Strasbourg, 18 October 2023 **T-PVS(2023)13**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

43rd meeting
Strasbourg, 27 November - 1 December 2023

THIRD DRAFT PROTOCOL AMENDING THE BERN CONVENTION

Protocol amending the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104)

Document prepared by
the Secretariat of the Bern Convention

Preamble

The member States of the Council of Europe and the other Parties to the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104), opened for signature in Bern on 19 September 1979 (hereinafter referred to as "the Convention"),

Considering that biodiversity, and the benefits it provides, is fundamental to human well-being and a healthy planet. Despite ongoing efforts, biodiversity is deteriorating worldwide, and this decline is projected to continue or worsen under business-as-usual scenarios.

Considering that the Convention can only be enhanced in the implementation of its policies and activities when it receives adequate and predictable funding and therefore desiring accordingly to take concrete measures in the financial field to contribute to the conservation and management of biodiversity in Europe;

Have agreed as follows:

Article 1

The following new paragraph shall be added after paragraph 4 of Article 13 of the Convention:

"5. The secretariat of the Standing Committee shall be provided by the Secretary General of the Council of Europe and shall ensure organisational support to the work of the Committee."

Former paragraphs 5 and 6 shall become paragraph 6 and 7.

Article 2

A new Chapter IX shall be added after Chapter VIII of the Convention, as follows:

"Chapter IX – Financial provisions "

Article 3

A new Article 19 shall be added after Article 18 of the Convention as follows:

"**Article 19**

1. Each Contracting Party shall make mandatory contributions to the agreed budget of the Convention according to the agreed scale of annual contributions under the conditions set out in this Article.

2. Taking into account the ordinary budget allocation from the Council of Europe, the Standing Committee shall determine by unanimity, for each financial period, the appropriate budget for the implementation of the programme of work under the Convention;

3. The Parties to the Protocol amending the Convention shall agree by unanimity the budget for covering the core activities[1] and scale of financial contributions based on the method of calculating the scale of member States' contributions to Council of Europe budgets which is in operation at the Council of Europe, *mutatis mutandis*;

4. The scale of financial contributions agreed on by the Standing Committee shall be adopted by the Committee of Ministers of the Council of Europe". The Parties to the Protocol amending the Convention that are not members of the Committee of Ministers of the Council of Europe, shall be entitled to participate in the adoption

[1] Activities necessary to implement the Convention, in particular monitoring the obligations of Contracting Parties (such as the biennial reporting, the reporting on the conservation status of species and habitats, the case-file system, activities of the technical and scientific Groups of Experts related to the follow up of the implementation of recommendations of the Standing Committee), to developing new standards to improve the effectiveness of the Convention (such as the strategy of the Convention, recommendations to Contracting Parties drafted by technical and scientific Groups of Experts, the development of the Emerald Network) and to raising the public's awareness of the activities undertaken within the framework of the Convention.

by the Committee of Ministers of the scale of financial contributions, agreed on by the Standing Committee for the Protocol.

Article 4

1. Chapter IX of the Convention shall be renumbered to Chapters X of the Convention.

2. Former Articles 19 to 24 of the Convention shall become Articles 20 to 25 of the Convention. References in the Convention to the former articles shall be replaced accordingly.

Final provisions

Article 5 – Signature, ratification and accession

1. This Protocol shall be open for signature by Parties to the Convention. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. After the opening for signature of this Protocol and before its entry into force, any other State shall express its consent to be bound by this Protocol by accession. It may not become a Party to the Convention without acceding simultaneously to this Protocol.

Article 6 – Entry into force

1. This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol, in accordance with the provisions of paragraph 1 of Article 5.

2. In the event this Protocol has not entered into force in accordance with paragraph 1 above, following the expiry of a period of three years after the date on which it has been opened for signature, the Protocol shall enter into force in respect of those Parties to the Convention which have expressed their consent to be bound by it in accordance with paragraph 1, once the Protocol has at least thirty-four Parties and that the sum of their financial contributions represents at least 65 % of the resources determined by the Standing Committee to the Convention.

Article 7 – Provisional application

Pending the entry into force of this Protocol and without prejudice to the provisions regarding the entry into force and the accession by non-member States, a Party to the Convention may, at the time of signature of this Protocol or at any later moment, declare that it will apply the provisions of this Protocol on a provisional basis. Such a declaration shall take effect on the first day of the third month following the date of its receipt by the Secretary General of the Council of Europe.

Article 8 – Term of provisional application

This Protocol shall cease to be applied on a provisional basis from the date of its entry into force except for Parties which have signed and not yet ratified this Protocol.

Article 9 – Reservations

No reservation may be made to the provisions of this Protocol.

Article 10 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any other Party to the Convention of :

a. any signature;
b. the deposit of any instrument of ratification, acceptance or approval;
c. the date of entry into force of this Protocol in accordance with Article 6;
d. any declaration made under Article 6 or Article 7;

e. any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this xx day of xx 20xx, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to other Parties to the Convention and any State invited to accede to the Convention.