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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, 28 November - 2 December 2022

Meeting of the Bureau

15-16 September 2022
(Strasbourg)

- MEETING REPORT -

*Document prepared by
the Secretariat of the Bern Convention*

1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

The Chair of the Standing Committee to the Bern Convention, Ms Merike Linnamägi, opened the second annual meeting of the Bureau to the Bern Convention for 2022 taking place in Strasbourg for the first time since before the pandemic. She welcomed the members and thanked the Secretariat for the work in preparing the meeting and documents.

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

2. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION

2.1. Inter-Sessional Working Group on Finances: state of play

As per the request of the Intersessional Working Group on Finances expressed at its meeting on 7th February 2022, the Secretariat had circulated among Contracting Parties the draft text of the amendment of the Bern Convention (hereafter also “Convention”) establishing a financial mechanism, binding for all Contracting Parties, for comments. No comments regarding the wording of the amendment and its annex had been received.

In parallel, discussions with the GR-C had continued since the Bureau meeting in April 2022. An informal GR-C meeting had taken place on 24th May and a formal meeting on 2nd June.

The Secretariat reported on the outcomes of a survey carried out among Contracting Parties on the preferred option for amending the Convention, namely the amendment pursuant to Article 16, the amending protocol or the additional protocol.

25 Parties had participated in the survey, and the results, keeping in mind that 9 had supported more than one option, were the following:

- 15 had supported the amendment under Article 16 of the Bern Convention;
- 12 had supported the amending protocol;
- 10 had supported the additional protocol.

In the subsequent discussion, some delegations had reiterated their preferences among the choices of legal options, but had stated that they could be flexible, in a spirit of compromise. Some delegations had asked for a document presenting the advantages and disadvantages, as well as the potential consequences, of the different options available.

Furthermore, following the discussions within the GR-C to set up a Fund for the Bern Convention, on 15th June 2022, the Committee of Ministers had agreed to the establishment of a Fund for the Bern Convention in order to collect voluntary contributions. This Fund, which would be based on the existing Special Account, would aim at increasing the visibility of the Convention and its donors and attract additional contributions. The Secretariat clarified that the procedures for the provision of voluntary contributions would stay the same and that the contributions would be solely dedicated to the implementation of the programme of activities of the Convention.. The Fund would also aim at bridging the transition phase until a sustainable, institutional financial mechanism would be found. It is envisaged to officially launch the Fund on the occasion of a high-level event in the beginning of 2023.

Discussions at the GR-C on legal options to ensure the institutional and financial stability of the Convention would resume informally on 30th September and formally on 4th October. A new document presenting the advantages, disadvantages, and potential consequences of the 3 institutional options would be discussed during both meetings.

A meeting of the Intersessional Working Group on Finances was scheduled for 21st October in order to agree on what could be expected in terms of a decision from the Standing Committee.

Decision: The Bureau took note of the information and welcomed the establishment of the Fund, requesting the Standing Committee to provide clear guidance on the use of the Fund.

2.2. Voluntary contributions received in 2022: state of play

The Secretariat informed that a letter had been sent in June on behalf of the Chair reminding Contracting Parties to provide voluntary contributions for the implementation of the programme of activities for 2022. Further, it reported that 12 Contracting Parties had paid a voluntary contribution so far for 2022, amounting to approximately €167 765. In addition, voluntary contributions from three Contracting Parties were in progress, totalling approximately €82 000. Two of the voluntary contributions were earmarked for the conservation of the sturgeon, translation of key IAS policy documents and the assessment of biennial reports.

Decision: The Bureau took note of the information and thanked the Contracting Parties which had contributed up to this point.

The Bureau urged all Contracting Parties to provide (in line with [Resolution No. 9 \(2019\)](#) on the financing of the Bern Convention and on initiating the establishment of a new system for obligatory financial contributions by Parties) the suggested financial contributions for 2022 in order to guarantee the efficient operation of the Bern Convention.

2.3. 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 amounts to approximately € 411 866. 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 sponsoring of the 7th Mediterranean Conference on Marine Turtles, on-the-spot appraisal visits in the framework of the European Diploma for Protected Areas and case-files, the implementation of the pan-European Action Plan for Sturgeons and the translation of key IAS policy documents.

Decision: The Bureau took note of the information.

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

Bureau member and Chair of the Working Group on a Vision and Strategic Plan, Mr Jan Plesnik, informed the Bureau about the current state of play of the activities of the Working Group and the draft Strategic Plan. He presented the 8th draft of the Plan which reflected comments that had been made by the Working Group and the European Commission on the 7th draft through a written consultation. He highlighted that some elements of the Plan, such as the glossary and section H, as well as technical tools, such as a Monitoring and Evaluation Guide, would still need to be elaborated. Mr Plesnik therefore suggested that the 8th draft be presented to the 42nd Standing Committee for discussion and possible agreement on the targets only.

Decision: The Bureau thanked the Working Group and the consultant for their valuable contribution. The Bureau expressed its approval for the direction the 8th draft of the Strategic Plan was taking. Noting once again the tight schedule for the completion of tasks mandated to the Working Group, it requested that the 8th draft Strategic Plan be presented at the 42nd Standing Committee for discussion and possible agreement on the targets with a view to prolonging the mandate of the Working Group in 2023 to ensure the further elaboration of the draft Strategic Plan.

2.5. Rules of procedure and case-file reflection: state of play

The Secretariat recalled that it had sent out the final draft of the proposed amendments of the Rules of Procedure, and the summary of general procedures for the processing of complaints for the Standing Committee's attention before the summer break. The Secretariat also informed that one proposal arising

from the case-file reflection, namely the case-file online dashboard, was almost complete and should be launched on time for an unveiling at the 42nd Standing Committee.

Following the informal reflection meeting with the Bureau held in June this year, the Secretariat presented an updated proposal for an interim management of incoming Complaints.

Decision: The Bureau took note of the information concerning the proposed revised Rules of Procedure and the summary of general procedures for the processing of complaints, both of which would be for discussion and possible adoption/ support at the Standing Committee. It also greatly appreciated the work which had been put into the case-file dashboard, and particularly expressed its thanks to the Secretariat and the interns Ms Veronika Schick and Ms Roxane Bradaczek who had strongly contributed to the preparation of the dashboard. It noted that the dashboard would be a great resource for all Bern Convention stakeholders to quickly and efficiently explore case-file information.

The Bureau discussed the updated proposal for an interim management of incoming complaints presented by the Secretariat, but stressed the need to adjust the proposal in some of its elements and to further consider the proposed measures at its next meeting in Spring 2023.

The Bureau agreed to add a disclaimer on the webpage of the Bern Convention highlighting that, due to the high volume of complaints received and limited capacity of the Bern Convention Secretariat and Bureau, there may be a waiting period before the complaint can be processed.

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

3.1. European Diploma for Protected Areas

The Secretariat informed the Bureau that the Resolutions renewing the Diploma to seven areas had been adopted by the Committee of Ministers on 15th July 2022 and that on-the spot appraisal visits to seven areas had been either carried out or were in the planning phase.

The Secretariat further informed that the combined on-the-spot appraisal visit to Muddus and Sarek and Padjelanta National Parks was pending the agreement of the Swedish authorities who were envisaging resigning from the European Diploma.

Regarding the Diploma holding sites located in the Russian Federation and Belarus, the Secretariat reported that the Diploma could not be withdrawn for other reasons than those specified in the regulations of the European Diploma. Changing the criteria would require the Committee of Ministers to amend the regulations of the European Diploma.

Decision: The Bureau took note of the information and instructed the Secretariat to assess the feasibility of joining efforts with other Multilateral Environmental Agreements (MEAs) dealing with protected areas to promote the European Diploma for Protected Areas, to assess the opportunity to develop a communication package to be used by the Diploma holding areas and to review the webpages of the European Diploma by adding experiences of managers and focusing on the added value and benefits of the Diploma. Organising meetings of managers of the European Diploma holding sites for an exchange of experiences was also suggested for consideration.

3.2. 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 reported on the outcomes of the 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 CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds (MIKT) in the Mediterranean, which had taken place by hybrid means on 7th -9th June in Valencia, Spain, at the kind invitation of the Government of Spain.

During the joint meeting, an updated Scoreboard had been presented following last year's suggestion for a more extensive and systematic usage of comment boxes. The proposed changes would not affect the

overall score a country receives during its self-assessment, but address possible information gaps on fundraising, communication and awareness raising activities, capacity building initiatives and needs assessment, as well as on the specific indicators and targets of the Rome Strategic Plan. The updated Scoreboard would be presented at the 42nd Standing Committee.

In addition, three policy documents drafted by consultants engaged by the CMS had been discussed during the Joint Meeting and gone through a written consultation process afterwards. Draft Legislative Guidance and Draft Model Law Provisions on IKB had been developed to address Action 3.1 of the Rome Strategic Plan and included a set of legislative ideas and options, informed by best practices and comments received during and after the Joint Meeting in June 2022. Furthermore, a guidance document on a suggested methodology and common format for research into the motivations behind IKB addressed Objective 1.2b of the Rome Strategic Plan. The document provided relevant case studies as a summary of best available evidence as well as a set of standardised overview questions to support national government in their national assessment process. The final version of these three policy documents would be presented at the 42nd Standing Committee.

The Bureau was made aware of progress in the development of a format and guidance for the development and implementation of National IKB Action Plans, which was being drafted by the CMS. Should a final draft be made available in time for the Standing Committee meeting, this document would be presented at the 42nd Standing Committee. The Secretariat also informed the Bureau that the CMS Secretariat was organising a workshop on IKB Monitoring scheduled for the week after the Bureau meeting.

Finally, the Secretariat presented the results of the 7th meeting of the Group of Experts on the Conservation of Birds which had been held back-to-back with the Joint Meeting on IKB. The objective of this year's meeting had been to take stock of work done on the implementation of the Bern Convention [Recommendation No. 110 \(2004\)](#) on birds and power lines and to discuss necessary steps to promote lead shot bans to prevent the poisoning of birds. New areas of focus for the future work of the Group of Experts had also been identified.

During the meeting, WWF Austria and REVITAL had presented an Action Plan for River Birds in the planned Transboundary Biosphere Reserve Mura-Drava-Danube, elaborated with the contribution of ornithologists and nature conservation experts from five countries: Austria, Croatia, Hungary, Slovenia, and Serbia under the framework of an EU LIFE project.

Decision: The Bureau took note of the information and appreciated the efforts to develop documents that would help Contracting Parties to implement the Rome Strategic Plan. The Bureau also acknowledged the close collaboration between the CMS and Bern Convention Secretariats and thanked the CMS for the development of the three policy documents that would be presented at the Standing Committee. The Bureau also welcomed the updates to the Scoreboard that would help improve the Contracting Parties' self-assessment of the progress made in the implementation of the Rome Strategic Plan.

The Bureau appreciated the results of the 7th meeting of the Group of Experts on the Conservation of Birds and supported the topics that the Group of Experts had identified as a focus of the Group's future work. The Bureau instructed the Secretariat to present the Action Plan for River Birds in the planned Transboundary Biosphere Reserve Mura-Drava-Danube to the 42nd Standing Committee for information.

Finally, the Bureau thanked the Spanish authorities for hosting both meetings.

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

The Secretariat provided an update on the three studies initiated in 2019 (Guidance on Communication and Invasive Alien Species (IAS), Study on Alien Pathogens and Pathogens spread by IAS) and 2021 (Position paper on Invasive Alien Tree Species and Climate Change).

On the study on Alien Pathogens and Pathogens spread by IAS in Europe, the consultant had produced a new draft based on the feedback received from the Group of Experts and Secretariat. In

addition to the study, an annex had been elaborated on relevant legislation of non-EU Contracting Parties based on the replies from eight Contracting Parties to a questionnaire which had been prepared by the consultant.

The Position Paper on Invasive Alien Tree Species and Climate Change had been presented at the meeting of the Group of Experts on Climate Change and been edited to address the comments received by the Group of Experts on IAS.

The Secretariat informed the Bureau that draft Recommendations on the two documents above were ready to be presented for discussion and possible adoption at the 42nd Standing Committee.

The Bureau was informed that the consultants engaged to finalise the Guidance on Communication and IAS had produced a second draft of the document which had been sent over the summer for a written consultation with experts from the Group on IAS. A final draft and associated draft Recommendation were being produced.

Decision: The Bureau took note of the draft Recommendations on Alien Pathogens and Pathogens spread by IAS and on Invasive Alien Tree Species and Climate Change and instructed the Secretariat to present them to the 42nd Standing Committee for discussion and possible adoption.

The Bureau took note of the ongoing work in the further elaboration and finalisation of the Guidance on Communication and IAS, and supported the submission of the related draft Recommendation for discussion and possible adoption at the 42nd Standing Committee meeting.

3.4. 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.

A second meeting of the *ad hoc* Working Group, set up to assist in developing the guidance tool, had taken place on 19th May 2022. A draft Guidance Tool on the conservation of marine turtle nesting sites was being finalised for stakeholders' consultation. A second round of online consultations with local stakeholders of Cyprus, Greece, and Türkiye was scheduled between the end of September and mid-October to collect feedback on the draft Guidance Tool. The draft document would also be brought to the 42nd Standing Committee and, in 2023, to the *ad hoc* Working Group for further feedback and comments.

The Secretariat also informed the Bureau that the preparation of the 7th Mediterranean Conference on Marine Turtles was ongoing and that the financial support offered by the Bern Convention had enabled sponsorship for the participation of 7 key speakers.

Decision: The Bureau welcomed the progress made in the framework of the initiative for the conservation of marine turtles and supported the submission of the draft Guidance Tool to the 42nd Standing Committee for its information.

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

a. Group of Experts on Protected Areas and Ecological Networks, 15th June 2022

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

A consultation had been carried out among participants of the Group of Experts on the description of the Emerald Network consolidated dataflow with a deadline of 15th September 2022. Only one comment had been received. The document was supposed to remain a "living" document and to evolve along the changes of the dataflow.

Another consultation was ongoing regarding the legal framework of the Emerald Network. The deadline had been set for 14th October 2022.

The Secretariat also informed the Bureau of the consequences on the Emerald Network of the exclusion of the Russian Federation from the Council of Europe. According to the Council of Europe Directorate of Legal Advice and Public International Law, the Emerald Network candidate sites designated by the Russian Federation remain part of the Emerald Network unless and until the Standing Committee would decide to amend the regulations of the Emerald Network and to limit its implementation to a geographical scope excluding the Russian Federation.

b. Biogeographical evaluation of the list of Emerald Network sites designated by Iceland

The first biogeographical evaluation of the Emerald Network sites designated by Iceland had taken place in-person in Reykjavik from 21st to 23rd June 2022.

As Iceland is a member of the European Environment Agency, the European Topic Centre on Biological Diversity provided the expertise for the evaluation.

Due to the limited number of features covered in the 5 proposed sites, the sufficiency index reached only 1.6%. Iceland does not host many species and habitats protected by the Emerald Network and had also made many reservations at the time it ratified the convention.

This first evaluation had been extremely constructive and contributed not only to explain in depth the objectives, methodology and expected outcomes of the evaluation process but also to build confidence with the ministry.

It was also acknowledged that the Icelandic authorities had collected an incredible amount of data on species and habitats of priority for Iceland which were not yet protected by the Bern Convention.

Authorities were encouraged to propose amendments to Resolutions No. 6 (1998) and No. 4 (1996).

c. Biogeographical evaluation of the list of Emerald Network sites designated by Liechtenstein

The Secretariat informed the Bureau that the first biogeographical evaluation of the Emerald Network sites designated by Liechtenstein was scheduled in Vaduz on 24th and 25th October 2022.

As Liechtenstein is a member of the European Environment Agency, the evaluation will be carried out by the European Topic Centre on Biological Diversity.

Decision: The Bureau took note of the information. It particularly welcomed the outcomes of the biogeographical evaluation of the Emerald Network sites designated by Iceland and encouraged the authorities to propose new features to the Resolutions No. 4 (1996) and No. 6 (1998).

The Bureau also thanked the European Environment Agency and its Topic Centre on Biological Diversity for their support and expertise.

3.6. Reporting under Resolution No. 8 (2012) on conservation status of species and habitats

The Secretariat informed the Bureau that the first meeting of the Ad hoc Working Group on Reporting had taken place online on 15th June back-to-back with the Group of Experts on Protected Areas and Ecological Networks.

While the Working Group had initiated a reflection on how to create checklists for the reporting, the discussions had focused on the purpose and timeline of the reporting. In the absence of a common understanding of the reporting on the conservation status of species and habitats, a written consultation among all non-EU Contracting Parties aiming to further clarify what is expected to be achieved through the reporting and by when was ongoing until 30th September 2022.

A second meeting of the Ad hoc Working Group on Reporting was scheduled online for 18th November 2022 to discuss the results of the consultation and agree on next steps.

Decision: The Bureau took note of the information.

3.7. Pan-European Action Plan for the conservation of the Sturgeon: state of play

The Secretariat informed the Bureau that the first meeting of the National Focal Points for the Pan-European Action Plan for Sturgeons would be held in-person in Strasbourg on 5th and 6th October 2022. The meeting would aim to take stock of the state of implementation of the Action Plan adopted by the Standing Committee in 2018, assess gaps and showcase good practices.

The Secretariat further informed that an earmarked voluntary contribution had been received from the Netherlands to support the conservation of the Sturgeon.

Decision: The Bureau took note of the information and thanked the Dutch authorities for their financial support.

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

The Secretariat informed the Bureau that a virtual Expert Meeting had taken place on 20th July with representatives of Tier III countries (i.e. Belgium, France, Germany, the Netherlands, and the United Kingdom). As in 2021, a questionnaire to assess the progress in the eradication of the Ruddy Duck and the implementation of the Action Plan had been prepared by technical experts of Wildfowl & Wetlands Trust (WWT) and sent to the Focal Points of Contracting Parties. The results of the questionnaire would be presented in a progress review report at the 42nd Standing Committee.

Decision: The Bureau thanked WWT for its continuous support in providing technical expertise, took note of the information provided and welcomed the progress made by most countries. Noting the continuing challenges in eradicating the Ruddy Duck, it encouraged Contracting Parties to strengthen their eradication efforts.

3.9. 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 had taken place online on 23rd May 2022.

The Group of Experts had examined the findings of a survey on progress in the implementation of [Recommendation No. 206 \(2019\)](#) on nature-based solutions and management of protected areas in the face of climate change.

The Group of Experts had also identified priorities of work and decided to revise its mandate along these priorities. The Group of Experts believed that its added value was the geographical scope of the Convention and its connection with other scientific/technical groups under the Convention. The Group of Experts stressed the importance of continuing to focus on protected areas.

Decision: The Bureau took note of the information provided and invited to the Standing Committee to examine and, if relevant, endorse the revised mandate of the Group of Experts on Biodiversity and Climate Change.

3.10. Conservation of large carnivores

The Secretariat recalled that the Bern Convention had sponsored an expert conference on the lynx in Bonn in 2019 which had resulted in Recommendation 204 (2019) on the Conservation of the Eurasian lynx (*Lynx lynx*) in Continental Europe. As a follow-up to this, the IUCN Cat Specialist Group was now planning a follow-up expert meeting to further advance the concepts, cooperation and coordination of lynx conservation, and in particular of the Carpathian lynx in west-central Europe. The next meeting would take place in May 2023 in the Harz Mountains in Germany, and the organisers had again requested Bern Convention financial support for this initiative.

The Secretariat 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, had developed a draft

Range-Wide Conservation Strategy for the Persian Leopard. A first Range State Meeting would take place on 20th – 22nd September 2022 in Georgia during which the draft Strategy would be reviewed.

Decision: The Bureau welcomed the news that another expert meeting on the conservation of the lynx was being organised in 2023, and it recommended that the 42nd Standing Committee consider agreeing to add a lump sum to the Programme of Activities of 2023 towards this activity (see point 4.2). It also called on Contracting Parties to offer a voluntary contribution for this activity.

The Bureau took note of the draft CMS Range-Wide Conservation Strategy for the Persian Leopard and supported the submission of the draft Strategy to the 42nd Standing Committee for its information.

4. 42ND STANDING COMMITTEE MEETING

4.1 Draft Agenda

The Secretariat presented a preliminary draft agenda for the 42nd Standing Committee.

The Bureau discussed the format of the 42nd Standing Committee. In light of the lessons learned from the pandemic experience, the resulting new working methods and the continuing uncertainty regarding the evolution of COVID-19, the Bureau agreed that the 42nd Standing Committee would exceptionally be held in a hybrid format in Strasbourg, despite the increased complexity and increased costs, allowing in-person and online participation. The hybrid format was also meant to accommodate those participants who were planning to travel to the CBD meetings on the new Global Framework for Biodiversity in Montréal, Canada, including OEWG-5, which will open the day after the Standing Committee, followed by COP15.

Taking into account the heavy meeting agenda and the constraints of a hybrid process, the Bureau also agreed that the meeting should be extended to four and a half days, as done the previous two years, thus beginning already on Monday afternoon, 28th November 2022.

The Secretariat further informed the Bureau that, following the decisions taken by the Ministers' Deputies at their 1429th meeting on 17th March 2022 on the relations between the Council of Europe and Belarus on account of the active participation of Belarus in the aggression of the Russian Federation against Ukraine, the Rapporteur Group on Legal Cooperation of the Committee of Ministers, the so-called GR-J, would be examining at its meeting on 28th September 2022 draft decisions on the modalities for the participation of Belarus in open conventions, similar to the decisions adopted by the Deputies at their 1438th meeting on 30th June 2022 relating to the participation of the Russian Federation in open conventions, inviting each body representing all the Parties of treaties to which Belarus is a party, to decide, on the basis of its rules of procedure, on the modalities of participation of Belarus in the respective body. Depending on the outcome of the GR-J discussions and a possible adoption of the draft decisions by the Committee of Ministers on 5th October 2022, Contracting Parties to the Bern Convention would be asked to follow up on the Committee of Ministers' invitation to decide, on the basis of the Standing Committee's Rules of Procedure, on possible restrictions/limitations to the modalities of participation of Belarus in the Standing Committee of the Bern Convention.

Decision: The Bureau approved the preliminary draft agenda for the 42nd Standing Committee. The Bureau decided that the 42nd meeting of the Standing Committee will be held in a hybrid format in Strasbourg and begin on Monday afternoon, 28th November 2022.

The Bureau took note of the information of on-going discussions within the GR-J concerning the modalities for the participation of Belarus in open conventions. It was of the opinion that the continuing effective functioning of the Standing Committee, in particular in view of the functions entrusted to it, does not require a change in the modalities of participation of Belarus in the Standing Committee.

a. Programme of Activities 2023

The Secretariat presented a revised draft Programme of Activities and budget for 2023. It included some additions, notably funding for a launch event of the Fund, an assessment of biennial reports, a case-file study/compendium of good practices and an expert meeting on the conservation of the lynx.

Further, the Secretariat presented a document reflecting the pros and cons of holding the Committee meeting only every two years, highlighting mitigation measures and/or other options in case of drawbacks. The document had been prepared as a follow-up to the request of the 41st Standing Committee asking the Secretariat in consultation with the Bureau to further elaborate the reflection, and to make an assessment on how the case-file management system could be managed efficiently.

Decision: The Bureau approved the revised draft Programme of Activities and budget for 2023.

The Bureau supported the submission of the document reflecting on possible biennial Standing Committee meetings to the 42nd Standing Committee for information.

5. COMMUNICATION STRATEGY AND VISIBILITY OF THE CONVENTION

The Secretariat recalled that the standard communication activities remain on hold due to an ongoing review of the Council of Europe into the externalisation of communications.

However, as mentioned at the last meeting, a photo exhibition organised in cooperation with the Irish Presidency of the Council of Europe was going ahead and would be launched on 11th October, most likely by the President of Ireland Michael D Higgins. It was being organised on the 40th anniversary of Ireland ratifying the Bern Convention, and the exhibition, entitled “Conserving our Heartland” would focus on the Burren area in Ireland, which is also an EDPA site. This area of karst limestone is known for its farming practices over thousands of years, and in recent years the Burren Programme has incentivised farmers to contribute to biodiversity conservation in their farming activities.

Decision: The Bureau welcomed the co-organisation of the exhibition “Conserving our Heartland” within the framework of the Irish Presidency of the Council of Europe, and in particular the information that the President of Ireland Michael D Higgins would likely be in attendance to launch the exhibition. The high-level nature of this event, organised during the Parliamentary Assembly of the Council of Europe, should be a good visibility opportunity for the Convention. It also requested the Secretariat to consider the feasibility of re-using the exhibition, possibly in a digital format. Finally, the Bureau invited the Irish representative at the 42nd Standing Committee to report on the event during the beginning of the meeting.

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

a. Biennial reporting and Online Reporting System (ORS)

The Secretariat recalled that a reminder had been sent to countries to fulfil their reporting obligations for the period 2020/2021 and any older unfinished reports- unfortunately the reporting rate remained low. The Secretariat was planning on reaching out bilaterally to some of the countries which are not regularly reporting to find out if there is a particular reason why. An evaluation of the feasibility of assessing biennial reports was also being considered still for this year, but due to the limited time and capacities, it was not certain that this activity could be carried out in 2022.

The development of the new ORS by the UNEP World Conservation Monitoring Centre (WCMC) is in the user feedback phase; the Secretariat had already provided feedback, and two focal points users had also kindly agreed to participate in a feedback interview. The new ORS was expected in 2024, and the vision of WCMC towards this project was encouraging.

Decision: The Bureau took note of the information.

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

Following the renewed request from Switzerland to downlist the wolf from Appendix II to Appendix III of the Bern Convention, the Secretariat had entrusted the IUCN Large Carnivore Initiative for Europe (LCIE) with carrying out a pan-European assessment of the conservation status of the wolf. The assessment not only considered data delivered by Contracting Parties within the frame of the reporting

under Article 17 of the Habitats Directive and Resolution No. 8 (2012) of the Standing Committee but also data provided by national experts. The aim of the document was to inform the discussions at the 42nd Standing Committee.

Decision: The Bureau welcomed the assessment prepared by the LCIE and invited the Chair of the LCIE to present the findings of the assessment to the 42nd Standing Committee.

7. IMPLEMENTATION OF THE CONVENTION: CASE-FILES

The Bureau took note of the information of the Secretariat that it regularly receives case-file reports from parties which do not comply with the guidelines which are included in the request letters. Some reports exceed the 5 pages limit, contain heavy media (e.g. photos), or are sent in PDF format making it difficult or impossible for the Secretariat to put them in a standard Bern Convention format. Furthermore, report content is sometimes too technical or imprecise, and not concisely responding to the information request of the Bureau or Standing Committee.

Decision: The Bureau took note of the issues that the Secretariat was having with the processing of case-file reports which was adding to the administrative burden. It also acknowledged that different institutions may have different internal regulations in terms of the preparation and publishing of reports potentially signed by high-level personnel (e.g. the requirement to send a report in PDF). The Bureau recalled that case-file reports should contain a summary of the information requested by the Bureau, and be concise as possible. Annexes and links could be used to direct the reader to more detailed and technical information and/or heavy media.

Taking account of all of the above, the Bureau encouraged all case-file parties in so far as their capacities and internal policies would allow, to respect the following guidelines when sending reports:

- Reports should be sent in text editor format such as WORD format;
- Reports should not exceed 5 pages;
- Report content should be as concise as possible;
- Reports should not exceed 2 MB in size;
- If photos are included, their quality should be reduced to respect the above criteria;
- Annexes and links to other resources or online Drive/Cloud folders are encouraged for longer, more detailed/technical information, and/or heavy media.

a. Open files

➤ 1995/6: Cyprus: Akamas peninsula

The Bureau thanked both parties for the update reports.

The Bureau welcomed the signing of the Memorandum of Understanding between the Department of Fisheries and Marine Research and the complainant to recruit and train volunteers to patrol the area, and hoped that patrolling volunteers could collaborate with relevant enforcing authorities to impose fines on illegal activities. The Bureau took note of the information provided by the complainant that the EU had closed the infringement case against Cyprus over Limni bay.

The Bureau took note of the concerns of the complainant that the government had achieved little progress on some of the 13 points of Recommendation No. 191 (2016). The Bureau expressed its concerns regarding the possible construction of golf courses. The Bureau requested the authorities to provide clear updates concerning the project on the improvement of the road network, the proposed expansion and creation of quarries in Akamas and the existing management rules in Akamas and Limni. Further, more information was requested concerning the authorisation to build golf courses in Limni.

The Bureau also asked the complainant to inform whether it considered that some points of Recommendation No. 191 (2016) had been fulfilled.

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 cases.

The file remains **open** and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of Recommendation No. 191 (2016).

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

The Bureau thanked the authorities of Bulgaria for the update report but noted the lack of a report from the complainant.

The Bureau took note of information provided by the authorities on progress in implementing Recommendation 200 (2018) including project activities under point 3 of the Recommendation, availability of public information online, and various positive steps taken under action plans for species including the Red-breasted Goose. The Bureau welcomed some of the progress and noted that it was difficult to have an in-depth discussion without a complainant report.

The Bureau, noting the length of time that the complaint had been on the agenda of the Standing Committee and acknowledging the progress and willingness of the governmental authorities to implement the Recommendation, recommended that the 42nd Standing Committee discuss and take a decision on the future of this case. Two possible options could be to keep the file open and maintain the annual reporting, or to close the file with the option of still following up progress on Recommendation 200 (2018) annually or biennially.

The file remains **open**, and both parties were invited to present updates to the 42nd Standing Committee, and the complainant was urged to provide a report for that meeting including rationale for why the case should remain open.

➤ 2012/09: Türkiye: Presumed degradation of nesting beaches in Fethiye and Patara SPAs

The Bureau thanked both parties for the updated reports.

The Bureau welcomed the improvements in the management and enforcement of regulations in Fethiye and the new legislation prohibiting entrance to the beach from 8pm to sunrise, but expressed its concern on the construction of summer houses in Patara. The government was asked to report on mitigation measures that would be implemented to minimise the potential negative effects related to these houses.

The Bureau further stressed the importance of raising awareness of existing regulations among tourists.

The Bureau noted that some of the elements requested in previous Bureau decision were lacking and renewed its requests to the Ministry to share more details on their plan for enforcement of the judicial decision regulating land registry records, indicating a timeline for restoration. It further requested that the next Government report should include an action plan for implementation and enforcement 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.

The Bureau asked the authorities to keep the Bureau updated on the elaboration of site-specific conservation management plans and clarify whether this concerns only Fethiye.

Concerning the zoning in Patara, the Bureau encouraged the complainant and national authorities to exchange information and data in order to address the information gap reported by the complainant.

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 cases.

The file remains **open** and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of Recommendations No. 182 and 183.

The Bureau decided to recommend 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

The Bureau thanked both parties for the comprehensive and structured reports on progress to achieving the objectives of Recommendation 211 (2021).

It welcomed the generally good progress highlighted in the government report and their apparent willingness to follow the Recommendation, and it called for even more urgent action as regards some of the most critical aspects: cancelling small hydropower plant concessions, Balkan lynx, National Park funding, cross-border collaboration, and continuing cooperation with civil society.

On this last point, the Bureau noted that the complainant had not referred to several of the activities highlighted by the government, and had reported on other aspects which the government had not, and so the Bureau wondered if this meant that there was not a good communication between both parties- it asked for clarification.

In response to the government request to modify the recommendation until an on-site appraisal has been made, the Bureau recalled that it is not the practice of the Standing Committee to alter Recommendations without a strong reasoning. It further recalled the lengthy discussions at the 41st Standing Committee and decision not to recommend a further on-site visit.

The Bureau, while acknowledging that some of the aspects of Recommendation 211 (2021) relate also to the open case-file of Lake Ohrid and Galichica National Park, asked that the government of North Macedonia send two distinct reports for these two case-files in the future.

The Bureau appreciated the efforts of the government to implementing the Recommendation and decided to recommend to the Standing Committee to reduce the file to an annual monitoring.

The file remains **open** and both parties would be invited to present progress in the implementation of Recommendation 211 (2021) as well as any other relevant updates on the case at the 42nd Standing Committee.

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

The Bureau thanked the complainant for the update report and noted that the report of the government concerning progress towards Recommendation 211 (2021) was also intended for this discussion. The Bureau remarked that while the Recommendation concerned this case-file in several aspects, the government was still not providing detailed information on the many issues raised by the complainant in their last reports. It asked that the government of North Macedonia send two distinct reports for the two separate case-files in the future.

The Bureau continued to be deeply concerned by the multiple allegations of the complainant and the seemingly worsening situation, with almost no positive steps, except for the St. Naum Springs project which the Bureau welcomed.

The Bureau reminded the government that this case-file had been opened at the previous Standing Committee which constituted a serious situation, and it again urged the authorities to follow the UNESCO recommendations and previous Bern Convention Standing Committee decisions, 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 fact that the areas related to candidate Emerald Network sites furthered the gravity of the case.

Concerning the OSA, despite the government reiterating their support for this in their report, the Bureau was strongly concerned at the slow response to the repeated attempts at cooperation from the Secretariat, and that the timeframe to undertake the OSA ahead of the Standing Committee was growing very short. It urged the authorities to comply with the Standing Committee decision to have the OSA this year, and stressed again to the government that such a process aims to help all parties find solutions to the problems.

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. It requested an update report for the 42nd Standing Committee which responds to the many issues highlighted in the last complainant reports. The file stays **open**.

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

The Bureau congratulated both parties and the mission team consisting of the three conventions (Bern Convention, AEWa and CMS) on the successful joint-on-the-spot appraisal, the first on-site visit within the case-file procedure since 2018 due to the pandemic.

In particular, the Bureau thanked the representatives of the Ministry of Tourism and Environment and representatives of the two complainant NGOs, Ecoalbania and PPNEA for their willingness to cooperate before and during the mission.

The Bureau took note that several meetings had been held with representatives of governmental authorities at national, regional and municipal level, with civil society, with the airport construction developers, and with the EU delegation in Albania. Several field and site visits had also allowed for a good overview of the location of the airport, protected areas and their surroundings. The expert was awaiting some final written information from the parties, and then would submit the draft report and draft recommendations on time for the 42nd Standing Committee.

The Bureau encouraged both parties to continue cooperating with the secretariats while the report is being finalised, and also invited them to orally present their general feedback to the mission during the 42nd Standing Committee, as well as to submit a report on feedback or any relevant updates of the case if they so wished. The file stays **open**.

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

The Bureau thanked both parties for the update reports, and noted that it was particularly useful that the complainant had used a table to report directly on each point of Recommendation 201 (2018) as requested.

The Bureau again took note of the remark of the complainant that the ongoing political instability in the Montenegrin government was a factor in the lack of progress, however it did welcome some developments mentioned in the governmental report, such as the monitoring and surveys at Tara River, remediation for environmental damage at the site of Bar-Bolare highway, and cooperation with Albania. Concerning the Spatial Plan for Skadar Lake, the Bureau asked if there was a timeline for this.

The Bureau appreciated the progress, stressed again the importance of protecting these Emerald Network and possibly future Natura 2000 sites, and it reiterated the decision of the Standing Committee for the parties to continue improving multi-stakeholder cooperation, to abandon totally SLS Mihalovici, develop a new spatial plan and management plan, and enforce/monitor existing legislation on the ground.

The Bureau decided to recommend to the Standing Committee to reduce the file to an annual monitoring, and it looked forward to seeing the presentations of both parties at the Standing Committee. The file stays **open**.

➤ 2010/05: Greece: threats to marine turtles in Thines Kiparissias

The Bureau thanked both parties for the update reports.

The Bureau noted the complainant's preoccupation concerning the erosion in Kalo Nero and urged the authorities to respond with targeted measures. The National authorities were also requested to update the Standing Committee on the progress in the development of a Management Plan for Thines Kiparissias and to provide more information concerning the Bill introduced to Parliament in 2022, including related deadlines.

The Bureau further requested that the national authorities clarify when the environmental study on the restoration of sand dunes was expected to be completed by the offender.

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 cases.

The file remains **open** and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of Recommendation No. 174 (2014).

➤ 1986/08: Greece: Recommendation No. 9 (1987) on the protection of Caretta Caretta in Laganas bay, Zakynthos

The Bureau thanked both parties for the progress reports. The Bureau took note of the complainant's request for an on-the-spot appraisal (OSA) to update Recommendation No.9 (1987).

The Bureau welcome that beach wardens' presence on the nesting beaches had been increased. The Bureau appreciated the efforts of the national authorities to intensify their enforcement and encouraged them to continue coordinating with local authorities to identify illegal facilities that have to be demolished and areas that need to be restored. The Bureau welcomed the information that funding for the restoration of the illegal landfill site in the area of Skopos had been secured and that a report on the implementation of measures imposed to offenders was underway. The Bureau requested the authorities to submit a summary of this report when available.

The Bureau noted with concern that illegal buildings still remain in place, that the fine for illegal activities had been reduced to €10,000 and that the maximum horsepower allowed for private hire boats made by the Port of Zakynthos had been increased from 10hp to 30hp. The authorities were requested to keep the Bureau updated on enforcement efforts and on the Presidential Decree concerning the qualification and classification of the entirety of Laganas Bay.

The national authorities were also requested to provide more information concerning the Bill introduced to Parliament in 2022.

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 cases.

The file remains **open** and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of Recommendation No. 9 (1987).

b. Possible files

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

The Bureau thanked the parties for their joint report and welcomed the gradual progress in implementation of Recommendation no.212 (2021). Most notably, it welcomed finalisation of the

tasks of the 1st working group on the site-specific conservation objectives. It also took note however that the Group believed further improvements were needed.

The Bureau also hoped that the tasks of the 2nd and 3rd Working Groups on Environmental Impact Assessment/Appropriate Assessment (EIA/AA) revision and road safety and needs of local communities could begin without further delay following the principles of Recommendation no.212 (2021). It also encouraged continued monitoring particularly of the mitigation measures of the road.

Noting the new government in place in Bulgaria, the Bureau hoped that the good cooperation between both parties would continue in the implementation of Recommendation no.212 (2021), and that the parties could continue sending joint-reports, which was an unprecedented and most welcome step in the history of the case-file system.

The Bureau looked forward to seeing the presentations of both parties at the Standing Committee. The file stays **possible**.

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

The Bureau thanked both parties for the updated reports.

The Bureau welcomed the information that the geothermal energy exploration permit close to the Anamur Turtle Nesting area had not been granted. The Bureau took note of the complainant's request to mandate an on-the-spot-appraisal.

The Bureau noted with concern that construction permits had been issued for the phase I of a large scale coastal development and that their impact on nesting sites would only be visible in the long-term (beach erosion, vegetation, sand dunes morphology). The Bureau urged the Turkish authorities to halt phase II of the coastal development project.

The complainant was encouraged to share with the authorities any data available concerning the presence of Soft-Shell Nile Turtles nests on the banks of the Dragon rivulet, so that the government could assess a potential destruction of the habitat.

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.

Despite the positive steps undertaken by the national authorities, the Bureau considered the situation to be alarming and decided to recommend to the 42nd Standing Committee to open the file.

The file remains **possible** and both parties were invited to make a brief presentation at the 42nd Standing Committee meeting, focusing on the issues above.

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

The Bureau took note of the information of the Secretariat concerning the on-the-spot appraisal mandated by the 41st Standing Committee. The visit had been initially confirmed for June, but the governmental authorities had regrettably postponed it at short notice. September had instead been proposed, but the dates declined. Finally, 18th -20th October had been confirmed, a timeframe which would lead to very tight deadlines ahead of the 42nd Standing Committee in terms of finalising the mission report and draft Recommendation.

The Bureau encouraged the authorities to fully cooperate with the Secretariat in the planning of the mission, and in particular to ensure that the independent expert is able to meet with as many of the concerned stakeholders, at both governmental and civil society level, as would be reasonable during

the short time frame, and to coordinate and ensure logistical aspects such as internal transportation and interpretation if required.

The Bureau also took note of the information that the Energy Community Treaty which has a parallel process ongoing was also closely following this case.

The Bureau looked forward to hearing about the results of the mission at the 42nd Standing Committee, and also requested that both parties submit reports in time for that meeting, on relevant updates of the case, and feedback to the mission if possible. The file stays **possible**.

c. Complaints on stand-by

- 2016/06: Serbia: Presumed risk of national extinction of Great Bustards

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

The Bureau welcomed that the management plan for “The pastures of Great Bustard” for the period 2021-2030 had been adopted and that funds for its implementation secured. The Bureau stressed the important steps taken to implement suitable mowing regime and investing in capacity-building for artificially hatching eggs.

The Bureau encouraged the national authorities to continue monitoring the population and hatching success.

Being confident that the efforts for the protection of the Great Bustards in Serbia would continue, acknowledging that measures are being taken to protect the areas and the birds and given that no further concerns had been expressed by the complainant, the Bureau **decided to dismiss the case**.

The authorities were, however, asked to present on the progress in conserving the Great Bustard at the meeting of the Group of Experts on the Conservation of Birds in 2024.

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

The Bureau thanked both parties for cooperating during the online advisory mission held on 5th-6th May. It was informed that the mission report and draft Recommendation were in the final stages of elaboration and would be published ahead of the 42nd Standing Committee for possible adoption. The Bureau in particular took note of the information of the Secretariat that both parties were being very constructive and informative during the process, and it commended this approach, reminding that this is the aim of the process: to have a collective dialogue and reach agreeable solutions for all parties.

The Bureau looked forward to reading the report and draft Recommendation at the 42nd Standing Committee and invited both parties to provide oral (and written if so desired) feedback of the mission, as well as on any relevant updates of the case.

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

Due to the ongoing instability and difficulty to obtain information from the case-file parties due to the Russian Federation's ongoing aggression against Ukraine, the Bureau postponed discussion on Ukrainian case-files. It instructed the Secretariat to explore the feasibility of addressing some of the case-files at the next Spring meeting, if contact would be possible with the focal point of Ukraine and the complainants, and if those parties would have the capacities to resume case-file discussions.

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

The Bureau thanked the Turkish authorities for their timely reporting but noted the lack of a report from the complainant.

The Bureau renewed its regret that the construction continued. The Bureau requested the Turkish authorities to clarify on when the facility is expected to become operational.

The authorities were further asked to inform the Bureau of the current status of implementation of mitigation measures and provide updates on the monitoring of the various drivers (water and sand temperatures, morphology of the beach, beach erosion, light pollution, soil and air pollution) potentially affecting marine turtles.

The Secretariat was instructed to liaise with the secretariats of the Ramsar and Barcelona Convention to request any relevant information.

Both parties were requested to report to the Bureau at its meeting in Autumn 2023. The file remains on **stand-by**.

- 2021/2: Norway: Alleged threat to birds and protected sites due to the proposed construction of windfarms

The Bureau thanked the Norwegian authorities for their accurate reporting but noted the lack of a report from the complainant.

The Bureau welcomed the development of a new updated knowledge base for wind power plants and avian fauna from the Norwegian Water Resources and Energy Directorate, and encouraged the Norwegian authorities to share their know-how with interested Contracting Parties. The Bureau further positively noted the new licensing procedures which appeared to be more strict and take bird mortality more into account.

The Bureau requested the Norwegian authorities to provide further updates on the NGOs' appeal against the approval of the Haram Wind Power Plant monitoring program.

The authorities were also encouraged to, if possible, share preliminary findings of the monitoring program at the next Bureau meeting. Data on bird migration was also requested, if available.

The Bureau suggested that the parties submit a joint report for the Bureau meeting in Spring 2024. The complaint remains **on stand-by**.

d. Other complaints

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

The Bureau thanked both parties for their timely progress reports.

It took note of the information of the governmental authorities of Georgia that the translation into English of the Environmental Impact Assessment (EIA) related to the hydropower projects was underway and would be shared once finalised. It also noted the official confirmation that the development of the hydropower project is temporarily suspended and negotiations ongoing with parties: the Bureau welcomed this step which respected the ongoing national and Bern Convention procedures.

It welcomed the information that a long-term Energy Policy Document is in development phase and asked if there is an expected timeline. It also noted that the court case concerning the annulment of the Environmental Declaration is underway but has not yet been discussed in substance. It also welcomed the news that Georgia has submitted a focal point for the PANEUAP.

The Bureau also took note of the information of the complainant that a recent field trip had discovered that, while the construction company had withdrawn from the project, it had not conducted any conservation and/or restoration works, and that there were risks of flooding and landslides. Assessments of the negative impacts on environment due to mass logging and vegetation cutting has also not happened. The Bureau requested that the government respond to this issue.

The Bureau decided to keep this complaint on **stand-by** while awaiting further information such as the translated EIA and mitigation measures, updates on whether the development will be permanently cancelled, and the court case regarding annulment of the Environmental Declaration. It requested progress reports from both parties for the Bureau meeting in one year's time, but could consider this case earlier if information arrives to the Secretariat that development of the hydropower plants has resumed.

e. New complaints

- 2022/01: Serbia: Alleged habitat destruction in the area of Novi Sad due to proposed infrastructure constructions

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

The Bureau noted that the authorities' response failed to address specific concerns and requested the authorities to share relevant information related to the potential impact on relevant species of the proposed infrastructures.

The Bureau requested the authorities to inform the Bureau of the foreseen timeline for construction of both infrastructures and share more details on the mitigation measures identified by the Strategic Environmental Impact assessment report for the construction of the bridge-bypass around Novi Sad and associated access roads. If available, authorities were asked to share a map indicating the area impacted by the two proposed infrastructures and if relevant alternative locations assessed.

The complainant was encouraged to collaborate with the Institute for Nature Protection by sharing the georeferenced data for each individual entry of important species, as required following the NGO petition.

As well as the specific information requested above, the Bureau asked both parties to provide further update reports for its meeting in Spring 2023. The reports should be concise and summarise the relevant information in line with the Bureau decision under point 7. The complaint is considered on **stand-by**.

- 2022/03: Norway: Wolf Culling Policy in Norway

The Bureau acknowledged the new complaint received as well as the timely response from the authorities of Norway.

The Bureau noted that the wolf is considered an endangered and vulnerable species, protected under Appendix II of the Convention and that the Norwegian population is considered to be critically endangered, while the Swedish population was recently uplisted from vulnerable to endangered. The Bureau further took note of the poor genetic variation in the Southern Scandinavian wolf population.

The Bureau requested more information in order to assess the case file. In particular, the national authorities were requested to share population figures of the Southern Scandinavian wolves, population variability analysis and data concerning predation in comparison to other threats to livestock and domesticated reindeers, clarifying when damage is considered serious. The authorities were also asked to clarify which other alternative solutions to the culling policy inside and outside the wolf zone had been evaluated, and to inform the Bureau of the measures in place to compensate loss of livestock and to address public health and safety. The Bureau also asked the authorities to clarify why introducing genetically different wolves was not considered feasible.

Given the transboundary nature of the population, the Bureau stressed the importance of applying IUCN common management practices and encouraged the Norwegian authorities to cooperate with the Swedish authorities for the wolf management.

The Bureau took note of the information that internal court proceedings were ongoing and asked both parties to keep the Bureau updated.

The complainants were asked to submit one coordinated progress report with any additional data they deem relevant.

Both parties were invited to submit updated reports for the Bureau meeting in Spring 2023.

The status of the complaint remains **new** until the Bureau meeting in Spring 2023.

- 2022/04: Montenegro: Hydropower plant development on Emerald Network site Komarnica (ME000000P)

The Bureau acknowledged the new complaint received and thanked the government for its response. The Bureau was concerned that the government had included this hydropower plant as a priority within its National Energy Development Strategy, despite the site having been a candidate Emerald Network site since 2005, and thus a prospective Natura 2000 site.

It requested that the government respond to the allegation of the complainant that data used for the Environmental Impact Assessment (EIA) had been 30 years old, and it asked that the government provide the EIA.

The Bureau was particularly concerned about the devastation the project could have on the Emerald Network site and on the endemic species; it asked if alternative locations had been considered.

The Bureau also instructed the Secretariat to liaise with the UNESCO Secretariat for any relevant information on this case.

The Bureau decided to keep this complaint as **new** until its next meeting in Spring 2023, when it requested that both parties provide updated information including on the queries mentioned above.

- 2022/05: Poland: Fence Construction on the Polish-Belarusian Border

The Bureau acknowledged the new complaint received and thanked the Polish government for its response.

The Bureau **decided to dismiss the case** acknowledging that the information presented by the Polish authorities had confirmed that there is no significant negative impact on the populations of the species protected under the Bern Convention.

It requested the Polish authorities to ensure an on-going monitoring of the environmental impact of the fence.

f. Follow-up of previous recommendations and case-files

- Closed file No. 2011/4: Threat to the Mediterranean monk seal (*Monachus monachus*) in Türkiye

<p>The Bureau took note of the report received from the Turkish authorities and asked the authorities to submit the report to the 42nd Standing Committee for its consideration. The Standing Committee could consider closing the monitoring of this case-file.</p>

8. ANY OTHER BUSINESS

The Secretariat informed the Bureau that it had been invited to participate in the 2022 International Conference of the Infrastructure & Ecology Network Europe (IENE), to present the Bern Convention perspective on how infrastructure and biodiversity can co-exist in a sustainable way, using relevant case-files as examples. The Bureau welcomed the participation of the Secretariat in this event, hoping that it could provide sharing of best practices and expertise in this domain.

The Bureau took note of the information of the Secretariat concerning the ongoing process at EU level of revising several directives with regard to the security of electricity supply “REPowerEU”. This process could potentially have implications for the Emerald Network, if revised legislation would weaken the safeguarding of protected areas through appropriate assessments such as Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA). The Bureau would follow the process and consider if the Bern Convention should be concerned.

The Secretariat further informed the Bureau that the Council of Europe’s programme areas of Culture, Nature, Heritage and Disaster Risk Reduction were in the process of being evaluated by an external evaluator. The purpose of the evaluation is to evaluate the degree to which the Council of Europe effectively and sustainably achieves its objectives in relation to this field in order to provide information for decision makers in respect of future interventions. As part of this evaluation process a survey would be implemented among relevant stakeholders of the Bern Convention.

The Bureau took note that it was the last Bureau meeting of the Bureau member Mr Jan Plesnik as he had reached his fourth consecutive year as member of the Bureau. The Bureau and Secretariat thanked Mr Plesnik for his great commitment and dedication to the work of the Bureau over many years.

The Bureau agreed on 29-30 March 2023 as tentative dates for the Spring Bureau meeting, to be held online.

Appendix I - Agenda

1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

[T-PVS(2022)05- Report of April Bureau meeting]

2. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION

2.1. Inter-Sessional Working Group on Finances: state of play

*[T-PVS(2022)01 - Report of 5th meeting]
[T-PVS(2022)02 - Proposal for Article 14 bis amending the Bern Convention and its draft Annex]
[GR-C(2022)10 – Concept note on the creation of a Fund for the Bern Convention]*

2.2. Voluntary contributions received in 2022: state of play

[T-PVS/Inf(2022)13 - Table of voluntary contributions received]

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

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

*[T-PVS(2022)10– Report of 5th meeting]
[8th draft of the Strategic Plan]*

2.5. Rules of procedure and case-file reflection: state of play

*[T-PVS/Inf(2022)29 -Proposed amendments to the Rules of Procedure of the Standing Committee]
[T-PVS/Inf(2022)30 -Explanatory table - Proposed amendments to the Rules of Procedure of the Standing Committee]
[T-PVS/Inf(2022)27 - Case-file reflection - Draft summary of general procedures for the processing of complaints]*

3. 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]*

3.1. European Diploma for Protected Areas

[T-PVS/DE(2022)01 – List of the 2022 on-the-spot appraisal visits]

3.2. 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)

*[T-PVS(2022)11 - Report of 4th joint IKB/MIKT meeting]
[T-PVS/Inf(2022)21rev - Instructions for additional narrative text to support Scoreboard submissions]
[T-PVS/Inf(2022)18rev2 – Draft Legislative Guidance relating to IKB]
[T-PVS/Inf(2022)19rev2 - Draft Model law provisions on IKB]
[T-PVS/Inf(2022)20rev - Draft Methodology, guidance and common format for research into the motivations behind IKB]
[T-PVS/Inf(2022)23 – Draft Guidance for the Development and Implementation of National Action Plans Against IKB]
[T-PVS(2022)12 - Report of 7th meeting of the GoE]
[T-PVS/Inf(2022)31 - Action Plan for river birds in the five-country Biosphere Reserve “Mura-Drava-Danube”]*

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

*[T-PVS/Inf(2022)35 - Guidance on communication and IAS]
[T-PVS(2022)15 - Draft Recommendation on communication and IAS]
[T-PVS/Inf(2022)40 - Report on alien pathogens and pathogens spread by IAS]
[T-PVS(2022)16 - Draft Recommendation on alien pathogens and pathogens spread by IAS]
[T-PVS/Inf(2022)41 - Analysis of replies to questionnaire on non-EU Contracting Parties legislation on wildlife pathogens]
[T-PVS/Inf(2022)39 - Position paper on Invasive Alien Tree Species and Climate Change]
T-PVS(2022)17 - Draft Recommendation on Invasive Alien Tree Species and Climate Change]*

3.4. Amphibians and reptiles: marine turtles conservation

*[T-PVS(2022)14 - Report of 2nd meeting of the ad hoc WG for the conservation of marine turtles]
[T-PVS/Inf(2022)42 – Draft guidance tool - marine turtles initiative]*

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

a. Group of Experts on Protected Areas and Ecological Networks, 15th June 2022

[T-PVS/PA(2022)07 - Meeting report of the GoE on Protected Areas and Ecological Networks]

b. Biogeographical evaluation of the list of Emerald Network sites designated by Iceland

[Conclusions of the evaluation]

c. Biogeographical evaluation of the list of Emerald Network sites designated by Liechtenstein

[T-PVS/Agenda(2022)23 - Draft agenda]

3.6. Reporting under Resolution No. 8 (2012) on conservation status of species and habitats

[T-PVS/PA(2022)08 - Meeting report of the ad hoc WG on Reporting]

3.7. Pan-European Action Plan for the conservation of the Sturgeon: state of play

[T-PVS/Agenda(2022)22 – Draft agenda]

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

[T-PVS(2022)18 - Report of Expert Meeting]

3.9. Biodiversity and Climate Change: state of play

*[T-PVS(2022)13 – Meeting report of the GoE on Biodiversity and Climate Change]
[T-PVS(2022)09 – Draft revised Terms of Reference of the GoE on Biodiversity and Climate Change]*

3.10. Conservation of large carnivores

*[Background Information on the Development of a Range-Wide Conservation Strategy for the Persian Leopard]
[Overview Report on the Conservation Status of the Persian Leopard].
[Draft Strategy]*

4. 42ND STANDING COMMITTEE MEETING

4.1. Draft Agenda

[T-PVS/Agenda(2022)20]

4.2. Programme of Activities 2023

*[T-PVS(2022)19 – Programme of activities and budget for 2023]
[T-PVS/Inf(2022)44 - Paper on pros and cons of biennial StC meeting]*

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

[T-PVS/Inf(2022)45 – Pan-European assessment of the conservation status of the wolf]

7. IMPLEMENTATION OF THE CONVENTION: CASE-FILES

[T-PVS/Notes(2022)4 – Summary of open and possible case files]

[T-PVS/Notes(2022)5– Summary of complaints on stand-by]

[T-PVS/Notes(2022)6– Summary of other complaints]

[T-PVS/Inf(2022)07 – Register of Bern Convention's case-files]

7.1. Open files

- 1995/6: Cyprus: Akamas peninsula

[T-PVS/Files(2022)64 – Government Report]

[T-PVS/Files(2022)48 – Complainant Report]

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

[T-PVS/Files(2022)63 – Government Report]

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

- 2012/09: Türkiye: 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

[T-PVS/Files(2022)58 - Government Report]

[T-PVS/Files(2022)28 - 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)58 - Government Report]

[T-PVS/Files(2022)29 - Complainant Report]

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

[T-PVS/Files(2022)01 –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)62 - Government Report]

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

- 2010/05: Greece: threats to marine turtles in Thines Kiparissias

[T-PVS/Files(2022)49 – Government Report]

[T-PVS/Files(2022)56 – Complainant Report]

- 1986/08: Greece: Recommendation No. 9 (1987) on the protection of Caretta Caretta in Laganas bay, Zakynthos

[T-PVS/Files(2022)50 – Government Report]

[T-PVS/Files(2022)57 – Complainant Report]

7.2. Possible files

- 2001/04: Bulgaria: Motorway through the Kresna Gorge
[T-PVS/Files(2022)47 - Joint Report]
- 2019/05: Türkiye: 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

- 2016/06: Serbia: Presumed risk of national extinction of Great Bustards
[T-PVS/Files(2022)51 - 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 Horbachykhka 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]
- 2021/01: Türkiye: 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]
- 2021/2: Norway: Alleged threat to birds and protected sites due to the proposed construction of windfarms

[T-PVS/Files(2022)52- Government Report]
[T-PVS/Files(2022)XX - Complainant Report]

7.4. Other complaints

- 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]

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

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

7.5. New complaints

- 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]

- 2022/01: Serbia: Alleged habitat destruction in the area of Novi Sad due to proposed infrastructure constructions

[T-PVS/Files(2022)10 – Complaint form]
[T-PVS/Files(2022)53– Government Report]

- 2022/03: Norway: Wolf Culling Policy in Norway

[T-PVS/Files(2022)31 – Complaint form]
[T-PVS/Files(2022)54– Government Report]

- 2022/04: Montenegro: Hydropower plant development on Emerald Network site Komarnica (ME000000P)

[T-PVS/Files(2022)60 – Complaint form]
[T-PVS/Files(2022)61– Government Report]

- 2022/05: Poland: Fence Construction on the Polish-Belarusian Border

[T-PVS/Files(2022)65 – Complaint form]
[T-PVS/Files(2022)66– Government Report]

7.6. Follow-up of previous recommendations and case-files

- Closed file No. 2011/4: Threat to the Mediterranean monk seal (*Monachus monachus*) in Türkiye

[T-PVS/Files(2022)55– 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, Nature Protection Department, Nature and Biodiversity Protection Directorate, 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

SECRETARIAT

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

Ms Ursula STICKER, 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 Helena ORSULIC, Bern Convention Administrative Assistant