



Strasbourg, 12 July 2023

T-PVS(2023)16

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
Extraordinary Bureau meeting

26 June 2023
(Online meeting: 9:00 am – 3.00 pm)

REPORT

1. OPENING OF THE MEETING & ADOPTION OF THE AGENDA¹

The Chair of the Standing Committee to the Bern Convention, Ms Merike Linnamägi, opened the extraordinary meeting of the Bureau of the Standing Committee to the Bern Convention.

Decision: The meeting agenda was adopted with no amendments (Appendix I).

2. REPORT FROM THE SECRETARIAT

2.1. Staff issues

The Secretariat informed the Bureau of upcoming staff changes in the Bern Secretariat. As indicated during the 1st meeting of the Bureau (29-30 March 2023), the administrative assistant, Ms Helena Orsulic, had been temporarily replaced by Ms Georgia Fili. Her successor, Mr Michaël Nguyen, has been recruited and would start his duties on 1st July 2023. In addition, Ms Nadia Saporito, current Junior Project Officer, would be leaving the secretariat as of 31st August 2023. She would be replaced as soon as possible.

Decision: The Bureau took note of the information. It thanked Ms Fili and Ms Saporito for their commitment and contribution to the work of the Bern Convention and welcomed Mr Nguyen in his new role within the secretariat. The Bureau underlined that sufficient human resources shall be allocated to the Secretariat to effectively support the program of the Bern Convention.

2.2. Summit of the Heads of State and Government of the Council of Europe on 16-17 May 2023 in Reykjavik, Iceland

The Secretariat presented the Bureau with the relevant elements of the [Reykjavik Declaration](#) adopted by the Heads of State and Government of the Council of Europe during their Fourth Summit

¹ Meeting documents are available on the website: <https://www.coe.int/en/web/bern-convention/-/t-pvs-bureau-extraordinary-meeting>

(16-17 May 2023, Reykjavik), in particular the relevant sections on the environment (such as Appendix V of the Declaration). The following issues were more particularly stressed:

- The right to a clean, healthy and sustainable environment is recognised as a human right;
- Loss of biodiversity is mentioned;
- Appendix V refers directly to the Bern Convention: “We consider the Convention on the Conservation of European Wildlife and Natural Habitats (the “Bern Convention”) a unique international instrument aimed at aligning national standards and practices in conserving wild flora and fauna and their natural habitats at pan-European level and beyond, providing the necessary tools to strengthen intergovernmental co-operation and giving an opportunity to civil society to engage with governments and bring to their attention concerns about threats to biodiversity and natural habitats and their detrimental consequences.” The Landscape Convention is also mentioned;
- Heads of State and Government also initiated what is called the “Reykjavik process” of strengthening the work of the Council of Europe in the field of the protection of the environment, with the aim of making it a visible priority for the Organisation;
- They encourage the establishment of a new intergovernmental committee on environment and human rights (the “Reykjavik Committee”).

The Secretariat further highlighted that the follow-up to this Declaration was only in its starting phase but it appears that the budget allocated to the Bern Convention could increase. This increase would mainly be used to cover staff costs on the ordinary budget of the Council of Europe instead of relying on voluntary contributions, and then possibly cover costs of additional activities.

Decision: The Bureau welcomed the prioritisation of the topic of environment at the Council of Europe and the possible increase in the budget allocated to the Bern Convention for 2024 onwards. However, it acknowledged that this possible increase would only partly compensate for the previous budget cuts. It nevertheless called on Parties to the Convention to lobby their ministries of foreign affairs and their national delegations in Strasbourg to accept such an increase in the budget in their upcoming meetings in 2023 and in the coming years.

3. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION

3.1. *Ad hoc* Drafting Group of an Amending Protocol: state of play

The Secretariat recalled that a protocol amending the Bern Convention and setting up a mechanism of financial mandatory contributions had been identified as a possible way forward to sustain the funding of staff costs and activities but the path for its elaboration and adoption was very long and full of obstacles.

The *Ad hoc* Drafting Group of an Amending Protocol met already four times and two further meetings were scheduled after the summer break to finalise the draft protocol and prepare the Explanatory Report. The intention was to present the draft protocol to the 43rd Standing Committee.

The Secretariat presented the state play of the working of the Drafting Group:

- The budget resulting from the protocol would be funded proportionally to the number of ratifications to encourage Contracting Parties to ratify the protocol and to also avoid that Parties, which had ratified the protocol, had to compensate for the shortfall of countries which did not ratify it. Therefore, the scale of contribution per Party would remain the same independently of the number of ratifications but, in turn, 100% of the budget needed for the running of the mechanism would only be funded once all Contracting Parties would have ratified the protocol.
- The advantage of the protocol, compared with the amendment pursuant to Article 16 of the Convention, is that it can enter into force once a threshold of ratifications is achieved (while the amendment of the Convention requires unanimity). The Drafting Group was working on an assumption of a threshold of 2/3 (i.e. 34) Contracting Parties. The Drafting Group was also considering installing a second criteria for the protocol to enter into force namely that a proportion of 70% of the budget was covered by the Parties constituting the threshold.

- The Drafting Group was working on different financial scenarios considering a budget of 800k €/year. The Drafting Group was currently considering a minimum contribution of 2 500 € for the minor contributors and a maximum contribution rate of 10% for the major contributors. This combination of minimum amount and maximum percentage was aimed to ensure an acceptable gap between the contributions of the major and intermediary contributors.

Decision: The Bureau took note of the state of preparation of the protocol amending the Bern Convention and instructed the Secretariat to draft a letter at the signature of the Chair of the Standing Committee for the attention of all Contacting Parties to accompany the reports of the meetings of the *Ad hoc* Drafting Group of an Amending Protocol and to draft a background document wrapping up the different options envisaged by the Drafting Group and the rationale of the orientations taken so far.

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

The Bureau considered the 9th draft of the Strategic Plan for the Bern Convention for the period to 2030. In terms of the remaining outstanding issues in the draft, the Bureau had a discussion on the wording of Target 1.5 and related indicators. Its conclusion was that the currently proposed wording at the end of the target (*Specific recommendations arising from individual Case Files are followed up and acted upon; and cases are resolved and closed [within timeframes set by the Standing Committee]*) was not in line with the current practice of the case-file management, and it preferred wording such as what had been included in a previous draft which reflected the current practice and flexibility of the system “*within a reasonable timeframe, taking account of any advice provided by the Standing Committee*”. The Bureau thus instructed that both options be included in the 9th draft.

The Bureau supported the Working Group’s proposal to submit the 9th draft for the 43rd Standing Committee’s attention well in advance of the meeting.

The Bureau also discussed the proposal of the Working Group to accompany the Strategic Plan with a draft Resolution or Recommendation. The purpose of this text would be to guide Parties on how to use the Plan, and to mandate an ongoing elaboration of a monitoring framework after adoption of the Plan. It could also include other recommendations such as review timeframes and exploring further linkages of the Strategic Plan with other instruments of the Bern Convention or other relevant institutions and strategies. The Bureau decided that a draft Recommendation would be the most appropriate form of text.

Decision: The Bureau welcomed the 9th draft of the Strategic Plan for the Bern Convention for the period to 2030 and thanked the Working Group as well as the independent consultant, Mr Dave Pritchard, for the hard work undertaken. It endorsed the draft with a few suggestions, and instructed the Secretariat to send out the draft before the summer break for the attention of the 43rd Standing Committee meeting at the end of the year. It also instructed the Secretariat to prepare a draft recommendation to accompany the Strategic Plan which would be first discussed at the next ordinary Bureau meeting in September.

4. IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES AND BUDGET FOR 2023

4.1. European Diploma for Protected Areas: Decisions taken by Committee of Ministers of the Council of Europe

The Secretariat informed the Bureau about the [Resolutions](#) adopted by the Committee of Ministers on 14th June 2023 renewing the European Diploma to 7 areas. The Secretariat also informed the Bureau that the Committee of Ministers had decided on the same day on a Resolution ruling that the European Diploma for Protected Areas ([Resolution CM/ResDip\(2008\)1](#)) would no longer apply to the areas holding the Diploma located in Belarus and in the Russian Federation until further notice (See [decision CM/Del/Dec\(2023\)1469/9.1b](#)), as a consequence of the Committee of Ministers decisions of 16 and 17 March 2022 regarding the cessation of the membership of the Russian Federation to the Council of Europe and the suspension of technical cooperation with Belarus. In practical terms, the 2 areas located

in Belarus and 4 areas located in the Russian Federation had been removed from the lists, maps and dashboard of the European Diploma.

Decision: The Bureau took note of the information.

5. IMPLEMENTATION OF THE CONVENTION: [CASE-FILES](#)

5.1. Open files

➤ **2016/5: Albania: Presumed negative impact of developments on the Vjosa river including hydro-power plant development and Vlora International Airport - OSA: state of play of the written procedure in view of the adoption of the recommendation**

The Secretariat recalled that a written procedure with a view to the adoption of the draft Recommendation on the possible impacts of infrastructure and urbanisation developments particularly Vlora International Airport on the Vjosa-Narta Protected Area (Albania) had taken place during May and June. The quorum had been reached, but concerns were raised by a Contracting Party on the compatibility of certain elements of the Rules of Procedure and two Contracting Parties sent amendments. It also informed the Bureau that AEWA was scheduled to discuss and possibly adopt the draft Recommendation on the 27th June 2023.

Decision: In order to adopt as quickly as possible the urgent elements of the Recommendation as called for by the 42nd Standing Committee on the halting of construction of the airport, while keeping in line with the Rules of Procedure, the Bureau instructed the Secretariat to send out for written procedure a revised draft text which only includes point 1 of the Recommendation. The remaining operational elements of the text would be submitted to the 43rd Standing Committee meeting at the end of the year for further consideration of all Parties with a view to seeking consensus and adoption. The Amendments received to this point would be discussed during that meeting.

The Bureau instructed the Secretariat to remain in close coordination with the Secretariat of AEWA in order to harmonise as far as possible the recommendations issued to the Albanian authorities.

In the meantime, the Bureau again recalled the 42nd Standing Committee decision which urged the authorities of Albania to respect its obligations to the Bern Convention and other international Treaties by suspending the construction of the airport.

➤ **2001/04: Bulgaria: Motorway through the Kresna Gorge**

The Secretariat informed the Bureau that the complainant informed it on 2nd June 2023 that construction had begun on a roundabout to the south of the town of Kresna, which connects lot 3.3 with lot 3.2 (the Kresna gorge section), and the allegation that this marks the start of the construction of lot 3.2. Further, the Secretariat asked the Bulgarian authorities to respond, if possible by 21st June 2023, to this allegation, which they did. They reported that they disagreed with the complainant that the works relate to the start of the construction of lot 3.2, arguing that the road junction of Kresna which was under construction was an independent phase of Lot 3.2 which neither affected, nor predetermined the choice of alternative for Lot 3.2.

Decision: The Bureau took note of the alert of the complainant and thanked the Bulgarian authorities for responding within such a tight deadline to this allegation. It reiterated its call for Bulgaria to fully implement Standing Committee Recommendations No. 98 (2002) and No. 212 (2021) and in particular recalled the decision of the 42nd Standing Committee which “reminded Bulgaria not to start any construction before the Recommendation was fulfilled”. It also recalled that it would revert to a broader discussion on this case-file at its next ordinary meeting in September, and thanked both parties once again for their timely reporting.

6. CONSULTATION

6.1. Possible comments on [Parliamentary Assembly Recommendation 2251 \(2023\)](#) – “Political strategies to prevent, prepare for, and face the consequences of natural disasters”

The Secretariat informed the Bureau that the Standing Committee had been invited on 1st June 2023 by the Committee of Ministers of the Council of Europe to comment on Parliamentary Assembly Recommendation 2251 (2023) – “Political strategies to prevent, prepare for, and face the consequences of natural disasters”. Because of a very tight deadline (16th June 2023 extended to 1st July 2023), it had not been possible to organise a consultation of the whole Standing Committee.

Decision: The Bureau considered and adopted the comments prepared by the Secretariat.

6.2. Consultation on the Guiding principles for an integrated approach to culture, nature and landscape management

Mr Francesc Pla, Secretary of the Steering Committee for Culture, Heritage and Landscape (CDCPP), presented the final draft of the L.I.N.K.E.D. – Guiding principles for an integrated approach to the management of culture, nature and landscape, to the Bureau. He thanked the Bureau for its participation in the drafting process and stressed that the Bureau of the CDCPP would appreciate any further comments from the Bureau of the Bern Convention on the revised version of these guiding principles which will be presented to the CDCPP for final approval.

Decision: Welcoming the work carried out in the preparation of these guiding principles, the Bureau acknowledged the many links these principles had with the work of the Standing Committee and the relevance of cooperation between the Standing Committee and the CDCPP on this type of issues.

6.3. Emerald Network: Decision taken by Committee of Ministers of the Council of Europe

The Secretariat informed the Bureau that, as a result of previous Committee of Ministers’ decisions concerning the cessation of the Russian Federation’s membership to the Council of Europe ([CM/Del/Dec\(2022\)1428ter/2.3](#)) and suspension of technical co-operation with Belarus ([CM/Del/Dec\(2022\)1429/2.5](#)), the Committee of Ministers had invited in its meeting on 14th June 2023 the Bern Convention Standing Committee to suspend the Emerald Network areas of special conservation interest located on the territories of Belarus and of the Russian Federation until further notice. The Committee of Ministers had also recalled that this suspension would not affect the obligations of Belarus as a Contracting Party to the Bern Convention, in particular in terms of safeguarding endangered natural habitats.

Decision: The Bureau took note of the invitation for a rapid follow up to the Committee of Ministers’ decision and, therefore, agreed that a written procedure was justified because, in light of the above referred to decisions of the Committee of Ministers of March 2022, the Secretariat was no longer in a position to cope with possible developments of the Emerald Network in Belarus and the Russian Federation. The Bureau also noted that the written procedure fits to the invitation addressed by the Committee of Ministers to the Standing Committee and that an extraordinary meeting of the Standing Committee was not necessary to reach a decision. The Bureau instructed the Secretariat to initiate a written procedure to decide on the matter with a deadline for decision in mid-September.

7. ANY OTHER BUSINESS

7.1. Consequences on biodiversity of the destruction of the Kakhovka dam in Ukraine

The Secretariat informed the Bureau that the destruction of the Kakhovka dam had been immediately [condemned in the strongest terms by the Council of Europe’s top leaders](#), the Minister of Foreign Affairs of Latvia and President of the Committee of Ministers, Mr Edgars Rinkēvičs, the President of the

Parliamentary Assembly of the Council of Europe, Mr Tiny Kox, and the Secretary General of the Council of Europe, Ms Marija Pejčinović Burić.

The Secretariat then informed the Bureau that Mr Matjaz Gruden, Council of Europe Director of Democratic Participation, and Mr Mikaël Poutiers, Secretary of the Bern Convention, had participated in an online meeting with the Minister of Environmental Protection and Natural Resources of Ukraine, Mr Ruslan Strilets, on Friday 9th June 2023, together with representatives of several other international organisations such as RAMSAR, UNEP, UNECE and AEW. The Minister had exposed some of the consequences of the destruction of the dam on the environment and asked participants for help to recover nature and biodiversity. Mr Gruden had reiterated the Council of Europe's condemnation of the destruction, raised concerns about the protected areas impacted, acknowledged that additional information on the consequences of the destruction of the dam was needed, and made a commitment to the Minister to inform the Bureau of the Standing Committee of the Bern Convention.

The Secretariat also informed the Bureau that both the Ukrainian focal point and the Minister of Environmental Protection and Natural Resources had written to the Secretary of the Bern Convention to request that experts be sent rapidly for an on-the-spot visit to assess the impact of the destruction of the dam on biodiversity. The replies had recalled the strong condemnation of the destruction of the dam by the Council of Europe, that the Bureau would be informed of the situation but declined the request for a rapid on-the-spot assessment visit because of security reasons. It was however explained that the possibility of organising a visit to the affected areas would be explored once the circumstances permit and in accordance with Bern Convention and Council of Europe internal rules and instructions.

Decision: The Bureau took note of the information and expressed its great concern on the damage caused by the destruction of the Kakhovka dam on the local ecosystem.

7.2. Dates of the 44th Standing Committee

The Bureau was informed that the CITES Standing Committee meeting in 2024 was scheduled for 26-30 November, the same dates when the Bern Convention Standing Committee meeting usually takes place.

Decision: The Bureau instructed the Secretariat to verify that holding the Bern Convention Standing Committee meeting on 3-6 December 2024 would not overlap with other international events of relevance for Bern Convention Contracting parties and to inform the Bureau at its next meeting.

Appendix I – Agenda

1. OPENING OF THE MEETING & ADOPTION OF THE AGENDA

2. REPORT FROM THE SECRETARIAT

2.1. Staff issues

2.2. Summit of the Heads of State and Government of the Council of Europe on 16-17 May 2023 in Reykjavik, Iceland

[[Reykjavik Declaration](#)]

3. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION

3.1. *Ad hoc* Drafting Group of an Amending Protocol: state of play

[[T-PVS\(2023\)06](#) - report of the 2nd meeting]

[[T-PVS\(2023\)11](#) - report of the 3rd meeting]

[[T-PVS\(2023\)12](#) – Draft report of the 4th meeting]

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

[[T-PVS\(2023\)09](#) - report of the 6th meeting]

[Strategic Plan for the Bern Convention for the period to 2030 – 9th draft]

4. IMPLEMENTATION OF THE PROGRAMME OF ACTIVITIES AND BUDGET FOR 2023

[[Calendar of meetings 2023](#)]

[[T-PVS\(2022\)19](#) - Programme of Activities and budget for 2023]

4.1. European Diploma for Protected Areas: Decisions taken by Committee of Ministers of the Council of Europe

[Decision of the Committee of Ministers [CM/Del/Dec\(2023\)1469/9.1b](#)]

5. IMPLEMENTATION OF THE CONVENTION: CASE-FILES

5.1. Open files

- 2016/5: Albania: Presumed negative impact of developments on the Vjosa river including hydro-power plant development and Vlora International Airport - **OSA**: state of play of the written procedure in view of the adoption of the recommendation

[[T-PVS/Files\(2022\)1](#) – Terms of Reference of the OSA]

[[T-PVS/Files\(2022\)67](#) – Mission report]

[[T-PVS\(2023\)08](#) - Draft Recommendation]

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

[[T-PVS/Files\(2023\)21](#) - Government Report]

[[T-PVS/Files\(2023\)22](#) - Complainant Report]

6. CONSULTATION

6.1. Possible comments on Parliamentary Assembly Recommendation 2251 (2023) – “Political strategies to prevent, prepare for, and face the consequences of natural disasters”

[[Parliamentary Assembly Recommendation 2251 \(2023\)](#)]

[[T-PVS\(2023\)15](#) – Draft comments]

6.2. Consultation on the Guiding principles for an integrated approach to culture, nature and landscape management

[L.I.N.K.E.D. – Guiding principles for an integrated approach to culture, nature and landscape management]

6.3. Emerald Network: Decision taken by Committee of Ministers of the Council of Europe

*[Decision of the Committee of Ministers [CM/Del/Dec\(2023\)1469/9.1c](#)
[Draft letter for a written procedure]
[Draft voting form]*

7. ANY OTHER BUSINESS

7.1. Consequences on biodiversity of the destruction of the Kakhovka Dam in Ukraine

7.2. Dates of the 44th Standing Committee

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, Nature Protection Department, Nature and Biodiversity Protection Directorate, Ministry of the Environment, Slovak Republic

Mr Claude ORIGER, Policy Adviser, Ministry of the Environment, Climate and Sustainable Development, Luxembourg

Mr Andreas SCHEI, Senior Advisor, Norwegian Environment Agency

SECRETARIAT

Council of Europe / Directorate of Democratic Participation F-67075 STRASBOURG CEDEX, France

Mr Mikaël POUTIERS, Secretary of the Bern Convention

Mr Marc HORY, Bern Convention Project Manager

Mr Eoghan KELLY, Bern Convention Project Officer

Ms Nadia SAPORITO, Bern Convention Junior Project Officer

Ms Georgia FILI, Administrative Assistant of the Bern Convention

Mr Michaël NGUYEN, (*incoming* Administrative Officer of the Bern Convention)