentions, and to clarify the operation and governance of the EPA. The Secretariat should also prepare a questions-and-answers document summing up Parties' concerns;
- mandated the Intersessional Working Group to pursue the elaboration of the amendment of the Bern Convention and to submit it to the 42nd Standing Committee for possible adoption.

➤ *Enlarged Partial Agreement (EPA)*

The Working Group had considered the lack of feedback to the survey carried out at the end of 2021 as an indicator of the difficulties met by the Parties on taking a decision on whether they wish to join the EPA. The Secretariat pointed out that, considering the absence of sufficient feedback from the Parties, it had not been possible to produce a questions-and-answers document summing up Parties' concerns.

In conclusion, the Working Group had taken note of the obstacles towards pursuing the EPA, taking into consideration the concerns expressed by the Director of Legal Advice and Public International Law of the Council of Europe at the 41st Standing Committee.

➤ *Amendment pursuant to Article 16*

The Secretariat reported that the Working Group had discussed and agreed on the text of a draft amendment and its annex.

The Working Group had also requested the Secretariat to consult all Contracting Parties to the Convention on the proposed Article 14 bis and its Annex in order to gather their comments and possible consensus. The Secretariat informed the Bureau that the consultation had been put on hold as another consultation was on-going.

➤ *Review all options available and explore possible new options*

The Secretariat referred to a document prepared by the Directorate of Legal Advice and Public International Law on the three different legal avenues that exist for the inclusion of a financial mechanism within the Bern Convention: (1) amendment pursuant to Article 16 of the Bern Convention, (2) amending protocol to the Bern Convention, (3) additional protocol to the Bern Convention.

Both an amending and an additional protocol to the Bern Convention could include a clause on the possibility to apply the instrument provisionally.

After discussing the different legal options, the Working Group had acknowledged that it had no mandate from the Standing Committee to pursue either the amending or the additional protocol and had agreed that, in order to avoid a similar situation as with the EPA, it was necessary to assess which of the legal options would gather the most support from the Standing Committee and the Committee of Ministers.

The Working Group had decided to:

- remain open to the three amendment options and to consult Contracting Parties in order to identify which of the three options is likely to have the highest support from the Parties;
- mandate the Secretariat to seek the GR-C/CM's views on what they would consider as the most appropriate solution, considering that any of the options available for setting up a financial mechanism would create a precedent in the Council of Europe;
- instruct the Secretariat to elaborate in writing an interim/temporary option to set up a Fund consisting of voluntary contributions to ensure the implementation of the programme of work.

For the time being, a consultation aiming to identify which option would gather the most support was being carried out amongst the member States of the Council of Europe and Contracting Parties to the Bern Convention (deadline for replies: 15th April 2022).

Decision: The Bureau took note of the outcomes of the first meeting of the Intersessional Working Group on Finances. It encouraged Contracting Parties to express their views on the three different legal avenues that exist for the inclusion of a financial mechanism within the Bern Convention.

The Bureau also looked forward to the description of the objectives, rules and procedures of a Fund consisting of voluntary contributions to ensure the implementation of the programme of work.

3.2. Voluntary contributions received in 2022: state of play

The Secretariat informed that a letter on behalf of the Chair had been sent out in February calling for voluntary contributions from Contracting Parties for the implementation of the programme of activities for 2022. Further, it reported on the situation of voluntary contributions received so far in 2022. Three Contracting Parties had paid a voluntary contribution amounting to approximately €48,700 in total. In addition, voluntary contributions of five Contracting Parties were underway, totalling approximately €125,000.

An earmarked voluntary contribution for the funding of an assessment of the biennial reports of non-EU Contracting Parties concerning exceptions to Article 9 of the Convention, and for the translation of key policy documents produced by the Group of Experts on Invasive Alien Species into Russian was currently also under negotiation.

Decision: The Bureau took note of the information. It supported that the two new activities outlined by the Secretariat be covered by voluntary contributions.

The Bureau thanked the Contracting Parties which had contributed to this point. In particular, it thanked the Contracting Parties for having made a voluntary contribution already at the beginning of the year which would allow for improved planning of activities for the rest of the year.

The Bureau urged other Contracting Parties to contribute in order to guarantee the efficient operation of the Bern Convention in 2022.

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

The Secretariat informed the Bureau that the current balance on the Special Account, which is available for activities, amounts to approximately €359,495. It pointed out that, aside from staff costs and earmarked voluntary contributions, the Secretariat 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.

So far, voluntary contributions had been used in 2022 for consultancy fees of the marine turtles initiative and the monitoring of the implementation of the Pan-European Action Plan for Sturgeons.

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

3.4. Working Group on a Vision and Strategic Plan for the Bern Convention for the period to 2030: state of play

The Chair of the Working Group on a Vision and Strategic Plan, Mr Simon Mackown, informed the Bureau about the outcome of the 1st meeting of the Working Group in February 2022, and the state of play of the draft Strategic Plan. He outlined in particular the status of deliberations on suggestions for the targets following the Working Group meeting, and follow-up online consultations with the Working Group during March.

Decision: The Bureau thanked the Working Group and the consultant for their valuable contribution. The Bureau expressed its approval for the direction the advanced draft Strategic Plan was taking and, noting once again the tight schedule for the completion of the tasks mandated to the Working Group by the Standing Committee, hoped for great progress to be made in time for the 42nd Standing Committee.

Noting that the Chair would need to withdraw from his position due to other work commitments, the Bureau expressed its thanks to the Chair for his commitment and dedication to the Working Group.

3.5. Rules of procedure and case-file reflection: state of play of the consultation

Concerning the *case-file reflection*, the Secretariat recalled the process to date: last year a draft guide of procedures and its accompanying secretariat memorandum had been submitted to the 41st Standing

Committee. The Committee had decided to postpone any adoption/endorsement of the guide and mandated a wider consultation of the Contracting Parties and interested observers. Following the EU request to have the revised version well ahead of the 42nd meeting, a deadline of May had been given to submit the next version.

The consultation had been carried out in February/March, and 14 Contracting Parties and observers had provided feedback. The Secretariat highlighted the main points of feedback (summarised in Appendix III). The Secretariat proposed some revisions to the texts in line with the feedback received and recommended possible next steps: following revision in line with the consultation and positions of the Bureau members, the text should be approved with the Bureau by written consultation, before being submitted to the Standing Committee by the end of May.

Concerning the *Rules of Procedure*, the Secretariat informed the Bureau that, apart from one reply from an Observer organisation, no comments nor suggestions to the amendments as proposed in document T-PVS/Inf(2021)44 had been received by the Secretariat following the 41st Standing Committee. There had however, been some feedback on the appendix concerning on-the-spot appraisals, received during the parallel consultation of the case-file reflection mentioned above. The Bureau discussed the proposed amendments to the Rules of Procedure as outlined in document T-PVS/Inf(2021)44, and agreed to the next steps of a final written consultation with Bureau members ahead of submission to the Standing Committee before the summer break.

In consideration of the increased number of case-files on the Bureau agenda (+44% in the period 2016-2022) and the uncertainty in terms of resources related to the ongoing financial reform of the Convention, the Secretariat proposed to the Bureau a reflection on possible *interim measures* for a more effective and sustainable case-file management. The interim measures would be taken on a transitional basis to restrict the cases files under Bureau examination and better distribute their monitoring at Bureau meetings.

Decision:

Case-file reflection: The Bureau thanked the Secretariat for having rapidly launched the consultation of the case-file reflection documents and appreciated that 14 Contracting Parties and Observers had taken the time to provide valuable feedback. The Bureau stressed once again that the purpose of this reflection and the resulting documents was not to provide a restrictive rulebook for the case-file system, but rather to provide a useful resource for all stakeholders who operated or used the system. The management of this flagship activity of the Bern Convention had to remain flexible and co-operative. It made several recommendations to the document as detailed in Appendix III, and, in terms of next steps, instructed the Secretariat to make revisions in line with the Bureau recommendations and the wider consultation, to share them with the Bureau for a final written approval, and to submit the Draft Guide of Procedures to the Contracting Parties and Observers by the end of May.

Possible modifications to the Rules of Procedure: The Bureau asked the Secretariat to revise the proposed amendments in light of the Bureau's discussion and requested that the revised document be circulated amongst the Bureau members for a written consultation with a view to submitting the final proposals for amendments to the Rules of Procedure to Contracting Parties for consideration before the summer break.

Interim case-file measures: The Bureau welcomed the initiative of the Secretariat to start a reflection on interim measures for the case file management, but needed more time to consider the various options presented and their implications. The Bureau requested that the Secretariat enhance the analysis with data on the average length of case-files proceedings and non-admissibility rates of complaints screened by the Secretariat. The Bureau would discuss the updated reflection at an extraordinary meeting to be held before the summer break.

4. IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES AND BUDGET FOR 2022

4.1. European Diploma for Protected Areas: results of the meeting of the Group of Specialists and planning of the appraisal visits in 2022

The Secretariat reported that the meeting of the Group of Specialists on the European Diploma for Protected Areas had taken place online on 23 - 24 February 2022.

The members of the Group of Specialists had acknowledged that the virtual scenario for on-the spot appraisal visits agreed on last year could not replace physical on-the-spot appraisal visits but was a “good enough” alternative. The Group had also supported that online meetings with area managers in preparation of any assessment visit should become a standard element of the on-the-spot appraisals.

The members of the Group of Specialists had endorsed draft resolutions renewing the Diploma of 7 areas as reflected in the document [T-PVS/DE\(2022\)09](#) and had entrusted the Secretariat with the follow up of the endorsement of the draft resolutions by the Standing Committee to the Bern Convention and their possible official adoption by the Committee of Ministers in 2022.

During 2022, the Group had agreed to carry out as priority the combined visits to the Muddus, Sarek and Padjelanta National Parks in Sweden, the combined visit to the Maremma Regional Park and Abruzzo, Lazio and Molise National Park in Italy, the combined visit to Piatra Craiului and Retezat National Parks in Romania and the visit to the Luneburg Heath Nature Reserve (Germany). In addition, visits to Camargue National Reserve (France) and Hautes Fagnes Nature Reserve (Belgium) which had both benefited from the extra-ordinary extension of their Diploma until 2024 were also foreseen.

Decision: The Bureau thanked the Secretariat, the members of the Group of Specialists on the European Diploma for Protected Areas, the independent experts and the area managers for their continued commitment and support to the Diploma.

The Bureau welcomed that the virtual scenario for the on-the-spot appraisal visits had delivered positive results during the pandemic.

The Bureau endorsed the draft Resolutions renewing the European Diploma of seven areas as presented in the document [T-PVS/DE\(2022\)09](#) and entrusted the Secretariat with the follow up on their possible official adoption by the Committee of Ministers.

The Bureau supported the planned on-the-spot appraisal visits for 2022.

4.2. Conservation of birds: state of play (4th joint MIKT meeting, IKB Scoreboard and Rome Strategic Plan, 7th meeting of the Group of Experts on the conservation of birds)

The Secretariat informed the Bureau that the Joint Meeting of the Bern Convention Network of Special Focal Points on the Eradication of Illegal Killing, Trapping and Trade in Wild Birds and the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) of the Convention on Migratory Species (CMS) was planned to take place in a hybrid format on 7-9 June 2022 in Valencia, under the kind invitation of the Spanish authorities.

The Joint IKB Meeting would aim to build on the success of previous meetings and assess progress in addressing illegal killing, trapping and trade of wild birds, identifying pathways and approaches to advance the ongoing work, especially in relation to effective legislation, setting a baseline and revising the narrative component of the Scoreboard to address information gaps.

Moreover, it was foreseen that the 7th meeting of the Bern Convention Group of Experts on the Conservation of Birds would be held back-to-back with the Joint IKB Meeting, on 9 and 10 June 2022, also in a hybrid format, in Valencia. The Group of Experts would take stock of previous work on the implementation of the previous Bern Convention Recommendations on birds and power lines and discuss the further needs on the matter. Other topics to be discussed would be the reintroduction of species in Valencia and the risks of lead poisoning from ammunitions to bird species. The meeting of the Group of Experts would also be an occasion for WWF Austria to inform participants of their Action Plan for River birds in the five-country Biosphere Reserve “Mura-Drava-Danube”.

Decision: The Bureau warmly thanked the Spanish authorities for the kind invitation to hold the 4th Joint IKB/MIKT Meeting as well as the 7th meeting of the Group of Experts on the Conservation of Birds and welcomed the progress in the preparations of both meetings.

4.3. Invasive Alien Species: state of play (texts on Communication and IAS, Study on Alien Pathogens, Climate Change and non-native trees)

The Secretariat informed the Bureau that consultants had been engaged to finalise the Guidance on Communication and Invasive Alien Species (IAS), the Study on Alien Pathogens and Pathogens spread by IAS and its annex and the position paper on non-native trees and Climate Change, with the aim of presenting the three documents for discussion and possible adoption at the 42nd Standing Committee meeting.

The Secretariat also informed the Bureau that the Guidance document on e-commerce and IAS had been submitted as an information document to the meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the CBD, as per the Standing Committee decision at its 41st meeting.

Decision: The Bureau took note of the ongoing work in the further elaboration and finalisation of the three IAS documents, which would be presented for discussion and possible adoption at the 42nd Standing Committee meeting. The Bureau further noted that the position paper on non-native trees and Climate Change had interlinkages with target 3.3 of the draft Strategic Plan for the Bern Convention for the period to 2030. The Bureau welcomed the collaboration with the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the CBD.

4.4. Amphibians and reptiles: marine turtles conservation

The Secretariat informed the Bureau of the current state of play of the initiative for the conservation of marine turtles, agreed upon at the 40th Standing Committee.

Since the last update given at the 41st Standing Committee, the 1st round of national online consultations in Greece and Turkey had taken place in January and February 2022. Key stakeholders, such as representatives of relevant national authorities, civil society and the tourism sector had participated in the fruitful meetings. As a next step, the two consultants commissioned to assist in the development and implementation of the initiative, Mr Paolo Casale and Mr Ivica Trumbic, would start drafting the guidance tool based on their findings from the 1st round of national consultations in Cyprus, Greece and Turkey with a view to presenting the draft to key stakeholders in a 2nd round of national consultations after the summer break.

The Secretariat further informed that the 2nd online meeting of the ad hoc Working Group, set up to assist in developing the guidance tool, would take place on 19 May 2022.

The Secretariat also informed the Bureau that the 7th Mediterranean Conference on Marine Turtles, a conference, which has traditionally been supported by the Bern Convention since its start in 2001, would be held on 18-21 October 2022 in Tetouan, Morocco. The Secretariat suggested to offer support for the participation of meeting participants at the Conference, provided the necessary funds are available.

Decision: Once again recognising the ambition of the initiative, the Bureau appreciated the progresses made in the past months. It welcomed the cooperation of the three Contracting Parties and NGOs in the marine turtles' initiative and thanked the meeting participants of the 1st round of national consultations for their valuable contribution.

The Bureau welcomed the idea of offering support for the participation of meeting participants for the 7th Mediterranean Conference on Marine Turtles, provided the necessary funds are available.

4.5. Setting-up of the Emerald Network: state of play and work plan for 2022

The Secretariat informed the Bureau that the meeting of the Group of Experts on Protected Areas and Ecological Networks was scheduled online on 15th June 2022.

Considering that the Secretariat was facing difficulties in finding an expert available to follow up on all steps of the workplan decided by the 41st Standing Committee, the legal framework of the Emerald Network would be left out of the agenda of the meeting. The Secretariat therefore proposed to initiate the consultation of Contracting Parties on challenges faced with the implementation of the Emerald Network and to analyse the replies this year and to postpone the discussion on the outcomes of the consultation to the 2023 meeting of the Group of Experts on Protected Areas and Ecological Networks.

The Secretariat further informed that two Emerald Network biogeographical evaluations were in preparation: in Iceland on 21-22 June and in Liechtenstein between 24-28 October. Both evaluations were being organised in close co-operation with the European Environment Agency and its Topic Centre on Biological Biodiversity.

The Secretariat also recalled the recent launch of the [Emerald Network Barometer](#) which provides an overview on the Emerald Network in the non-EU Contracting Parties to the Bern Convention in terms of number and area of terrestrial and marine sites.

The Barometer is grounded on the tabular and spatial data delivered by Contracting Parties and reflects the indicators of the monitoring framework of the Emerald Network: the national coverage of all categories of sites, the sufficiency index, the national coverage of adopted sites only, and the proportion of sites with management plans.

Decision: The Bureau took note of the delay in the work on the legal framework of the Emerald Network and of the reshuffled workplan.

The Bureau welcomed the planned biogeographical evaluations in Iceland and Liechtenstein and thanked the European Environment Agency and its Topic Centre on Biological Diversity for their support.

Finally, the Bureau welcomed the launch of the Emerald Network Barometer.

The Bureau acknowledged that a lack of Observer status of the Russian Federation to the Bern Convention could result in a removal of the Emerald Network sites of the Russian Federation from the list of officially nominated candidate Emerald Network sites and from the Emerald Network Viewer.

4.6. Reporting under Resolution No. 8 (2012) on conservation status of species and habitats: complementary assessment of the reports submitted and display of the reporting outcomes

The Secretariat informed the Bureau that the first meeting of the *Ad hoc* Working Group on Reporting was scheduled back-to-back with the meeting of the Group of Experts on Protected Areas and Ecological Networks on 15th June 2022.

Considering the discussions regarding the forthcoming reporting at the 2021 meeting of the Group of Experts on Protected Areas and Ecological Networks, the Working Group would mainly focus on the objectives of the reporting.

The Secretariat also recalled the recent launch of the national summary dashboards of the first reporting under Resolution No. 8 (2012). These dashboards present a summary of data reported by non-EU Contracting Parties in the frame of the 6-yearly report under Resolution No. 8 (2012) for the period 2013-2018, grouped according to 4 themes:

- [Number of habitats and species reported per country and per biogeographical region](#)
- [Conservation status and trends of habitats and species](#)
- [Main pressures and threats](#)
- [Data completeness and quality](#)

The dashboards also consider data delivered by EU Contracting Parties within the frame of the reporting under Articles 12 and 17 of the Birds and Habitats Directives.

Decision: The Bureau took note of the information provided and warmly welcomed the launch of the national summary dashboards of the first reporting under Resolution No. 8 (2012).

4.7. Pan-European Action Plan for Sturgeons: state of play

The Secretariat informed the Bureau that the first meeting of the national focal points on the conservation of sturgeons was planned during the week of 3-7 October 2022.

A questionnaire on the implementation of the Pan-European Action Plan for Sturgeons was in preparation and would be shared with the newly nominated national focal points and delegates of the range countries who had not yet appointed a focal point.

The meeting would aim to take stock of the progress in the conservation of sturgeons since the adoption of the Action Plan in 2018, emphasise good practices, point to gaps in conservation actions and identify areas for improvement.

Decision: The Bureau took note of the information provided and encouraged range Contracting Parties to nominate national focal points and to actively participate in the consultation on the implementation of the Pan-European Action Plan for Sturgeons.

4.8. Action Plan for the eradication of the Ruddy Duck in Europe: state of play

The Secretariat informed the Bureau that Wildfowl & Wetlands Trust (WWT) stood ready to support the Secretariat in assessing the progress in the eradication of the Ruddy Duck and the implementation of the Action Plan for the Eradication of the Ruddy Duck in the Western Palaearctic, 2021-2025. A reporting questionnaire was in preparation and an expert meeting of representatives of Tier 3 countries (those most concerned with the issue) was envisaged to be held online before the summer break.

Decision: The Bureau thanked WWT for its continuous support in providing technical expertise and took note of the information provided.

4.9. Biodiversity and Climate Change: state of play

The Secretariat informed the Bureau that the meeting of the Group of Experts on Biodiversity and Climate Change was planned online on 23rd May 2022.

A survey on the implementation of Recommendation No. 206 (2019) on nature-based solutions and management of protected areas in the face of climate change had been carried out. 18 replies had been received and a synthesis would be presented and discussed at the Group of Experts meeting.

The meeting would also look into the added value of the Bern Convention in the field of Climate Change and identify priorities of work. The meeting would also resume the discussion initiated in 2017 on a systematic reporting.

Decision: The Bureau took note of the state of preparation of the Group of Experts meeting on Biodiversity and Climate Change. The Bureau recalled that climate change was referred to twice in the Vision of the Bern Convention for the period to 2030 and looked forward to the findings of the survey on the implementation of Recommendation No. 206 (2019).

5. COMMUNICATION STRATEGY AND VISIBILITY OF THE CONVENTION

The Bureau took note of the information that the outsourcing of communication activities had been put on hold by the Council of Europe at the beginning of the year, due to an ongoing analysis of the required internal screening of such activities. It was not known when any decision would be made and whether the Secretariat could continue to outsource communication activities such as social media updates and annual communication campaigns as it had been doing successfully for the last number of years. The Bureau would be kept updated.

The Bureau was also informed that this year from May to November, Ireland would be hosting the Presidency of the Council of Europe. As this year marked the 40th anniversary of their ratification and

entry into force of the Bern Convention, the Irish Permanent Representation to the Council of Europe in Strasbourg wanted to jointly organise a photo exhibition in October. The details were yet to be confirmed, but the exhibition should feature some theme of Irish nature. The Irish delegation in Strasbourg had contacted the Secretariat to look for support in terms of co-ordination and possible funding.

Decision: The Bureau took note of the information concerning a freeze of the Council of Europe on outsourcing communication activities.

Concerning the initiative of the Irish Permanent Representation to the Council of Europe in Strasbourg to jointly organise a photo exhibition, the Bureau agreed that the Secretariat could support it. The Bureau highlighted that activities such as this should increase the visibility of the Bern Convention, both in Ireland as well as internally in the Council of Europe given the prominent position the exhibition would take. Furthermore, the Bureau instructed the Secretariat to see if there would be opportunities after the period in Strasbourg for the exhibition to “go on tour” in other countries, as well as to consider a digital element for the exhibition.

6. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION

6.1. Biennial reporting and Online reporting system

The Secretariat recalled that, as it was the intermediate year of the biennial reporting cycle, there would be no new report launch this year, just a reminder sent to Contracting Parties to complete their reports if not already done so. This year, it was also planned to follow-up more individually with the countries which do not regularly submit their biennial reports, recalling that this is an obligation, and checking if there is a reason behind the lack of reporting. This is in line with the possibility of elaborating an assessment of the biennial reports, an activity which may be launched this year as stated under Point 3.2 above.

The Secretariat had also been informed by the World Conservation Monitoring Centre which hosts the Online Reporting System (ORS), that funding had been secured for the development of a new edition of the software. The activity was planned to start very soon with user research and wide consultation with MEAs and National Reporting Focal Points. The Secretariat hoped that by the next meeting they could provide more information to the Bureau on the possible launch date of the new ORS.

Decision: The Bureau took note of the information of the biennial reports, supported the Secretariat approach, and reminded the Contracting Parties that these reports are obligatory within the Convention’s text.

The Bureau also appreciated the information concerning the development of a new Online Reporting System.

6.2. Amendment proposal by Switzerland: Downlisting of the wolf (*Canis lupus*) to Appendix III of the Convention

The Secretariat informed the Bureau that on 5th April 2022, Switzerland had renewed its request of 2018 to downgrade the protection status of the wolf from Appendix II (strictly protected fauna species) to Appendix III (protected fauna species), thus implying amendments to those Appendices of the Convention in accordance with Article 17, paragraph 1, of the Bern Convention.

Decision: The Bureau took note of the renewal of the request to downgrade the protection status of the wolf and instructed the Secretariat to follow up with the Treaty Office for the further processing of the Swiss request.

7. IMPLEMENTATION OF THE CONVENTION: CASE-FILES

- 2018/01: Ukraine: Presumed threat to Emerald site “Polonina Borzhava” (UA0000263) from wind energy development

- 2018/05: Ukraine: Alleged threats to the Emerald Network sites Skhidnyi Svydovets, Marmaroski ta Chyvchyno-Hryniavski Hory and Carpathian biosphere Reserve
- 2020/01: Ukraine: Recognising Horbachykha as a protected area to save it from residential developments
- 2020/02: Ukraine: Logging threats to the Black Tysa River in Emerald Network site "Marmaroski ta Chyvchyno-Hryniavski Hory" (UA0000117)
- 2021/04: Ukraine: Threats to wild flora and fauna and their natural habitats in Irpin river valley Emerald Network site from constructions
- 2021/09: Ukraine: Possible negative impact on the Luhansk region from hydraulic gas drilling activities

Decision: The Bureau noted that, in light of the armed attack of the Russian Federation on Ukraine, the Ukrainian authorities, as well as most of the complainants, had understandably not been in a position to send reports to the Secretariat. Reiterating its opening statement of the meeting, the Bureau therefore postponed a discussion on the Ukrainian case-files until further notice.

7.1. Open files

- 2012/09: Turkey: Presumed degradation of nesting beaches in Fethiye and Patara SPAs

Decision: The Bureau thanked both parties for the updated reports.

The Bureau welcomed the information that the preparation of the judicial proceeding aimed at regulating land registry records in Fethiye had been completed and asked the Ministry to share more details on their plan for enforcement of the judicial decision, indicating a timeline for restoration. The Bureau also found it very positive and interesting that the Ministry and Municipality had had meetings with tourism stakeholders in January 2022 and asked the authorities to share further details in their next report.

The Bureau renewed its request to the authorities that the next Government report include an action plan for implementation and enforcement of all points of Recommendations No. 182 and 183, including a detailed timeframe for the implementation of all points of the Recommendations as well as an indication of how to measure the success of the actions identified. Updates were also requested regarding the ongoing redetermination of the SPA's zoning in Patara.

Finally, the Bureau thanked both parties for their co-operation on the ongoing marine turtles conservation initiative, which is in elaboration with the goal of identifying solutions to the long-standing pending marine turtle cases and to prevent further marine turtle complaints. The file remains open and both parties were invited to report to the Bureau in Autumn 2022. Depending on progress achieved, the Bureau could propose to the Standing Committee to reduce the File to an annual monitoring.

- 2013/01: North Macedonia: Hydro power development within the territory of Mavrovo National Park

Decision: The Bureau thanked the complainant for the update report and noted the lack of a governmental report, while recalling that it had been a short amount of time since the adoption of Recommendation no. 211 (2021) on conservation measures within national parks in North Macedonia.

The Bureau was concerned about the ongoing threat of development of large infrastructure projects in various Protected Areas across the country, and also asked for further clarification on the status of the law on legal objects. It, however, welcomed some signs of progress in implementation of the Recommendation, and in particular acknowledged some better collaboration between stakeholders, but encouraged even more, for example in the spatial planning process.

The Bureau requested that the authorities send a report for the next meeting highlighting progress since Recommendation 211 (2021) was adopted and reacting to the complainant report. Subject to reception

of a governmental report and depending on the progress achieved, the Bureau could consider proposing to the Standing Committee to reduce the File to an annual monitoring.

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

Decision: The Bureau thanked both parties for their new reports.

It took note that the Vjosa river area was earlier this year proclaimed as a Nature Managed Reserve (IUCN Category IV). While this category was lower than the proposed National Park (IUCN Category II) as recommended by the Albanian scientific community, IUCN and the Bern Convention Standing Committee, the Bureau noted that the government has commissioned an extended study for the assessment of the Vjosa valley area which would include looking into the possibility of upgrading the status of Vjosa protected Area to a National Park.

The Bureau reiterated its strong concern about the process of the revision of the Environmental Protected Areas Network, specifically the information of the complainant that coastal biodiversity hotspot protected areas will have their boundaries reduced, and that certain urbanisation and infrastructure projects will be excluded from protection zones.

It further expressed its deep concern at the allegation that Vlora International Airport is amongst the projects to be excluded from the protection regime of Vjose-Narta, and that its construction had begun on 28th November 2021 without any permits. The Bureau asked the Albanian authorities to respond to this allegation, and strongly called on them to halt any further construction work until the Bern Convention on-the-spot appraisal (OSA) has visited the area and made its recommendations later this year.

The Bureau also noted that it had been a long time since there were any updates on the Pocem hydropower plant, and requested that the authorities provide updated information on the situation.

Concerning the OSA, the Bureau took note of the information of the Secretariat that the AEWA Standing Committee had also mandated an OSA to assess the situation of Vlora airport, and that a joint visit had been proposed in order to combine resources. The Albanian authorities had agreed to this approach and the Bureau fully supported it. It was informed that the OSA would possibly take place in late August.

The Bureau again thanked the Albanian authorities for responding quickly and positively to the OSA requests from the Bern Convention and AEWA. It trusted that the authorities and complainant would continue the good ongoing cooperation for the OSA process, focus on a solutions-based approach, and report back in September on the first feedback following the mission.

- 2016/04: Montenegro: Development of a commercial project in Skadar Lake National Park and candidate Emerald site

Decision: The Bureau thanked the complainant for the short update which primarily reiterated the three main ongoing concerns, as no progress had been achieved since the last reporting exercise. The Bureau took note of the information of the complainant that the ongoing political instability in the Montenegrin government was likely a factor in the lack of progress and lack of a governmental report.

The Bureau decided to postpone a meaningful discussion on this case-file until its next meeting, when it hoped to receive a government report. Meanwhile, it recalled the decision of the last Standing Committee for the parties to continue improving multi-stakeholder co-operation, to abandon totally SLS Mihalovici, develop a new spatial plan and management plan, and enforce/monitor existing legislation on the ground.

The Bureau also entrusted the Secretariat with reaching out to the Permanent Representation of Montenegro in Strasbourg, in case contact cannot be re-established with the national focal point in the next months.

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

Decision: The Bureau thanked the complainant for the progress report, but strongly regretted again the absence of an update from the authorities of North Macedonia, noting that it has been a year and a half since any report has been received from them.

The Bureau expressed its deep ongoing concern at the multiple issues raised by the complainant in their report, almost all of which go against the UNESCO WHC recommendations and go in the wrong direction in terms of protecting the fragile environment in these areas. These issues related to the legalisation of illegal constructions, draft amendments to the Law on Urban Planning, new draft Law on Studenichishte Marsh, further urbanisation developments, strategic plans/projects (highway, railway, tourism development), and on-the-ground illegal actions.

The Bureau once again urged the government of North Macedonia to take a holistic and long-term approach when planning projects in these World Heritage and candidate Emerald Network sites, as short-term financial gains will not transform into long-term success once the nature and beauty of the areas have been irreversibly damaged.

It again urged the authorities to follow the UNESCO recommendations and last Bern Convention Standing Committee decision, and in particular to halt any project implementations until the on-the-spot appraisal (OSA) and its results have been completed later this year.

The Bureau was informed by the Secretariat that the draft terms of reference for the OSA had been shared with both parties, with only the complainant having provided feedback within the deadline. The government had informed however that they were in the process of forming a committee to oversee this OSA process. Furthermore, the Ramsar Convention and UNESCO WHC has expressed interest in joining this OSA.

The Bureau urged the national authorities to provide feedback and agree on the terms of reference as soon as possible so as not to delay this mission any further.

The Bureau also entrusted the Secretariat with reaching out to the Permanent Representation of North Macedonia in Strasbourg in case of an ongoing lack of response from the focal point.

7.2. Possible files

- 2001/04: Bulgaria: Motorway through the Kresna Gorge

Decision: The Bureau thanked both parties for again collaborating since the Standing Committee to provide a joint-report, an effort which confirmed the already much-improved cooperation between different stakeholders. It particularly appreciated the fact that the concerns of the NGOs were being recorded, and that the governmental stakeholders were responding to these with constructive debate and solutions.

The Bureau raised the concerns of the complainants regarding implementation of preliminary mitigation measures along the current road in Kresna Gorge, recalling that this ecological corridor is vital for the migration of species. It requested further information from the government on this issue, if possible the report on mitigation measures, or a synthesis of it, for the next meeting.

The Bureau looked forward to receiving more detailed outcomes on progress in achieving Recommendation no. 212 (2021) on the project to build a motorway through the Kresna Gorge at its next meeting. Depending on progress achieved, the Bureau could consider proposing to the Standing Committee to reduce the File to an annual monitoring.

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

Decision: The Bureau thanked both parties for the updated reports.

The Bureau positively welcomed the first steps to seek a more participatory and comprehensive approach to the development of the coastal arrangement project and encouraged the authorities to continue and intensify their dialogues with civil society stakeholders.

The Bureau noted the complainants ongoing concerns regarding the rehabilitation of Karaağaç Picnic Area and the construction of the stone wall along the banks of the Dragon rivulet, which negatively affects the habitat for the threatened Soft-Shell Nile Turtles. Furthermore, the Bureau took note of the information shared by the complainant that the new coastal development project will, in some locations, be developed only 10-30 m from the shoreline and asked the authorities to clarify this issue in their next report.

The Turkish authorities were invited to share more details on Mersin Metropolitan Municipality's approval of Anamur Municipality's request to change the established protection zone so as to enable further construction works within Anamur's protected area. Finally, the Bureau requested that the Turkish authorities share more information regarding the geothermal drilling license and its upcoming Environmental Impact Assessment, which, according to the complaint information, had been launched.

The Bureau finally recalled the Bern Convention action plan for the conservation of marine turtles which is in elaboration with the goal of identifying holistic solutions for the long-standing (and any future) marine turtle case-files.

The case remains a possible file. Both parties were invited to present updates to the next Bureau meeting in September 2022 ahead of a further discussion at the 42nd Standing Committee.

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

Decision: The Bureau thanked the complainant for their update report, and noted that the government had communicated that they had no updates to share since the Standing Committee.

The Bureau again expressed its concern on the allegation that construction of the hydropower project was ongoing, and recalled once more the risks of irreversible damage to the nature within this candidate Emerald Network site. It noted with interest that this issue is being discussed at high political levels since the arrival of the complaint to the Bern Convention.

It asked the authorities to inform if any long-term energy/renewable energy/hydro-power strategy existed at State or Entity level, and if that were not the case, to consider elaborating such a Strategy, as this would be useful for planning large-scale energy projects such as this and avoiding protected areas and no-go zones.

The Bureau also took note of the information that the draft Terms of Reference for the on-the-spot appraisal (OSA) had been shared with both parties, received some feedback from the complainant, and been agreed to by the government. The Bureau thanked both parties for respecting the deadline.

The Bureau was informed by the Secretariat that it had identified an independent expert, and was moving forward with preparing the OSA, which it hoped would take place in June or July, pending confirmation of dates with the concerned parties. The Energy Community Treaty had expressed their willingness to be involved in the mission.

The Bureau encouraged a continuing good cooperation between the Secretariat and the parties, and hoped that the OSA could take place before the summer recess. It again urged the authorities to enforce a halt on the ongoing construction of the hydropower plants until the OSA and its results were completed.

7.3. Complaints on stand-by

- 2014/03: Serbia: Presumed deliberate killing of birds & 2016/3: Alleged deliberate killing of birds of prey

Decision: The Bureau thanked the Serbian authorities for their continuing timely reporting and for the clarification regarding birds listed in the NGO's report. It positively noted the adoption of the Rome Strategic Plan and the Nature Protection Programme, as well as the preparation of a budget-funded Action Plan for the implementation of the Rome Strategic Plan. On the latter, Serbian authorities were particularly encouraged to participate in the upcoming Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (IKB) and the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean of the Convention on Migratory Species (CMS), scheduled for 7-9 June 2022 in Valencia, Spain, where the format and guidance for preparing National Action Plans would be discussed.

The Bureau encouraged the authorities to design an awareness raising campaign targeted at national stakeholders on preventing IKB, to continue their collaboration with civil society organisations, and to share data in order to ensure a more comprehensive approach to IKB issues in Serbia. The authorities were also encouraged to pay special attention to the usage of carbofuran in agriculture.

In light of the progress achieved by the Serbian authorities since the reception of the case-file and considering their commitment toward the implementation of the Rome Strategic Plan for the eradication of IKB in their country, the **Bureau decided to dismiss the complaint**. The authorities were, however, asked to present on the progress in fighting illegal killing of wild birds including the issues of this complaint at the Joint IKB Meeting in 2024.

- 2014/08: Greece: Presumed large-scale exploitation and marketing of protected marine shelled molluscs

Decision: The Bureau thanked both the authorities and complainant for the update. The Bureau took note that no fines had been imposed by the authorities during the reporting period 1st January to 31st December 2021 despite extended checks against illegal fishing of fan mussels and date shells carried out by the Hellenic Coast Guard. It also took note that no fines had been imposed against illegal trade and trafficking of these species by the competent authorities during the aforementioned period.

The Bureau welcomed the extended checks as well as the ongoing reform to be completed by June 2022 of the existing national sanctioning framework to enhance the effectiveness of the controls carried out for the observance of the provisions of the national and EU fisheries legislation, including the provisions for the suppression of illegal trafficking and trade of protected species.

The Bureau noted the complainant's brief update that no efforts had been made by the authorities to effectively address the issue.

The Bureau reiterated its concern for the situation of this fragile species and again requested the authorities to improve cooperation with local NGOs and experts and to develop a timebound action plan. It suggested again that both parties could collaborate to design an awareness-raising campaign around the issue.

The Bureau requested both parties to provide updated reports for the Bureau meeting in Spring 2023, including information on the implementation of the new legislation and its impact. The Bureau asked the complainant to provide a more detailed update and description of the efforts that are lacking and if possible to propose concrete actions they foresee that could sufficiently address the issue as extended checks have not lead to satisfactory solutions. The complaint remains on stand-by.

- 2015/02: North Macedonia: Possible impact of wind-farm developments on bats

Decision: The Bureau noted the short update of the complainant, but again regretted the ongoing lack of a report from the national authorities. It postponed a discussion on this case and repeated its decision of last September:

It remarked that the authorities in their last report from 2020 had requested that the case should be closed, however according to the complainant the follow-up process (monitoring of wind farms, etc)

and lack of co-operation with NGOs has been problematic, therefore the Bureau would need to see a comprehensive response from the authorities before it could consider dismissing this complaint.

The Bureau also took note of the short update of EUROBATS which appeared to confirm this lack of cooperation with experts and civil society.

The complaint remains on stand-by. The Bureau again asked the national authorities to respond at its next Spring meeting 2023 to the issues raised by the complainant, and it urged them to collaborate with the organisations which can provide expert advice, including Batlife Macedonia and EUROBATS.

- 2016/09: 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 reports. It acknowledged once again the continued excellent cooperation and efforts that were being put into the development of the Emerald Network sites by the Georgian government and encouraged the authorities to further the development. It congratulated Georgia for the improvements of the sufficiency resulting from the 2021 biogeographical seminar and welcomed the submission of the draft law on “Water Resources Management” to the Parliament for adoption. It acknowledged in particular that out of 13 freshwater habitats of concern, only 5 were sufficiently represented and protected and 8 habitats still needed attention. It took note that three sites (GE0000057 Samegrelo, GE0000058 Racha-Lechkhumi and GE0000059 Svaneti-Racha) had been proposed for the initial Svaneti site.

The Bureau also took note, however, of the continued concerns expressed by 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. It further noted the complainant’s concern that the biogeographical seminar of 2021 still showed insufficient protection of large rivers and their valleys. The Bureau also noted that, according to the complainant, new small hydropower plants were being built on the tributaries of rivers Enguri, Nenskra and Nakra without an Environmental Assessment, and that the Environmental and Social Impact Assessment of 2017 of the Nenskra Hydro Power Plant was not relevant anymore due to floodings in 2018 that changed the landscape. It further took note that an on-the-spot appraisal had been requested by the complainant.

The Bureau requested the authorities to provide an update report for the Bureau meeting in Spring 2023 and asked the complainant to comment on the authorities work and progress. It asked the authorities in particular to clarify on which sites hydropower plants were going to be built and suggested to the authorities to consider developing a strategic planning for hydropower development in Georgia. The complaint remains on stand-by.

- 2017/03: Serbia: Possible negative impact of a harbour’s construction on the confluence of the Sava into the Danube

Decision: The Bureau thanked the Serbian authorities for their timely reporting but noted for the fourth consecutive meeting the lack of a report from the complainant.

It welcomed that the development of the Spatial Plan of the Special Purpose Area of the New Port on Belgrade as well as the strategic environmental impact assessment of the Spatial Plan were underway. It also noted that the General Project with preliminary feasibility study for the construction of a new port in Belgrade was on-going.

It further reiterated its acknowledgement for the two variant solutions which no longer lie in the planned protection zone of the left foreland of the Danube in Belgrade nor in any other planned or determined protection zones.

Acknowledging that measures are being taken to protect the areas and due to the ongoing lack of updates by the complainant, the Bureau **decided to dismiss the case.**

- 2017/06: Iceland: Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure: on-the-spot appraisal - **OSA**

Decision: The Bureau was informed by the Secretariat of progress in the preparations of the on-the-spot appraisal (OSA). 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 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.

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.

- 2020/04: Armenia: The Amulsar gold mine project and its impacts on Emerald Network sites

Decision: The Bureau thanked both the authorities and complainant for their reports.

It took note of the information provided by the authorities that activities were being carried out for optimising the Emerald Network in Armenia and that all possible risks were taken into account by the environmental and social impact assessment.

The Bureau also noted, however, the concerns of the complainant, namely the lack of transparency and participation of NGOs and experts in the revision of the Emerald Network, the need for a new environmental and social impact assessment of the Amulsar gold mine project, as well as the need to establish the Jermuk National Park which should include all areas of the Amulsar gold mine project.

The Bureau reiterated its recommendation to halt any developments that could negatively affect the habitats and species protected under the Convention, whether it pertains to an Emerald Network site or not. The Bureau further reiterated its request for the results of the conducted assessments showing that the project would not bring any negative impacts on species and habitats.

Once again, the Bureau expressed its concern at the expected large reduction in size of Emerald Network coverage in Armenia and again urged the authorities to clarify when the revised list would likely be ready and submitted to the Secretariat. It again requested an update on Armenia's Emerald Network structure at the upcoming Group of Experts on Protected Areas and Ecological Networks meeting scheduled for 15 June 2022. Noting with concern the deficiencies in the environmental impact assessment and the lack of involvement of NGOs and experts, the Bureau requested the authorities to clarify how those deficiencies had been approached.

The case remained on stand-by. Both parties were invited to submit reports for the Bureau meeting in Spring 2023.

- 2020/06: Portugal: Presumed threat to Tagus Estuary Special Protected Area from a new airport

Decision: The Bureau thanked both parties for the updated reports.

The Bureau noted that internal administrative proceedings were still pending, but that the Portuguese authorities had issued in July 2021 a call for tender for a Strategic Environmental Assessment (SEA) for the location of the new Lisbon airport. The Bureau asked the Portuguese authorities to clarify in their next report why the SEA would be limited to the evaluation of three pre-identified options and whether it would be pending until national judicial proceedings were completed.

The Bureau also noted that AEWA was experiencing a lack of communication from the Portuguese authorities and that the European Commission was analysing the case as well.

The Bureau invited the national authorities to ensure better internal co-ordination and co-operation among different Ministries involved in the airport construction. Updates from both parties were requested for the Bureau in Spring 2023, unless urgent updates would be transmitted to the Secretariat in time for the Autumn Bureau 2022 (by 31st July 2022) The complaint remains on stand-by.

The Secretariat was instructed to request any written updates from the European Commission, and to remain in contact with AEWA and Ramsar Convention on their parallel processes.

- 2021/01: Turkey: Alleged threats to marine turtles due to a new coal-fired power plant at Sugözü Beach

Decision: The Bureau thanked both parties for the updated reports.

The Bureau regretted that the construction of the coal power plant had continued and that the infrastructure was expected to become operative soon. Given the circumstances, the Bureau strongly encouraged the Turkish authorities to monitor the application of environmental standards and implement effective measures to limit the negative impact of the coal power plant on species and habitats. The Bureau further requested that the Turkish authorities present a comprehensive and timebound implementation plan of mitigation measures and to report on new nesting data available in its next report.

Both parties were requested to report to the Bureau at its meeting in Autumn 2022. The file remains on stand-by.

7.4. Other complaints

- 2018/06: Belarus: Presumed threats to Emerald Network sites Olmanskiye bolota (BY0000012) and Topila Bog (BY0000083)

Decision: The Bureau took note of the report of the national authorities.

It further noted with concern that the complainant NGOs had been shut down by the government and regretted that the democratic process of the case-file system was being undermined by the Belarusian authorities. It also took note that the biogeographical evaluation seminar for Belarus, originally envisaged for 2021, where the scope and sufficiency of sites would have been evaluated, had not taken place.

The Bureau postponed the discussion of this complaint until further notice.

- 2020/07: France: Uncontrolled slaughter of badgers (*Meles meles*) in France

Decision: The Bureau thanked both parties for their updated reports.

Satisfied with the progress, notably the information that more and more departments were reversing their decrees to prolong the periods of hunting, and that derogations were decreasing, the Bureau **decided to dismiss this case**, on the grounds that danger to local or national population numbers appeared low, and that the remaining issues pertain more to animal welfare.

It, however, encouraged the authorities to undertake more studies on population numbers at local and national level, as well as on tangible connections between badgers and the alleged threats they pose (to human / livestock health, etc) which results in high numbers of derogation licenses being granted. It also recalled that there are other less drastic methods of preventing TB in livestock, such as through vaccinations.

It finally advised the complainant to refer to animal welfare and hunting organisations, such as the Bern Convention's trusted partner, the European Federation for Hunting and Conservation (FACE) if there are any further issues.

➤ 2021/03: Romania: Alleged unsustainable logging within the Retezat National Park

Decision: The Bureau thanked both the authorities and complainant for their update reports. It also thanked the authorities for the provision of English translations of the two control reports.

The Bureau acknowledged that an updated version of the internal zoning, in which the Strict Protection Zone and Integral Protection Zone were increased in size, had been proposed by the park administration in the new edition of the park management plan and would be submitted by the end of the year to the Ministry of Environment, Waters and Forests for approval.

The Bureau took note of the concerns of the complainant that logging within the territory of the Retezat National Park had increased and that a new draft management plan included the valley of Raul Alb in the Sustainable Conservation Zone, in which logging is permitted to some extent, despite requests from the public to change the zoning category. It further noted the concerns that the forest plannings, based on which logging in the valley of Raul Alb occurs, had been approved without an environmental assessment.

The Bureau reiterated its request for clarification on which types of logging are permitted in the Park. It highlighted that the renewal assessment visit to Retezat National Park in the framework of the EDPA planned for this year should cover pending issues related to the complaint, as also suggested by the Group of Specialists on European Diploma for Protected Areas (EDPA) at its meeting in February 2022.

The Bureau asked both parties to provide an update report for the Spring meeting in 2023. The complaint is **put on stand-by**.

7.5. New complaints

➤ 2021/05: Germany: Habitat loss in Baden-Württemberg threatening the conservation of *Tetrao urogallus*

Decision: The Bureau acknowledged the new complaint received as well as the detailed response from the authorities of Germany.

The Bureau took note of the allegations of the complainant that the *Tetrao urogallus* population in the Black Forest was declining due to habitat loss, despite an Action Plan for its conservation adopted in 2008. The Bureau also took note of the evaluation of the Action Plan, which showed shortcomings in its implementation, especially on habitat management, avoidance of anthropogenic disturbances and predator management.

The Bureau welcomed the launch of a new Action Plan for the period 2021-2026 to address the shortcomings in the implementation of the previous Action Plan. The German authorities were requested to clarify in their next report on how the new Action Plan would specifically address the issues of conservation and restoration of the habitat and what results would be expected in the 5-year timeframe. The Bureau also asked the authorities to explain how predator management would work alongside the reduction of the hunting area.

The Bureau decided to consider the complaint as on stand-by and requested both parties to report updates for the Bureau meeting in Spring 2023.

➤ 2021/06: France: Conservation de la Gélinothe des bois (*Tetrastes bonasia rhenana*)

Decision: The Bureau acknowledged the new complaint received as well as the detailed response from the authorities of France.

The Bureau took note of the allegations of the complainant that the subspecies *Tetrastes bonasia rhenana* is facing imminent worldwide extinction, as there is only a small population remaining in the Vosges Mountains, France. As an emergency rescue mission, the complainant called for an ex-situ breeding programme.

The Bureau welcomed the development by France of an Emergency plan for the conservation of the hazel grouse in the Vosges, which was being developed with the view to a wider future Regional Action Plan "Tetraonids" in the Grand Est. In this perspective, the Bureau recalled the explanatory note to Article 7 of the Convention, which states that "*Contracting Parties must, in accordance with Article 2, have regard for sub-species and varieties which are at risk locally, without being threatened at European level.*".

The Bureau also took note of the conclusions of the scientific study that there is no available genetic marker to reliably identify individuals of the *rhenana* subspecies, but noted that the study had not been published and requested a clarification from the French authorities. Due to the lack of clarity of the existence of the sub-species, the Bureau urged the French authorities to apply the precautionary principle and to undertake all effort to preserve the population in the Vosges. The Bureau, however, shared the French authorities concerns on the success probability of an ex-situ breeding programme. Both parties were invited to submit updated reports for the Bureau meeting in Spring 2023 and the complainants were requested to submit one coordinated report. The status of the complaint remains new until the Bureau meeting in Spring 2023.

- 2021/07: Serbia: Alleged threat to fauna species and protected sites due to the proposed construction of a lithium mine in the Jadar River Valley

Decision: The Bureau acknowledged the new complaint received as well as the response from the authorities of Serbia.

The Bureau took note of the concern of the complainant that the construction of a lithium mine in Jadar Valley would have widespread severe impacts to wild flora and fauna species protected under Appendix II and III of the Convention and endanger an important bird and biodiversity area.

The Bureau was pleased to note that the Serbian Government had adopted in January 2022 a Decree that repeals previous authorisations and suspends all procedures or requests with regard to this project. The Bureau took note of the information provided by the Ministry of Mining and Energy that *Rio Sava Exploration doo* is conducting geological and hydrogeological research in the area and that what was currently being analysed is the possible approval of the exploitation field, which would only determine the area where in the future mine construction could take place, if conditions are met.

The Bureau requested further information from the authorities as to whether the approval of the exploitation field will be confirmed and what would be the next step. A brief overview of national legislation concerning licensing and exploitation was also requested.

In consideration of the ecological value of the area at the centre of the complaint, the Bureau expressed its concern on the considerable negative effects on the species and habitats that the construction of a lithium mine would have.

As well as the specific information requested above, the Bureau asked both parties to provide further update reports for its meeting in Spring 2023, unless urgent updates would be transmitted to the Secretariat in time for the Autumn Bureau 2022 (by 31st July 2022). The complaint is considered on stand-by.

- 2021/08: Georgia: Possible threat to Rioni River from the Namakhvani Hydropower Project

Decision: The Bureau thanked the complainant for the new complaint and the Georgian authorities for the timely and comprehensive response report. In general, it congratulated the government for the work done in recent years on sturgeon conservation and establishment of the Emerald Network.

The Bureau acknowledged the concerns of the complainant of the potential impacts of this hydropower project on an Emerald Network site and especially on the critically endangered sturgeon species. It also took note of the government response that the project would take place outside of an Emerald site, and that only the upper reaches of the Rioni River, where sturgeons are no longer present, would be affected.

It also noted diverging statements on the quality of the Environmental Impact Assessment (EIA) which had been produced, and of the fact that since November 2021 due to widespread public protest, construction had been put on hold.

The Bureau also took note of the information that the Energy Community Treaty had coordinated a mediation process last year, the report of which had been received by the Secretariat.

The Bureau required further information before taking a decision on this case. It asked the government to provide the EIA, or, if it is not available in English, synthesised information on its contents especially the mitigation measures planned. It also asked for clarification on the state of play of the construction and permits, and of the status of the court cases.

As requested for the other Georgian case file (2016/09), it asked the authorities to inform if any long-term energy/renewable energy/hydro-power strategy existed at national level, and if that were not the case, to consider elaborating such a Strategy, as this would be useful for planning large-scale energy projects such as this and avoiding protected areas and no-go zones.

The Bureau also requested that the complainant Green Alternative should clarify if Nature Conservation Georgia (NCG) is co-complainant in the case.

Finally, the Bureau recalled the Pan-European Action Plan for Sturgeons (PANEUAP) and that a first meeting of national focal points of range countries of the Bern Convention would be meeting later this year: it trusted that Georgia would designate a representative for the meeting.

The complaint remains new pending the further information requested above as well as any other relevant updates from the authorities for the next Bureau meeting in Autumn, where the complainant would also be invited to send an update.

8. ANY OTHER BUSINESS

The Secretariat informed the Bureau that new complaints had been received which allege a breach of the Convention by Poland due to the construction of a fence on the Polish-Belarusian border. The Bureau took note of the complaints concerning the fence construction on the Polish-Belarusian border, indicating that it would discuss the issue at a future Bureau meeting.

The Secretariat further informed the Bureau that, as part of its Programme of Work, the CMS Central Asian Mammals Initiative (CAMI), together with the IUCN SSC Cat Specialist Group, is currently working on the development of a range-wide strategy for the conservation of the Persian leopard. As not all Persian leopard Range Countries are CMS/CAMI signatory states, but some, however, are Contracting Parties to the Bern Convention, the CMS Secretariat had asked for support from the Bern Convention in engaging the Range Countries that are Parties to the Bern Convention. The Bureau took note of the information on the development of a range-wide strategy for the conservation of the Persian leopard by CMS/CAMI and looked forward to receiving an update on how the CMS process was developing at its Autumn Bureau meeting.

Finally, the Bureau confirmed the dates of the Autumn Bureau meeting (15-16 September 2022). The format of the meeting (in-person/online/hybrid) would be decided at a later stage pending the further involvement of the Covid pandemic.

Appendix I - Agenda

1. **OPENING OF THE MEETING**
2. **ADOPTION OF THE AGENDA**
3. **FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION**
 - 3.1. **Inter-sessional working group on financing: state of play**
[T-PVS(2022)01 - report of the 5th meeting]
 - 3.2. **Voluntary contributions received in 2022: state of play**
[T-PVS/Inf(2022)13 - Table of the voluntary contributions received]
 - 3.3. **Report on the use of the resources from the Special Account of the Bern Convention**
 - 3.4. **Working Group on a Vision and Strategic Plan for the Bern Convention for the period to 2030: state of play**
[T-PVS(2022)04 - report of 4th meeting of 22 February]
 - 3.5. **Rules of procedure and case-file reflection: state of play of the consultation**
4. **IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES AND BUDGET FOR 2022**
[Calendar of 2022 meetings]
[T-PVS(2021)26 - Programme of Activities and budget for 2022-2023]
 - 4.1. **European Diploma for Protected Areas: results of the meeting of the Group of Specialists and planning of the appraisal visits in 2022**
[T-PVS/DE(2022)12 - Meeting report]
[T-PVS/DE(2022)09 - Draft Resolutions on the renewal of the European Diploma]
 - 4.2. **Conservation of birds: state of play (4th joint MIKT meeting, IKB Scoreboard and Rome Strategic Plan, 7th meeting of the Group of Experts on the conservation of birds)**
 - 4.3. **Invasive Alien Species: state of play (texts on Communication and IAS, Study on Alien Pathogens, Climate Change and non-native trees)**
 - 4.4. **Amphibians and reptiles: marine turtles conservation**
 - 4.5. **Setting-up of the Emerald Network: state of play and work plan for 2022**
 - 4.6. **Reporting under Resolution No. 8 (2012) on conservation status of species and habitats: complementary assessment of the reports submitted and display of the reporting outcomes**
 - 4.7. **Pan-European Action Plan for the conservation of the Sturgeon: state of play**
 - 4.8. **Action Plan for the eradication of the Ruddy Duck in Europe: state of play**
 - 4.9. **Biodiversity and Climate Change: state of play**
[T-PVS/Agenda(2022)09 - Draft Agenda Group of Expert on Biodiversity and Climate Change]
5. **COMMUNICATION STRATEGY AND VISIBILITY OF THE CONVENTION**

6. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION ()

6.1. Biennial reporting and Online reporting system

6.2. Amendment proposal by Switzerland: Downlisting of the wolf (*canis lupus*) to Appendix III of the Convention

7. IMPLEMENTATION OF THE CONVENTION: CASE-FILES

[T-PVS/Notes(2022)1 – Summary of open and possible case files]
[T-PVS/Notes(2022)2– Summary of complaints on stand-by]
[T-PVS/Notes(2022)3– Summary of other complaints]
[T-PVS/Inf(2022)07 – Register of Bern Convention's case-files]

7.1. Open files

- 2012/09: Turkey: Presumed degradation of nesting beaches in Fethiye and Patara SPAs

[T-PVS/Files(2022)34 - Government Report]
[T-PVS/Files(2022)40 - Complainant Report]

- 2013/01: North Macedonia: Hydro power development within the territory of Mavrovo National Park: on-the-spot appraisal

[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)28 - Complainant Report]

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

[T-PVS/Files(2022)01 – Draft Terms of Reference of the OSA]
[T-PVS/Files(2022)26 - Government Report]
[T-PVS/Files(2022)19 - Complainant Report]

- 2016/04: Montenegro: Development of a commercial project in Skadar Lake National Park and candidate Emerald site

[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)23 - Complainant Report]

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

[T-PVS/Files(2022)03 – Draft Terms of Reference of the OSA]
[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)29 - Complainant Report]

7.2. Possible files

- 2001/04: Bulgaria: Motorway through the Kresna Gorge: on-the-spot appraisal

[T-PVS/Files(2022)47 - Joint Report]

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

[T-PVS/Files(2022)32 - Government Report]
[T-PVS/Files(2022)33 - Complainant Report]

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

[T-PVS/Files(2022)02 –Terms of Reference of the OSA]

[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)22 - Complainant Report]

7.3. Complaints on stand-by

- 2014/03: Serbia: Presumed deliberate killing of birds & 2016/3: Alleged deliberate killing of birds of prey

[T-PVS/Files(2022)07 - Government Report]
[T-PVS/Files(2022)XX - Complainant Report]

- 2014/08: Greece: Presumed large-scale exploitation and marketing of protected marine shelled molluscs

[T-PVS/Files(2022)08 - Government Report]
[T-PVS/Files(2022)42 - Complainant Report]

- 2015/02: North Macedonia: Possible impact of wind-farm developments on bats

[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)13 - Complainant Report]

- 2016/09: Georgia: Possible threat to “Svaneti 1” Candidate Emerald Site (GE0000012) from Nenskra Hydro Power Plant development

[T-PVS/Files(2022)43 - Government Report]
[T-PVS/Files(2022)20 - Complainant Report]

- 2017/03: Serbia: Possible negative impact of a harbor’s construction on the confluence of the Sava into the Danube

[T-PVS/Files(2022)09 - Government Report]
[T-PVS/Files(2022)XX - Complainant Report]

- 2017/06: Iceland: Possible negative impact on Breiðafjörður Nature Reserve’s authentic birch woods from new road infrastructure: on-the-spot appraisal - **OSA**

[T-PVS/Files(2021)02rev –Terms of Reference of the OSA]
[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)XX - Complainant Report]

- 2018/01: Ukraine: Presumed threat to Emerald site “Polonina Borzhava” (UA0000263) from wind energy development: on-the-spot appraisal

[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)XX - Complainant Report]

- 2018/05: Ukraine: Alleged threats to the Emerald Network sites Skhidnyi Svydovets, Marmaroski ta Chyvchyno-Hryniavski Hory and Carpathian biosphere Reserve

[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)XX - Complainant Report]

- 2020/01: Ukraine: Recognising Horbachykha as a protected area to save it from residential developments

[T-PVS/Files(2022)XX - Government Report]
[T-PVS/Files(2022)XX - Complainant Report]

- 2020/02: Ukraine: Logging threats to the Black Tysa River in Emerald Network site "Marmaroski ta Chyvchyno-Hryniavski Hory" (UA0000117)

[T-PVS/Files(2022)XX - Government Report]

[T-PVS/Files(2022)21 - Complainant Report]

- 2020/04: Armenia: The Amulsar gold mine project and its impacts on Emerald Network sites

[T-PVS/Files(2022)30 - Government Report]

[T-PVS/Files(2022)24 - Complainant Report]

- 2020/06: Portugal: Presumed threat to Tagus Estuary Special Protected Area from a new airport

[T-PVS/Files(2022)41 - Government Report]

[T-PVS/Files(2022)25 - Complainant Report]

- 2021/01: Turkey: Alleged threats to marine turtles due to a new coal-fired power plant at Sugözü Beach

[T-PVS/Files(2022)35 - Government Report]

[T-PVS/Files(2022)44 - Complainant Report]

7.4. Other complaints

- 2018/06: Belarus: Presumed threats to Emerald Network sites Olmanskiye bolota (BY0000012) and Topila Bog (BY0000083)

[T-PVS/Files(2022)XX - Government Report]

[T-PVS/Files(2022)XX - Complainant Report]

- 2020/07: France: Uncontrolled slaughter of badgers (*Meles meles*) in France

[T-PVS/Files(2022)36 - Government Report]

[T-PVS/Files(2022)12 - Complainant Report]

- 2021/03: Romania: Alleged unsustainable logging within the Retezat National Park

[T-PVS/Files(2022)18 - Government Report]

[T-PVS/Files(2022)27 - Complainant Report]

- 2021/04: Ukraine: Threats to wild flora and fauna and their natural habitats in Irpin river valley Emerald Network site from constructions

[T-PVS/Files(2022)XX - Government Report]

[T-PVS/Files(2022)14 - Complainant Report]

7.5. New complaints

- 2021/05: Germany: Habitat loss in Baden-Württemberg threatening the conservation of *Tetrao urogallus*

[T-PVS/Files(2022)04 – Complaint form]

[T-PVS/Files(2022)05– Government Report]

- 2021/06: France: Conservation de la Gélinothe des bois (*Tetrastes bonasia rhenana*)

[T-PVS/Files(2022)06 – Complaint form]

[T-PVS/Files(2022)17– Government Report]

- 2021/07: Serbia: Alleged threat to fauna species and protected sites due to the proposed construction of a lithium mine in the Jadar River Valley

[T-PVS/Files(2022)15 – Complaint form]

[T-PVS/Files(2022)16– Government Report]

- 2021/08: Georgia: Possible threat to Rioni River from the Namakhvani Hydropower Project

[T-PVS/Files(2022)37 – Complaint form]
[T-PVS/Files(2022)38 – Complainant report]
[T-PVS/Files(2022)39– Government Report]

- 2021/09: Ukraine: Possible negative impact on the Luhansk region from hydraulic gas drilling activities

[T-PVS/Files(2022)45 – Complaint form]
[T-PVS/Files(2022)XX– Government Report]

8. ANY OTHER BUSINESS

Appendix II – List of participants

CHAIR

Ms Merike LINNAMÄGI, Senior officer, Nature Conservation Department, Ministry of the Environment, Estonia

VICE-CHAIR

Mr Carl AMIRGULASHVILI, Head of Biodiversity and Forestry Policy Department, Ministry of Environmental Protection and Agriculture, Georgia

BUREAU MEMBERS

Ms Jana DURKOŠOVÁ, Director, Department for Nature Protection, Ministry of the Environment, Slovak Republic

Mr Jan PLESNIK, Adviser to Director in foreign affairs, Nature Conservation Agency (NCA CR), Czech Republic

Mr Andreas SCHEI, Senior Advisor, Norwegian Environment Agency

OTHER PARTICIPANTS

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Ms Ursula STICKER, Secretary of the Bern Convention

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Mr Eoghan KELLY, Bern Convention Project Officer

Ms Nadia SAPORITO, Bern Convention Junior Project Officer

Ms Helena ORSULIC, Bern Convention Administrative Assistant

Appendix III – Feedback of the case-file reflection consultation

Introduction

This document provides a summary of the feedback received following the 41st Standing Committee's decision to mandate a wider consultation of the Bern Convention case-file system reflection amongst the Contracting Parties and Observers. The consultation was carried out during February-March. Some intermediate response following the Bureau meeting of 6-7 April 2022 also intends to reply to some of the feedback and clarify some points. The Bureau decision can be found above under Section 3.5.

The following Contracting Parties and Observers submitted comments: Czech Republic, European Commission (EC), France, Iceland, ProNatura/CEE Bankwatch, Slovakia, Sweden, Turkey, and the United Kingdom. Georgia and the NGO PPNEA also responded to the call for consultation, stating that they had no feedback to share. NOAH shared a document with general comments. MEDASSET shared comments during the 41st Standing Committee meeting. The Secretariat would like to thank those Parties and Observers who provided feedback to this important reflection activity.

Summary of Feedback and intermediate response following the Bureau meeting

A recurring source of feedback concerned the expected purpose of the documents which should result from this reflection. Despite the Secretariat and Bureau's reassurance during the Standing Committee and in subsequent statements that the outcomes are not intended to result in any restrictive "rulebook" type of scenario, but rather provide a useful resource for both the operators and beneficiaries of the case-file system, some uncertainty remains. In the same vein, there were some questions concerning possible ambiguity in some parts of the wording.

Several responders brought up the question of which criteria are used, whether in the acceptance of new complaints, or for decisions regarding existing complaints. There were questions concerning terminology such as "seriousness or urgency of complaints". The Bureau recalled, however, that this language is consistent with the previous reminder documents on the functioning of the case-file system which have been supported by Standing Committees in the past.

To allay the above concerns and remove the possibility of considering the text as some form of binding rulebook, the Bureau recommended that the Standing Committee should not be invited to "adopt" the documents, but to simply take note of / support them.

There was a general consensus that it would be preferable to split Section 2 on the reminder of the process and Section 3 on proposals for the future into two separate documents. Therefore, the Bureau recommended to split the Sections into two.

Concerning voting, there were some requests for clarification around the fact that decisions are encouraged to be taken by consensus, and a vote should only be used in exceptional cases and if expressly demanded by a Party- as has always been the spirit of the Standing Committee. A slight rewording of this part could clarify any misunderstanding.

There was also uncertainty around the rationale behind the change of voting threshold for OSAs from 2/3 to a simple majority- in that regard, the Bureau decided to recommend dropping this proposal from the text (and therefore from the proposed Rules of Procedure change).

There were some proposals to tighten deadlines such as for reporting, but the Bureau recalled that it had discussed this issue quite extensively last year, and agreed that a degree of flexibility was still required in order to ensure the best functioning.

There was general support towards enhancing existing synergies with fellow MEAs, including to avoid possible duplicative work on case-files and OSAs. And some of the Observer organisations were satisfied to see the complainant included more prominently within the OSA procedures.

There was also general support for most proposals under Section 3, with the caveat that resources must be available. Some of the proposals under the Visibility section however were questioned or not supported, and so the Bureau recommended to remove or reword some of them.

For Section 3, it was generally agreed that the Bureau is the competent authority to decide on which proposals can be implemented, as they relate mostly to administrative processes. Therefore, the Bureau recommended that Section 3 need only be submitted to the Standing Committee for its information.