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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

43<sup>rd</sup> meeting  
Strasbourg, 27 November - 1 December 2023

**Meeting of the Bureau**

12-13 September 2023  
(Strasbourg)

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**- MEETING REPORT -**

*Document prepared by  
the Secretariat of the Bern Convention*

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## 1. OPENING OF THE MEETING & ADOPTION OF THE AGENDA<sup>1</sup>

The Chair of the Standing Committee to the Bern Convention, Ms Merike Linnamägi, opened the second ordinary meeting of the Bureau of the Standing Committee to the Bern Convention for 2023.

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

## 2. REPORT FROM THE SECRETARIAT

### 2.1. Notification of denunciation by Belarus of the Bern Convention

The Secretariat informed the Bureau that the Secretary General of the Council of Europe had received on 5<sup>th</sup> September an electronic notification of denunciation by Belarus of the Bern Convention. It recalled that, according to Article 23 of the Bern Convention:

1. *“Any Contracting Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.*
2. *Such denunciation shall become effective on the first day of the month following the expiry of a period of six months after the date of receipt of the notification by the Secretary General.”*

This situation had no consequences on the written procedure to suspend Belarus from the Emerald network.

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

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

The Secretariat informed the Bureau on new developments since its [extraordinary meeting of 26 June 2023](#), in particular the request made by the Secretary General of the Council of Europe to member states to increase the budget and staff devoted to the Bern Convention.

The increased visibility given to the protection of the environment at the Council of Europe may also lead to a change in the organigramme. More information will be provided in due time, when this issue is decided.

**Decision:** The Bureau welcomed the Secretary General's desire to see the budget allocated to the Bern Convention increase from 2024, to reflect the growing priority given to the subject of the environment at the Council of Europe. It called on Parties to the Convention to act on the request by the Secretary General and again urged National Focal Points to liaise with and request 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

The Secretariat recalled the reports of the 4 first meetings of the *Ad hoc* Drafting Group of an Amending Protocol and informed that the 5<sup>th</sup> meeting had taken place on 7<sup>th</sup> September and the draft report was still in the drafting process.

The state of play of the preparation of the Protocol amending the Bern Convention was the following:

- A consensus of the Drafting Group on a draft was almost reached;
- A draft of the Explanatory Report which would accompany the Protocol and present the genuine intention of the drafters had been examined by the Drafting Group. The Drafting Group had made a

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<sup>1</sup> Meeting documents are available on the website: <https://www.coe.int/en/web/bern-convention/-/2nd-bureau-meeting-2023>

number of comments which would be included in the second draft of the Explanatory Report which should be finalised at the last meeting of the Drafting Group on 6<sup>th</sup> October 2023;

- The Drafting Group had also supported the financial scenarios with a minimum contribution of €2 500 for small contributors and a maximum contribution of 10% of the budget for the large contributors.

The intention was to present the draft Protocol and the Explanatory Report to the 43<sup>rd</sup> Standing Committee for endorsement. The financial scenarios would be presented for information.

The Secretariat further informed that should the 43<sup>rd</sup> Standing Committee agree on the draft Protocol, the next steps would be to submit it to the Committee of Ministers for possible adoption. In the meantime, the Standing Committee should consider amending its Rules of Procedure in order to reflect the new financial responsibilities.

**Decision:** The Bureau appreciated the progress in the drafting of the Protocol amending the Bern Convention and encouraged members of the Drafting Group to actively engage in the presentation of the outputs produced to the Standing Committee and to be prepared to reply to Contracting Parties' possible questions and concerns on the proposed draft financial mechanism.

### 3.2. Voluntary contributions received in 2023: state of play

The Secretariat informed the Bureau that 11 Parties had provided €112 000 representing €58 000 more than their suggested share in [Resolution No. 9 \(2019\)](#).

The Secretariat commented that last year in September, 12 Parties had provided €156 800 representing only €6 500 euros more than their suggested contributions. The main difference was that major voluntary contributors had already paid a voluntary contribution at the time of the Bureau meeting in 2022. However, these contributions were aligned with the suggested amounts of Resolution No. 9 (2019) when this year the amounts are higher.

As a conclusion, the Secretariat felt that the situation was not worrying at this stage. Parties seemed to be slightly slower in paying their voluntary contributions than last year, but the situation could rapidly change if major contributors pushed through their voluntary contributions. A reminder sent by the Chair could be useful.

**Decision:** The Bureau took note of the state of play of the voluntary contributions received and thanked the Contracting Parties which had already provided a voluntary contribution. It recalled that until a more sustainable and compulsory mechanism would be in place, the Convention was still relying on the voluntary financial support of its Parties. It further called on Contracting Parties to pay a voluntary contribution or to speed up the procedures for providing their contributions.

The Bureau mandated the Secretariat to draft a reminder letter at the signature of the Chair of the Standing Committee inviting Parties which have not done so to consider paying a voluntary contribution and those Parties which had already done so to explore the possibility of paying additional contributions in case of available unspent budget.

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

The Secretariat informed the Bureau that so far only staff costs had been charged to the Special Account. It stressed that due to staff changes, staff costs would be higher than the average total amount of voluntary contributions received annually.

It further informed that part of the costs of the 43<sup>rd</sup> Standing Committee would be charged to the Special Account as the resources of the ordinary budget were almost spent.

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

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

The Secretariat recalled that the Working Group on a Vision and Strategic Plan for the Bern Convention for the period to 2030 at its last meeting in April and following further online consultations had agreed on a 9<sup>th</sup> draft of the Plan which could be presented to the 43<sup>rd</sup> Standing Committee, and, following the advice of the Bureau last June, this draft had been sent out before the summer break in order to give Parties plenty of time to consider it before the November/December meeting. The French version was almost ready and would also be sent out in the coming weeks.

The Working Group had also proposed to elaborate a draft Recommendation to accompany the Plan, and this idea had been agreed to by the Bureau in June. The purpose of the draft Recommendation would be for the Contracting Parties to affirm their commitment to implementation of the Plan by, e.g., reflecting elements of it in national policies, strategies, action plans, etc, and to present any such updates at the annual Standing Committee meetings. The Recommendation should also instruct the Secretariat to coordinate follow-ups to the Plan's implementation, such as by advancing work on a Monitoring Framework, considering linkages between the Plan and other instruments of the Convention, and undertaking reviews and analyses of the Plan's progress. The Working Group on the Strategic Plan could also be reconvened as necessary to facilitate this work.

**Decision:** The Bureau recalled that the 9<sup>th</sup> draft of the Strategic Plan for the Bern Convention for the period to 2030 had been sent out to Contracting Parties in July ahead of its consideration and possible adoption at the 43<sup>rd</sup> Standing Committee meeting. It also noted that the French version of the Plan was almost finalised and would be sent out soon.

The Bureau considered the draft Recommendation which had been prepared to accompany the Strategic Plan. It noted that the purpose of this document would be to confirm the commitment of all Contracting Parties to the Plan and guide their efforts of implementing it, as well as providing instructions to the Secretariat on following up on its implementation and reviews. After making some amendments, the Bureau approved the draft and requested that it be submitted to the 43<sup>rd</sup> Standing Committee.

The Bureau thanked the Working Group as well as the Secretariat and independent consultant Mr Dave Pritchard for their ongoing good work. It called on all Contracting Parties to not postpone any further the process and to adopt the Strategic Plan as well as its accompanying Recommendation at the 43<sup>rd</sup> Standing Committee.

### **3.5. Case-file reflection: Prioritising case-files**

The Secretariat recalled that the Bureau had instructed the Secretariat in previous meetings to develop a mechanism for prioritising new complaint forms received with the goal of establishing a waiting list, to better control the unsustainable number of new complaints being assessed every year. Following the initial Secretariat analysis presented at the meeting in June, it had instructed to contract a consulting company to elaborate a mechanism for assessing new case-files.

Randbee Consultancy presented its Draft framework for assessing incoming complaints which contained five categories of criteria (Species, Habitats, Sites, Pressures and Others) where scores and weights are applied in order to calculate a final score. They also demonstrated a simulation of the mechanism with five test case-files.

**Decision:** The Bureau thanked the consultants for preparing this comprehensive draft mechanism for assessing incoming complaints. Following a discussion, the Bureau decided it needed further time to consider the mechanism and provide feedback, after which the consultants were requested to revise the mechanism as necessary, prepare an adapted complaint form, and use the simulation to test several other case-files. The 43<sup>rd</sup> Standing Committee would be informed of progress and the matter would be considered again at the next Bureau meeting in March 2024.

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

### 4.1. [European Diploma for Protected Areas](#)

The Secretariat reminded the Bureau that 7 on-the-spot appraisal visits were planned and that, to date, 5 had been successfully carried out. It further informed that following a suggestion of the Group of Specialists, senior independent experts had been accompanied by more junior experts in order to enlarge the number of experts with the expertise to carry out on-the-spot appraisal visits and to ensure the renewal of the pool of experts.

On a less positive note, the Secretariat informed that the Group of Specialists on the European Diploma for Protected Areas was missing one member since the Parties approached had not replied positively to the requests for nomination.

**Decision:** The Bureau welcomed that junior experts were being given the opportunity to integrate into the on-the-spot appraisal visits by accompanying experienced experts. It also noted that the legitimacy of the European Diploma could only be maintained with the support of Contracting Parties to the functioning of its monitoring mechanism. It invited Parties to consider volunteering for participating in the Group of Specialists on the European Diploma for Protected Areas.

### 4.2. [Conservation of birds](#) and illegal killing of birds: State of play

The Secretariat informed that, following the launch of the third IKB Scoreboard, 21 countries had provided submissions, with another potential three or four to arrive late. An analysis was underway by the consultant, the results of which would be presented to the 43<sup>rd</sup> Standing Committee. Alongside this, the document prepared by Birdlife in conjunction with CMS on “Suggested methodology and guidance for conducting socio-economic research into the motivations behind IKB” would also be submitted to the Standing Committee for possible endorsement.

The Secretariat also recalled that in 2024, the next joint meeting of the Bern Convention Network of Special Focal Points (SFPs) on IKB and the CMS Intergovernmental Task Force on IKB in the Mediterranean (MIKT) was due to take place. As in 2022, this meeting could possibly be held back-to-back with the meeting of the Group of Experts on the Conservation of Birds.

**Decision:** The Bureau took note of 21 submissions so far to the third IKB Scoreboard, and congratulated those countries. It encouraged countries which had not done so to still submit their scoreboard, as further analyses could be done at a later date. It remarked that the analysis of the 21 submissions would be presented to the 43<sup>rd</sup> Standing Committee alongside the document prepared by Birdlife in conjunction with CMS on “Suggested methodology and guidance for conducting socio-economic research into the motivations behind IKB”.

The Bureau took note that the next joint meeting of Bern Convention Network of Special Focal Points (SFPs) on IKB and the CMS Intergovernmental Task Force on IKB in the Mediterranean (MIKT) was due to take place in 2024, and that it could possibly be held back-to-back with the meeting of the Group of Experts on the Conservation of Birds. The Bureau instructed the Secretariat to begin discussions with CMS and potential host countries, and to provide an update at the 43<sup>rd</sup> Standing Committee.

### 4.3. Action Plan for the eradication of the Ruddy Duck in Europe: State of play

The consultant, Mr Peter Cranswick (Wildfowl & Wetlands Trust, WWT) presented the outcomes of the [Expert meeting of 28 June 2023](#) held with representatives of Tier III countries (i.e. Belgium, France, Germany, the Netherlands, and the United Kingdom). He also presented the initial conclusions of the draft analytical report prepared by WWT based on the replies to the questionnaire sent to the Focal Points of Contracting Parties to assess the progress in the eradication of the Ruddy Duck and the implementation of the Action Plan, as in previous years. He highlighted in particular the positive progresses toward eradication made in France and, more recently, in the Netherlands. He also stressed the difficulties in Germany to ensure that the need is recognised at state level and that the practices and solutions to address the challenges are known by authorities.

The full results of the questionnaire will be presented in a progress review report at the 43<sup>rd</sup> Standing Committee.

**Decision:** The Bureau thanked Mr Cranswick and WWT for their continuous support in providing technical expertise. It took note of the information provided and welcomed the progress made which could pave the way to total eradication of the Ruddy Duck in Europe in the coming years should all parties be fully mobilised. It invited the Chair of the Standing Committee to contact the German authorities to encourage them to step up their efforts.

#### 4.4. Amphibians and reptiles: Group of Experts meeting & Conservation of Marine Turtles

The Secretariat informed the Bureau that the 11<sup>th</sup> meeting of the Group of Experts on Amphibians and reptiles was scheduled for 26<sup>th</sup> September 2023. The main objective of the meeting was to discuss distribution maps of amphibian and reptile species occurrence across the protected area network of Natura 2000 and Emerald Network. Participants to the meeting were also to review implemented national conservation initiatives and the status of species at national level and possibly elaborate proposals to the Standing Committee of the Bern Convention for collaboration with the Group of Experts on Invasive Alien Species. The Secretariat concluded by informing the Bureau that the Chair of the Group of Experts on Amphibians and reptiles, Ms Annemerieke Spitzen-van der Sluijs, would not run for re-election as Chair since she had changed job and was no longer available for this task.

On the conservation of marine turtles initiative, the Secretariat recalled that one of the Contracting Parties concerned had during the 42<sup>nd</sup> Standing Committee unexpectedly expressed an issue in the way the guidance tool for the conservation of marine turtle nesting sites was drafted. With a view to circumvent this difficulty, the Secretariat had recalled to the three main countries concerned (Cyprus, Greece and Türkiye) that although the launch of the marine turtles' initiative was motivated by the case-files related to marine turtles nesting sites in these countries, the guidance tool proposed in the last section of the draft document was not country-specific and should apply to the whole Mediterranean. For this reason, and considering the presence of other Mediterranean Countries in the ad hoc Working Group on conservation of marine turtles, the Secretariat proposed to move the initiative forward via a new, slightly adapted draft of the guidance tool that referred to all Contracting Parties in the Mediterranean. This new draft had however not yet been fully endorsed by two of the three countries concerned.

**Decision:** The Bureau thanked Ms Spitzen-van der Sluijs for her dedicated work as Chair of the Group of Experts on Amphibians and reptiles.

The Bureau took note of the delays in the conservation of marine turtles initiative and recalled that co-operation among Parties to the Bern Convention was referred to in Article 1, para.1 of the Convention which states that "*The aims of this Convention are to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation*".

Urging the main Contracting Parties concerned to focus only on nature conservation issues, and recalling that a lot of time and budget had been invested in this activity and that it was due for adoption at the upcoming Standing Committee, the Bureau instructed the Secretariat to identify a way forward in coordination with key stakeholders so that solutions to the long-standing marine turtles cases and prevention of any new ones could be found.

#### 4.5. Emerald Network: State of play of the written procedure

The Secretariat recalled that on 14<sup>th</sup> June 2023, the Committee of Ministers had invited the Standing Committee to consider suspending until further notice the Emerald Network sites located on the territory of Belarus and of the Russian Federation.

A written consultation inviting Parties to consider suspending the Emerald Network sites in Belarus and the Russian Federation had therefore been initiated on 28<sup>th</sup> June 2023. The deadline for receiving the position of Parties had been set as 15<sup>th</sup> September 2023.<sup>2</sup>

<sup>2</sup> It should be noted that the written consultation resulted in the following decision: *The Standing Committee to the Bern*

The Secretariat further informed that within the frame of the Presidency of Liechtenstein of the Committee of Ministers of the Council of Europe running from November 2023 to May 2024, the Ministry for Home Affairs, Education and Environment of Liechtenstein would host the Group of Experts on Protected Areas and Ecological Networks which, provisionally, could take place during the second half of April 2024.

The Secretariat concluded by informing the Bureau of the resignation of the Chair of the Group of Experts on Protected Areas and Ecological Networks. Mr Tore Opdahl had changed job and was no longer involved in protected areas issues.

**Decision:** The Bureau welcomed the support of the authorities of Liechtenstein to the Bern Convention in light of their upcoming Presidency of the Committee of Ministers at a moment where the link between environmental protection and human rights is becoming more prominent in the political agenda of the Council of Europe.

The Bureau already invited Parties to consider nominating representatives to participate in the 2024 meeting of the Group of Experts on Protected Areas and Ecological Networks.

Finally, the Bureau thanked Mr Opdahl for his dedicated work as Chair of the Group of Experts on Protected Areas and Ecological Networks.

#### **4.6. Reporting on the conservation status of species and habitats – state of preparation of the forthcoming reporting cycle**

The Secretariat reported that the 3<sup>rd</sup> meeting of the *Ad hoc* Working Group on Reporting had taken place on 27<sup>th</sup> June 2023. The Working Group had examined 4 options for reducing the reporting workload and finally had agreed to proceed with a full reporting format aligned with the EU reporting under Article 17 of the Habitats Directive but to report on a reduced number of features.

The Working Group had supported that:

- birds should be excluded as it would be possible to obtain information from other sources such as the Pan European Common Birds Monitoring Scheme.
- the habitats to be reported on should be limited to those where there is a 1:1 correspondence between Annex I in the Habitats Directive and Resolution No. 4 (1996) of the Bern Convention.

The Secretariat informed that the following next steps were foreseen:

- The resources available from the Reporting Reference Portal would be updated and guidance reflecting the specificities and technicalities of the reporting supported by the Working Group would be developed.
- The Working Group had already agreed that the reporting would consider the period 2019 – 2024. It agreed that a deadline for submitting the reports set at the end of January 2026 could be a good compromise.
- The Secretariat would look into the possibility to organise in 2025 training workshops and hold regular stock taking meetings to enable Parties to share their concerns and learn from the experience of others.

The Working Group would hold its fourth meeting online on 9<sup>th</sup> November 2023.

**Decision:** The Bureau welcomed the outcomes of the 3<sup>rd</sup> meeting of the *Ad hoc* Working Group on Reporting and encouraged all non-EU Contracting Parties to actively participate in the preparation of the forthcoming reporting on the conservation status of species and habitats.

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*Convention decided to suspend the Emerald Network areas of special conservation interest located on the territory of Belarus and of the Russian Federation until further notice and recalled that Belarus remains fully bound by all its obligations as a Contracting Party to the Convention on the Conservation of European Wildlife and Natural Habitats, in particular in terms of safeguarding endangered natural habitats.*

#### **4.7. Conservation of large carnivores: Expert Conference in the Harz Mountains (Germany), May 2023**

The Secretariat recalled that the Convention had allocated about €8,000 of funding towards the accommodation of participants attending the Expert Conference and Workshop on Conservation of the Carpathian lynx in west-central Europe which had taken place in the Harz Mountains in Germany on 10-12 May. The Secretariat had also attended the meeting and informed that it had been very successful, with breakout working groups on various topics, of which the goal was to continue working remotely with the entire group, called Linking Lynx, meeting annually. It was recalled that this initiative was a direct follow-up to point 9 of [Recommendation No. 204 \(2019\)](#) on the Conservation of the Eurasian lynx in Continental Europe, which called to “Support, as appropriate, the creation of a permanent Eurasian lynx Working Group, e.g. affiliated with IUCN SSC specialist groups such as the Cat Specialist Group and the LCIE”.

The Bureau had a short discussion on the potential for the Bern Convention to increase its involvement with the Linking Lynx initiative, remarking the Convention’s excellent track record in lynx conservation, and the easy marketability of this flagship species. For example, the Council of Europe could host an annual meeting of Linking Lynx, perhaps combined with a field trip to the nearby Vosges National Park where lynx conservation activities are taking place. However, any such increased efforts would depend strongly on the future budget and human resources of the Secretariat.

The Bureau was also informed that, following the initiative of North Macedonia to list the Eurasian lynx in Appendix II of the CMS and the Balkan lynx (as a subspecies of the Eurasian lynx), in addition to Appendix II, also in Appendix I, the IUCN Cat Specialist Group (CSG) was preparing Conservation Guidelines to accompany this proposal. As the CMS COP had been postponed until next year, the question had been raised as to whether the Guidelines could be firstly endorsed by the Standing Committee.

**Decision:** The Bureau congratulated the organisers of the Expert Conference and Workshop on Conservation of the Carpathian lynx in west-central Europe which had taken place in the Harz Mountains in Germany in May, and it acknowledged the gratitude of the organisers and participants to the contributions of the Bern Convention, both financial and advisory. It remarked that the initiative was a direct follow-up to Recommendation No. 204 (2019), and the Standing Committee could thus consider further contributing to future work, depending upon financial and human resources.

The Bureau also took note of the initiative of North Macedonia to list the Eurasian lynx in Appendix II of the CMS and the Balkan lynx in Appendix I, and that the IUCN Cat Specialist Group (CSG) was preparing Conservation Guidelines to accompany this proposal. The Bureau remarked that should the Guidelines arrive within the deadlines of the 43<sup>rd</sup> Standing Committee, their endorsement by the Committee could be considered.

## **5. 43<sup>RD</sup> STANDING COMMITTEE MEETING**

### **5.1. Draft Agenda**

The Secretariat presented a preliminary draft agenda for the 43<sup>rd</sup> Standing Committee.

The Bureau discussed the format of the 43<sup>rd</sup> Standing Committee and agreed that it would be held exclusively in person in Strasbourg.

Taking into account the heavy meeting agenda, the Bureau also agreed that, as in previous years, the meeting would begin on the Monday afternoon (27<sup>th</sup> November) and end on Friday 1<sup>st</sup> December 2023, noon.

**Decision:** The Bureau approved the preliminary draft agenda for the 43<sup>rd</sup> Standing Committee. The Bureau decided that the 43<sup>rd</sup> meeting of the Standing Committee will be held in person in Strasbourg from Monday afternoon, 27<sup>th</sup> November to Friday 1<sup>st</sup> December 2023, noon.

### **5.2. Programme of Activities 2024**

The Secretariat presented a draft Programme of Activities for 2024 considering two scenarios: 1) a conservative approach based on the current allocation of the ordinary budget and relying mainly on

voluntary contributions and, 2) an optimistic approach based on an increase of the ordinary budget foreseeing twice the current allocation for activities and swapping the funding of almost all staff from voluntary contribution to the ordinary budget (see agenda item 2.2 above).

The Secretariat emphasised that the possible increase of the allocation to the ordinary budget would not compromise or contradict the ongoing work on the protocol amending the Bern Convention. It would take several years for the Protocol to enter into force and the increase of the ordinary budget would contribute to raise the profile of the Bern Convention within the frame of the follow up to the Reykjavik Declaration. Furthermore, the ordinary budget could fluctuate in coming years, whereas the Amending Protocol would provide a stable and permanent financing of the Convention.

In the subsequent discussion on the two scenarios and considering that the 2024 ordinary budget would be adopted by the Committee of Ministers possibly only the week before the 43<sup>rd</sup> Standing Committee, the Bureau noted that it would be difficult to prepare a final scenario in a timely fashion ahead of the Standing Committee, and so it invited the Secretariat in the meantime to elaborate further the differences between the scenarios both in the narrative part and the appended tables of the draft Programme of Activities.

**Decision:** The Bureau welcomed the draft Programme of Activities for 2024 and encouraged Contracting Parties to liaise with their Permanent Representations to the Council of Europe and advocate in favour of the increase of the allocation of the ordinary budget to the Bern Convention.

### 5.3. Increased cooperation with youth organisations

**Decision:** The Bureau took note that, following increasing initiatives in the Council of Europe concerning youth and environment including an upcoming Committee of Ministers Resolution, the Secretariat had targeted several European youth and environment associations to become observers to the Bern Convention. This had been successful, and the Bureau welcomed the fact that a new Youth Association Observer had applied to attend the 43<sup>rd</sup> Standing Committee meeting. Should the submission be successful, the Bureau remarked that the involvement of such an association in the work of the Convention could be very beneficial, and its outreach towards youth across Europe could also be a welcome side effect.

## 6. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION ([Biennial reporting](#) and [Online reporting system](#))

**Decision:** The Bureau took note that, following the request sent by the Secretariat in March for Contracting Parties to submit their biennial reports for the period of 2021-2022, only a limited number had been received. The Bureau instructed the Secretariat to send a general reminder and follow-up bilaterally if necessary.

The Bureau also took note that the development of the new version of the ORS continued and may be ready by the end of the year. However, as the next reporting cycle would only be launched in early 2025, the onboarding to the new system might only need to take place in late 2024 or early 2025. The Bureau asked for a further update at the 43<sup>rd</sup> Standing Committee meeting.

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

### 7.1. Open files

➤ 1995/06: Cyprus: Akamas peninsula

**Decision:** The Bureau took note of the update report of the complainant and remarked that the government report had arrived very late after the deadline. It requested that the government respect the deadlines issued by the Secretariat in the future, in order to allow for a timely processing and adequate time for the Bureau to assess the reports.

The Bureau expressed concern at the slow progress of the authorities in relation to several points of the Recommendation and urged them to step up efforts, in particular as regards addressing the illegal activities mentioned by the complainant such as off-road quad bikes and cars.

The Bureau regretted that the management of the Peninsula and its Natura 2000 sites was fragmented between two Local Plans and noted that the Local Plan for the Akamas' Communities had been published in February 2023 and the Pegeia Local Plan was under preparation.

The Bureau welcomed the fact that the Memorandum of Understanding (MoU) that had been signed between the Department of Fisheries and Marine Research (DFMR) and the complainant last year had been trialled at the beginning of the summer and that the complainant is to be actively involved in the protection of marine turtles in Cyprus. This would involve recruiting, managing, training and guiding groups of volunteers who will be patrolling turtle nesting beaches every day during the nesting period to locate possible nests and inform the monitoring team, running informational and educational actions to raise awareness of the general public and visitors at the nesting beaches, and assisting in conservation actions. It asked both parties for feedback in their next reports.

It also noted that the owners of the illegal restaurants had been prosecuted and that the issue was now in the courts. It requested the Cypriot authorities to inform it of the outcome.

The Bureau expressed serious concern that after so many years the Bern Convention recommendations were still not fully followed-up by the authorities and that according to interested actors the main threats remain. It urged the national authorities to attend the 43<sup>rd</sup> meeting of the Standing Committee and asked both parties to make a brief presentation, focusing on any recent updates.

Finally, the Bureau referred to its decision on Item 4.4 and encouraged both parties to continue working on the marine turtles' initiative.

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

**Decision:** The Bureau thanked both parties for the update reports.

The Bureau noted some progress by the authorities in the management and enforcement of regulations in Fethiye, such as the improvement in the implementation of the prohibition of access to the beach at night, but regretted that no new progress had occurred in Patara. The Bureau urged the Turkish authorities to complete the Management Plan for Fethiye rapidly and to step up their efforts to adopt the Management Plan for Patara as soon as possible. It also requested from the Turkish authorities to provide the necessary resources for the effective protection of the nesting beaches.

The Bureau also regretted that the government hadn't reported on mitigation measures that would be implemented to minimise the potential negative effects related to the construction of summer houses in Patara. It urged the Turkish authorities to do so in its next report.

The Bureau noted that some of the elements requested in previous Bureau decision were lacking and renewed its requests to the Turkish authorities that the next Government report should include a comprehensive and updated action plan for implementation and enforcement of Recommendations No. 182 (2015) and No. 183 (2015), 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. It encouraged the national authorities and the local authorities to reinforce their cooperation for a better implementation of Recommendations No. 182 (2015) and No. 183 (2015).

Concerning the SPA borders and the zoning in Patara, the Bureau renewed its encouragements to the complainant, national and local authorities to exchange information and data in order to address the information gap reported by the complainant.

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

The Bureau referred to its decision on Item 4.4 and encouraged both parties to continue working on the marine turtles' initiative.

Both parties were invited to make a brief presentation at the 43<sup>rd</sup> 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 \(2015\)](#) and [No. 183 \(2015\)](#).

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

**Decision:** The Bureau thanked both parties for the update reports, though it once again stressed that the authorities should send two separate reports for the two open case-files 2013/1 and 2017/02.

The Bureau noted from the report of the complainant that the process to cancel the concessions for the two planned hydropower plants (HPPs) Zhirovnica 5 and 6 had been initiated by the government, a decision which the Bureau welcomed. However the Bureau also noted that other concessions had been simultaneously extended, and it urged the government to implement [Recommendation No. 211 \(2021\)](#) by cancelling concessions of all HPPs in Protected Areas.

The Bureau also took note of some modest progress with regard to financing, in particular that the Ministry of Environment and Physical Planning had provided part of the budget toward preparation of the Valorisation Study of Mavrovo National Park (NP), and that the Prespa-Ohrid Nature Trust was involved in providing grants for the river management of the NPs of Mavrovo and Shar Mountain, as well as in negotiations to provide the budget for Mavrovo once its re-proclamation process has been completed.

On this latter point, the Bureau noted that a memorandum of cooperation between the key stakeholder organisations had been signed, and that the valorisation study for Mavrovo was in the process of preparation.

The Bureau also took note from the government that several projects were ongoing or planned with the EU including trainings on management of Natura 2000 areas. An important initiative with UNEP/CMS to add to the CMS lists the Eurasian lynx in Appendix II and the Balkan lynx in Appendix I was also under preparation, and the Bureau recalled Item 4.7 on the agenda in that regard.

Overall, the Bureau welcomed certain progress of the authorities, but reiterated the statement of the 42<sup>nd</sup> Standing Committee that more rapid progress was needed in certain areas, such as in cancellation of all remaining HPP concessions in protected areas, and acceleration of various processes such as the reproclamation of Mavrovo NP, Valorisation Study, Law on Nature, Balkan Lynx Conservation Action Plan, and methodology for determination of ecological flow. The Bureau invited both parties to present the year's progress on Recommendation no.211 (2021) at the 43<sup>rd</sup> Standing Committee.

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

**Decision:** The Bureau welcomed the report of the complainant but noted that the report of the government, which was combined with that of case 2013/1, did not provide updated information. However, the Bureau noted that the government had been actively involved with the on-the-spot appraisal (OSA) activities including providing dedicated feedback to the mission report.

The Bureau noted information from the complainant report such as the ongoing process of adoption of the Law on Proclamation of Lake Ohrid as a Monument of Nature, of which public hearings are scheduled in September, around the same time as the World Heritage Committee will meet and possibly inscribe Lake Ohrid as a as a World Heritage in danger. It noted the complainant's ongoing concerns with this draft law.

It also stressed its regret that despite the Standing Committee's strong position and the preliminary outcomes of the OSA held in April, further urbanisations, legalisation of illegal objects, and granting of concessions which all went against UNESCO Recommendations continued in the Lake Ohrid and Galichica National Park areas. It again urged a halt to these unsustainable activities by enforcing existing laws. It encouraged the concerned local authorities to ensure better communication with the complainant and relevant civil society and to involve them in procedures and decision-making.

Finally, it took note of the complainant's concerns on the Joint Strategic Recovery Plan for World Heritage Ohrid Region which was adopted in 2022, with 39 urgent measures to be implemented during 2023, and of which, according to the complainant, none will be done by the end of the year.

The Bureau thanked the government, complainant and all stakeholders who had contributed to the OSA held in Skopje, Ohrid and Galichica in April, noting the good relationship between the complainant and the Ministry of Environment and Physical Planning. It also expressed its gratitude to the representatives of the Ramsar Convention and UNESCO World Heritage Centre who had joined the mission as observers. It noted that the OSA report was almost finalised and it looked forward to seeing the draft Recommendation considered with a view to its adoption at the 43<sup>rd</sup> Standing Committee. It expressed its hope that the findings of the mission would assist North Macedonia to improve nature conservation. Finally, the Bureau called for both parties at that meeting to present on the case in general and provide feedback to the OSA. In particular the government was asked to send an updated report for the meeting.

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

**Decision:** The Bureau recalled the process to date of the adoption by written procedure of the draft Recommendation on the possible impacts of infrastructure and urbanisation developments particularly Vlora International Airport on the Vjosa-Narta Protected Area: a first consultation had taken place during May and June, the quorum had been reached (in line with Rule 7), but concerns had been raised by a Contracting Party on the compatibility of certain elements of the Rules of Procedure, in particular with regard to addressing amendments by written procedure. Indeed, two Contracting Parties had sent amendments. In order to adopt as quickly as possible the urgent elements of the Recommendation as called for by the 42<sup>nd</sup> Standing Committee on the halting of construction of the airport, while keeping in line with the Rules of Procedure, the Bureau had instructed the Secretariat to send out for a second consultation a revised draft text only including that urgent aspect of the Recommendation. Contracting Parties had accordingly been given eight weeks to consult the draft, the quorum had been reached, and no Parties had been against the draft text.

Therefore the Bureau declared that, in line with Rule 6.b of the Rules of Procedure, [Recommendation no. 219 \(2023\)](#) on the possible impacts of infrastructure and urbanisation developments particularly Vlora International Airport on the Vjosa-Narta Protected Area (Albania) was adopted.

It recalled that the remaining operational elements of the text would be submitted to the 43<sup>rd</sup> Standing Committee meeting later this year for further consideration of all Parties with a view to seeking consensus and adoption. The Amendments received during the first consultation would be discussed during that meeting.

The Bureau also took note that in June, AEWA had also adopted a Recommendation on the same subject, which differed slightly from the text of the Bern Convention Recommendation in order to be more targeted to the mandate of AEWA.

The Bureau requested that the Albanian government and complainant submit and present a report for the 43<sup>rd</sup> Standing Committee on the current situation, especially as concerns the state of play of the airport construction. It called on the Albanian authorities to respect Recommendation no. 219 (2023) calling for a halt to this construction which does not respect the Bern Convention nor other international provisions.

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

**Decision:** The Bureau welcomed the update report of the authorities of Montenegro but regretted that the complainant had not provided one.

As per the government report, it noted that no constructions were ongoing in Porto Skadar Lake and White village following inspections. It noted that the Management Plan for Skadar Lake National

Park (NP) 2021-2025 is in its final phase, with the Special Purpose Spatial Plan also on the horizon. It further took note of continued biodiversity monitoring at Skadar Lake NP.

The Bureau particularly welcomed that measures to improve enforcement of existing laws as regularly called for by the Standing Committee appeared to be taking effect in particular as regards illegal fishing. The Bureau noted the concerns of the government that an obstacle to good enforcement is the complex responsibilities of multiple institutions, and it encouraged the authorities to continue working towards effective solutions with all concerned stakeholders.

The Bureau asked the government to provide information on the state of play of SLS Mihalovici, and on whether the adopted water management plan is already being implemented.

The Bureau invited both parties to make a brief presentation at the 43<sup>rd</sup> Standing Committee meeting, focusing on the issues above and providing a short summary of the state of play of the implementation of [Recommendation No. 201 \(2018\)](#). It notably asked the complainant to send an update report for that meeting.

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

**Decision:** The Bureau thanked both parties for the update reports.

The Bureau acknowledged the complainant's ongoing concerns that a Management Plan for Thines Kiparissias had still not been adopted after a delay of 5 years and took note of the national authorities' statement that it is expected to be issued by the end of 2023. It urged the national authorities to step up their efforts to adopt a Management Plan within this timeframe.

The Bureau recalled that despite national authorities' initiatives (such as the update on 28<sup>th</sup> February 2023 of the 2021 Deputy Minister's Decision "Designation of national objectives on the conservation of natural habitats and species of EU interest" and projects to regulate and delimit human activities on the beaches as well as to place informative signs at the reproduction sites of marine turtles), the enforcement of relevant national laws was still low. The Bureau requested information on the purpose and benefits of the report on human activities on the beaches.

The Bureau regretted that no follow-up had been given to the following requests addressed to the national authorities contained in its decision of September 2022:

- respond with targeted measures to the erosion in Kalo Nero;
- clarify when the environmental study on the restoration of sand dunes was expected to be completed by the offender.

The Bureau urged the national authorities to act upon these requests and to fully implement [Recommendation No. 174 \(2014\)](#) in all its aspects.

The Bureau referred to its decision on Item 4.4 and encouraged both parties to continue working on the marine turtles' initiative.

Both parties were invited to make a brief presentation at the 43<sup>rd</sup> 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

**Decision:** The Bureau thanked both parties for the update reports.

The Bureau welcomed the information that funding of surveillance and monitoring activities in the area of the National Marine Park of Zakynthos (NMPZ) (e.g., surveillance, wages of the scientific staff, cost of fuel for vehicles, equipment, infrastructure, maintenance, etc.) had been secured. It also welcomed the information that the surveillance and scientific staff of the Natural Environment & Climate Change Agency (NECCA/OFYPEKA) Management Units of Protected Areas & their Annexes throughout the country were from now on authorised to conduct environmental inspections

within their jurisdiction. This further entailed drawing up OSA reports and issuing certificates of violation that may include recommendations addressed to the involved people or a fine proposal to the competent authorities, which may subsequently be forwarded to the prosecutor in charge of these cases if needed. The Bureau asked whether the relevant staff received appropriate training for these new tasks.

The Bureau noted that, in the context of the illegal road constructions in the area, the offender had recently been criminally condemned by the appeal court, but that further appeal has been made at the court of second instance. It requested the authorities to inform about the decision taken by the court of second instance.

The Bureau expressed its concern in particular at the information that illegal developments remain, beach wardens' presence on the nesting beaches was insufficient, the number of visitors exceeded the legal maximum allowances, that marine traffic remained extremely high, and that speed limits were not respected by boats. It hoped that the positive recent developments referred to above would rapidly lead to improvement of the situation on the protected nesting beaches.

The Bureau referred to its decision on Item 4.4 and encouraged both parties to continue working on the marine turtles' initiative.

Finally, the Bureau took note of the complainant's renewed request for an on-the-spot appraisal (OSA) to update [Recommendation No.9 \(1987\)](#).

Both parties were invited to make a brief presentation at the 43<sup>rd</sup> 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).

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

**Decision:** The Bureau took note of the update report of the complainant and remarked that the government report had arrived very late after the deadline. It requested that the government respect the deadlines issued by the Secretariat in the future, in order to allow for a timely processing and adequate time for the Bureau to assess the reports.

The Bureau regretted the news confirmed by both parties that the construction of the Ulog dam and hydropower plant (HPP) continued and was not planned to be suspended as called for in point 7 of [Recommendation no.217 \(2022\)](#). In relation to the statement of the government that "Construction of HPP Ulog has not been halted as it falls outside of the scope of the protected area and construction of this plant does not jeopardize the natural values significant for declaration of a protected area", the Bureau recalled that the expert assessment of the site in October 2022 and unanimous support of the Contracting Parties of the Standing Committee to that assessment had taken a completely different position, stressing that the construction of this dam will cause irreparable damage to the area. The Bureau reminded that Bosnia and Herzegovina was part of the Bern Convention in order to respect international standards, and it again urged the authorities of the country to follow the call of the international community by suspending this unsustainable project.

The Bureau further took note that concessions had still not been cancelled for the two phases of the hydroelectric system Gornja Neretva, and that the Upper Horizons HPP scheme was ongoing. It again urged the authorities to follow points 8, 10 and 13 of the Recommendation by cancelling or banning these projects.

The Bureau called for the authorities involved to speed up if possible the process of declaring Gornji tok Neretve as a protected area and adopted Emerald Network site (point 1). It also urged them and the relevant stakeholders to make use of the data which civil society is collecting during the Neretva Science Week and similar initiatives. It recalled that there is a data gap in this area, and therefore new data gathered should be systematically welcomed and exploited.

The Bureau asked both parties to present an updated report at the 43<sup>rd</sup> Standing Committee, which should detail progress on each point (1-15) of Recommendation no.217 (2022).

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

**Decision:** The Bureau thanked both parties for the update reports.

The Bureau was extremely concerned with the situation in Mersin Anamur Beach and strongly condemned the destruction of the beach area. It urged the Turkish authorities to halt phase II of the coastal development project and to ensure that no other coastal development projects extend to other areas of the beach.

The Bureau requested information from the authorities on the mitigation measures put in place and what post-construction monitoring was foreseen, and to find preserved places in the vicinity where marine turtles can settle and nest in a safe environment.

More particularly, and in line with the complainants' concerns, the Bureau requested the Turkish authorities to:

- Complete the rehabilitation and remove soil, trees, and concrete infrastructure put on the nesting beach for the "Beach Arrangement Project" Phases I and II;
- Proceed with the full restoration of the Karaağaç section, to its natural state;
- Prevent further unsustainable stone wall construction along the Dragon River that impacts on the nesting activity and habitat of the *Trionyx triunguis* turtles;
- Provide location information of the "Beach Arrangement Project" including the coordinates of the area, length of the beach occupied, and distance from the shoreline;
- Dismiss the zoning plan change in the Aquapark region affecting the nesting beach that is approved by the Municipality of Anamur and the Mersin Metropolitan Municipality;
- Suspend the geothermal drilling license, which covers the nesting beach, until an EIA process by an independent scientific team evaluates its impact;
- Return the densest nesting area between Dragon Rivulet, Mamure Castle, and the Pullu Forest Camp to its previous protection status which a new Circular in July 2023 reduced;
- Allocate more staff or cooperate with a university to ensure efficient monitoring and caging;
- Collaborate and communicate with the local NGOs on any issues related to this file.

The Bureau also acknowledged the complainant's ongoing concerns that violations of the national legislation to protect the sea turtles and nesting habitat continue to occur without any consequence for the perpetrators: sand extraction from the beach, vehicles accessing the beach, light and sound pollution, and business expansions. It urged the national authorities to ensure that local authorities and local businesses comply with Turkish National law and the Bern Convention's [Recommendation No. 66 \(1998\)](#).

The Bureau referred to its decision on Item 4.4 and encouraged both parties to continue working on the marine turtles' initiative.

Both parties were invited to make a brief presentation at the 43<sup>rd</sup> Standing Committee meeting, focusing on the issues above.

## 7.2. Possible files

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

**Decision:** The Bureau thanked both parties for the update reports.

It took note of the information of the government that the Appropriate Assessment (AA) review had been sent to the European Commission in July and was awaiting feedback, and that it would also be presented and discussed by working group 2 in August. The results of the review had confirmed the conclusions of the 2017 EIA/AA Decision that G10.50 was the most environmentally preferable in the light of the SSCOs for Lot 3.2. The Bureau also noted the complainant's statement that the government hadn't started any legal procedure in 2023 to revise the EIA/AA which had been found to violate the Habitats Directive and the Bern Convention.

The Bureau also noted that Working Group 3 on road safety and needs of local communities had still not started, but, according to the government, a major part of the locals have signed a declaration in support of the implementation of G10.50.

The Bureau took note again of the diverging information of the parties as to whether the construction of a roundabout near Kresna signals the start of the development of G10.50 or not. It took note that a coalition of civil-society organisations had submitted a complaint in August to the European Commission concerning the construction works, citing violations of the procedures and requirements of Art. 6, para. 3 of Directive 92/43/EEC and of Art. 6, para. 2 of the same Directive.

It also took note that the mitigation measures were being implemented and due to be finalised in early 2024. The Bureau called for extensive monitoring by the authorities.

The Bureau was again seriously concerned with the clear lack of will of the government authorities to include civil society in the procedures, despite the clear recommendations of the Standing Committee as adopted in 2021.

As a follow-up to [Recommendation no.212 \(2021\)](#), specifically point 10, the Bureau instructed the Secretariat to liaise with both parties on the possibility of holding a Workshop in Kresna in 2024. Such a Workshop could be independently organised and aim to bring together a wide range of stakeholders from Bulgaria but also across Europe. It should also provide the opportunity to improve the relationship between the governmental and civil society stakeholders.

The Bureau requested both parties to present the year's progress on Recommendation no.212 (2021) at the 43<sup>rd</sup> Standing Committee. It also invited the European Commission to present any relevant updates on this case.

### 7.3. Complaints on stand-by

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

**Decision:** The Bureau thanked the Icelandic government for its concise report on follow-up to [Recommendation No. 218 \(2022\)](#) and to the complainant for its short update.

The Bureau welcomed that a meeting had been held in May and further meetings planned between the Ministry, Landvernd and other relevant stakeholders on the status of the recommendations: it called for continuation of this participatory approach.

It took note of the updates of the government on each point of the Recommendation such as on monitoring activities, the status of Gufufjörður bridge, GIS data, mitigation measures, and developing this as a case study.

The Bureau also took note of the concerns of the complainant related to the fact that Breiðafjörður Nature Reserve (NR) has still not been added to the Emerald Network (point 8.b of the Recommendation), that the Gufufjörður bridge implementation remains problematic, and in particular that there are considerations to cancel the protection of Vatnsfjörður within the Breiðafjörður NR.

The Bureau called for ongoing actions of the government and its related institutions in terms of implementing all points of the Recommendation without delay, to continue monitoring and learning from experience, as well as involving the stakeholders in a proactive way. It asked for updated reports from both parties detailing progress to each point of Recommendation No. 218 (2022) in one year's time- the government was also asked to provide an update on the status of the future Emerald Network sites including if Breiðafjörður Nature Reserve is one of the sites concerned. The complaint remains on stand-by.

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

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

The Bureau welcomed the information that the badger culling policy continues to be phased out, i.e. that no new intensive cull licenses were issued after 2022 and that follow-up supplementary badger culling, under license, will end in 2025. It however noted that the UK Government has retained badger culling as a policy option where it considers that the epidemiology indicates it as needed.

The Bureau also welcomed the information that badger vaccination against bovine tuberculosis in England has accelerated with further expansion foreseen, as well as that a cattle vaccine is expected to be deployed within the next few years. The Bureau also welcomed the information on bTB testing developed, allowing better management of the spread of the disease in cattle.

The Bureau also took note that the number of herds in the bTB High Risk Area that have had their Officially TB-free status withdrawn has reduced year on year from 2,160 in 2017 to 1,053 in 2022, indicating that the spread of the bovine tuberculosis is declining.

The Bureau asked the authorities to respond to the complainant concerns regarding the efficiency of the monitoring system put in place to track the badger population and their reference to studies according to which there is no evidence to indicate that badger culling had contributed to the decline in bovine tuberculosis incidence or prevalence among cattle herds.

In order to assess the impact of the Strategy finishing in 2025 in relation to the phase out of the badger culling policy, the complaint was kept on stand-by and both parties were requested to report again in three years' time, and especially to provide updated information on population estimates, the proportion of population culled and on monitoring results of the strategy.

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

**Decision:** The Bureau thanked the complainant for the update report but noted the lack of a report from the Armenian government, of which the focal point to the Bern Convention had recently changed.

The Bureau was very concerned with the information of the complainant that the mine had received financing from the Eurasian Development Bank with the Russian state as majoritarian owner and that in June, a meeting between the mining company and Deputy Prime Minister had discussed resumption of development of the mine, with no involvement of other stakeholders and no new EIA foreseen.

The Bureau again reiterated its concern that there were plans to reduce the territory of the Emerald Network in Armenia by more than half (from about 35% to 15%) including the Protected Area where the Amulsar mine is located. It again called for Armenia to not pursue this process.

The Bureau also regretted the claims that public involvement in these important processes appeared to be neglected by the Armenian government, and that a new Strategy would seem to allow a procedure to bypass public participation, despite its obligation by the Aarhus Convention.

Given these many serious concerns, along with the apparent lack of commitment of the authorities of Armenia to respond to the allegations of the case, **the Bureau decided to elevate this case to a Possible File**, thereby bringing it to the attention of the 43<sup>rd</sup> Standing Committee meeting in November.

The government and complainant were invited to make presentations at the 43<sup>rd</sup> Standing Committee meeting on the case in all its elements including state of play of the mine and the Emerald Network related processes, as well as to submit updated reports (notably for the government).

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

**Decision:** The Bureau thanked the Turkish authorities for their timely reporting but regretted the lack of a report from the complainant for the second consecutive year.

The Bureau took note that the erosion of the beach is being monitored and has registered no changes so far, and that turtles are still nesting on the beach.

The Bureau encouraged the national authorities to continue monitoring the various drivers (water and sand temperatures, morphology of the beach, beach erosion, light pollution, soil and air pollution) potentially affecting marine turtles.

Due to the ongoing lack of updates by the complainant, **the Bureau decided to dismiss the case**, and nevertheless asked the complainant to continue monitoring the site and inform the Bureau if any deterioration of the situation occurs.

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

**Decision:** The Bureau thanked both parties for the progress reports.

It acknowledged the information compiled by several Ministries of the Republic of Serbia that the decisions to reject mining exploitation and associated activities in Jadar (access roads, overhead wires, etc) to the company remain valid.

It also took note that the company has filed complaints against these decisions, two of which had recently been rejected in June by the Government Administrative Commission in relation to the EIAs for the mine and for the access road. Other administrative court procedures were ongoing.

The Bureau also took note of the clarifications of the Institute for Nature Conservation on the ways in which nature protection is considered in the EIA studies, as well the information that the Jadar project does not fall within any Protected Area. On this latter point, the Bureau recalled that nature protection and the coverage of the Bern Convention extends beyond designated Protected Areas, and that Contracting Parties are obliged to protect the habitats and species across their whole territories.

It took note of the information of the Ministry of Mining and Energy that there was no Strategy for the use of mineral resources; however, this appeared to be in contradiction with the information of the complainant that the government was in fact about to adopt an Integrated National Energy and Climate Plan for the period to 2030 with projections up to 2050, which includes substantial lithium projections. The Bureau asked the government to provide information on this Plan, and what it means in relation to the suspended Jadar project.

The Bureau took note of the query of the complainant on one of the EIA studies and asked the government to respond to this issue raised in the complainant report.

With relation to the other concerns raised by the complainant on the ongoing presence and actions of the company in the area, and lack of response to queries raised to governmental institutions, the Bureau called for the governmental authorities to cooperate fully with civil society and all interested parties during their enquiries.

The Bureau had also received a short report from the complainant concerning the similar case on mining at the Homolje Mt region (2022/6) in which related issues such as ongoing drilling despite questionable legal permissions, and systematic lack of public participation in processes were alleged. Though this case would not be formally addressed until the next Bureau meeting, the Bureau recalled its prior decision on this case to the authorities, and asked them to respond to these allegations in their next report.

With regard to the large number of similar Serbian mining case-files, the Bureau decided to consider at its next meeting if the Bern Convention could envisage an activity such as commissioning a legal study or organising a conference/workshop in Serbia- it asked the parties for their opinion on this possible initiative and to provide any ideas they might have.

The Bureau asked for updated reports on the situation for its in meeting in Autumn 2024 (unless the information that the mine has received the green light would be received before its Spring meeting (deadline 31<sup>st</sup> January 2024)). From the governmental side, it asked for replies to the questions above,

as well as updates on the administrative proceedings, the mining company's ongoing activities, and any other relevant information. The complaint remains on stand-by.

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

**Decision:** The Bureau thanked both parties for the concise progress reports.

It took note that construction of the Namakhvani Hydropower project (HPP) remains pending, but that permits have not yet been cancelled- it asked for clarification from the government on the status of these permits. It urged the government to prioritise nature protection and fully cancel the projects. It also noted that the court procedures on an annulment of Environmental Decision N2-191 remain ongoing.

As regards Georgia's Energy Strategy as highlighted by the government, the Bureau reiterated its question as to whether some sort of timetable exists for the completion and/or implementation/duration of this strategy. Further, it asked for clarifications on the nature protection element of the Strategy. It called for the Georgian Ministry of Environmental Protection and Agriculture to make every effort to ensure that nature protection has a strong role to play in the future Strategy. It also asked the Ministry to respond to the claims of the complainant on the capacity of HPP energy foreseen in the Plan and inclusion of Namakhvani, and called for active involvement of civil society in the process.

The Bureau welcomed that the Ministry had reacted to the information of the complainant of environmental damage at the HPP site following withdrawal of the construction company, by recording the damage and administering a fine.

The Bureau also welcomed the expansion of Kolkheti Protected Area by 671 hectares to include the river estuary and further improve sturgeon conservation. Reacting to the information of the complainant, the Bureau encouraged the government to follow this up by registering the new territory in the Emerald Network, and to also include the upper river area of the sturgeon spawning grounds in the protection zone. It also asked both parties for more information on the future Rioni Managed Reserve.

The Bureau, reiterating the importance of the sturgeon to the Convention, welcomed ongoing sturgeon conservation projects, as well as the adoption of a law on Water Resources Management.

The Bureau asked that the parties provide updates on the queries above as well as on the general situation in one year's time. The complaint remains on stand-by.

#### 7.4. New complaints

➤ 2022/07: Bosnia & Herzegovina: Possible negative impact of mining activities in Trstionica – Gornja Bukovica and Vareš

**Decision:** The Bureau thanked the complainant for their complaint but regretted the absence of a report from the government.

The Bureau was preoccupied with some of the concerns raised by the complainant related to the mining activity (said to have started in Spring 2023) which was seemingly causing a loss of species, deteriorations of habitats, pollution (air, water and soil) and overall harmful consequences for the region's ecosystems as well as the lack of public participation in the decision-making process especially for the local inhabitants.

The Bureau requested both parties (most notably the authorities) to provide reports containing relevant updates on these matters for the next Bureau meeting in Spring 2024. In the meantime, it called for the authorities to enforce a halt to any ongoing exploitation until the facts have been made clear. The complaint remains new (pending).

➤ 2022/08: Serbia: Possible negative impact of mining activities in Mountain Baba

**Decision:** The Bureau acknowledged the new complaint and thanked the Serbian authorities for the response.

It noted that there was a miscommunication between the complainant and governmental authorities concerning the exact coordinates of the mines (leading to missing information in the reports), and asked for the complainant to fully clarify which exact mines or quarries it was referring to, and their coordinates.

The Bureau observed that inspections carried out by the Ministry of Environmental Protection at the Lesje mine had initially resulted in an activity prohibition. Subsequently, following an appeal by the mining company, the inspector had reaffirmed this prohibition, and the company had again filed a complaint, initiating an ongoing review process. Additionally, concerning the Krajnji Rid mine, it was noted that one air quality measurement had not been conducted. The Bureau called for compliance with the prescribed environmental conditions and requested updates on the outcomes of these procedures to gain a clear understanding of the situation. Furthermore, it sought information regarding the operational status (active or inactive) of these mines during these processes.

The Bureau requested to have more concrete information from the complainant on their allegation that EIAs were absent or insufficient for the mines, in order to progress in its appreciation of the complaint. Recalling the mandate of the Bern Convention, the Bureau also encouraged the complainants to focus only on the nature conservation aspects in their next report and to further clarify, with concrete examples, how the mining activities might jeopardise specific protected species located in the area, affecting their long-term survival or conservation status (this should include a focus on endemic species where applicable).

The Bureau took note of the nature conservation conditions for geological research and exploitation in the area issued by the Institute for Nature Conservation of Serbia. It called for rigorous monitoring and asked to be informed with data to ensure the compliance with these conditions and also to be informed of planned mitigation measures at the mines.

The Bureau also took note of the information that the mining projects do not fall within any protected area. On this, the Bureau recalled that nature protection and the coverage of the Bern Convention extends beyond designated Protected Areas, and that Contracting Parties are obliged to protect the habitats and species across their whole territories.

The Bureau finally encouraged the authorities to improve communications with the local population. It recalled its decision under case-file 2021/07 concerning the growing number of similar Serbian mining case-files, and possibility to envisage an activity in 2024.

The Bureau requested that both parties send updates for its meeting in September 2024, responding to the queries above and providing any new relevant information. It recalled that reports should adhere to a maximum length of five pages in electronic Word format, containing a summary of the information gathered and a clear position of the authors. The complaint remains new (pending).

### 7.5. Follow-up of previous recommendations and case-files

➤ [Recommendation No. 95 \(2002\)](#) on the conservation of marine turtles in Kazanlı beach, Türkiye

**Decision:** The Bureau thanked both parties for the update reports.

It welcomed that a draft project for Monitoring Coastal Sediment Movements had been prepared with the Directorship of Erdemli METU Institute of Marine Sciences and hoped that this would lead to a limitation of coastal erosion. It also welcomed that it had been decided to demolish the illegally constructed building located in the Kazanlı Beach K1 area and asked to be informed when this building will have been demolished.

The Bureau however noted no other progress in the implementation of [Recommendation No. 95 \(2002\)](#) and remained very preoccupied by the situation of sea turtles at Kazanlı beach.

It requested that the Kazanlı nesting beaches be safeguarded against any coastal build-up.

The Bureau requested the authorities to provide information of maps and details in relation to the “Kazanlı Tourism Development plan”, the “Kazanlı Beach Arrangement Project”, and the designation of “Sustainable Development and Controlled Usage” areas and “Nature Conservation” areas.

More generally, the Bureau requested full implementation of [Recommendation No. 95 \(2002\)](#) with no further delay.

It referred to its decision on Item 4.4 and encouraged both parties to continue working on the marine turtles’ initiative.

Both parties were invited to make a brief presentation at the 43<sup>rd</sup> Standing Committee meeting, focusing on the issues above and progress in the implementation of Recommendation No. 95 (2002).

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

**Decision:** The Bureau thanked the authorities of Iceland for the update report on the follow-up to [Recommendation no.190 \(2016\)](#) on the conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland, recalling that AEWA was also involved in this case.

It took note of the generally good progress in implementing the Recommendation, in particular welcoming the single comprehensive land reclamation and forestry plan of 2022 “Land and Life – Strategy and Vision for Land Reclamation and Forestry until 2031” within which an Action Plan covering 2022-2026 is included which shall shape the priorities for government action in the coming years.

The Bureau invited the authorities to make a short presentation of the progress during the 43<sup>rd</sup> Standing Committee.

## 7.6. New complaint forms received

The Secretariat informed the Bureau that it had received four new complaint forms in 2023 so far. Two of them had been declared admissible while one was pending additional information.

The Secretariat wanted to discuss the fourth complaint with the Bureau so that the Bureau could decide on it. This complaint concerned the badger in France and was very similar to a complaint dismissed in 2022 at the 1<sup>st</sup> Bureau meeting (*Abattage incontrôlé du blaireau en France / Uncontrolled badger cull in France - 2020/7*). The Secretariat reminded the Bureau of the most important part of that decision which had read: “*Satisfied with the progress, notably the information that more and more departments were reversing their decrees to prolong the periods of hunting, and that derogations were decreasing, the Bureau decided to dismiss this case, on the grounds that danger to local or national population numbers appeared low, and that the remaining issues pertain more to animal welfare.*”. It was also noted that several recent court decisions had cancelled additional hunting periods, demonstrating that derogations to prolong the periods of hunting continued to decrease.

**Decision:** The Bureau declared the new badger complaint against France non-admissible on the grounds that it was mainly the same as the one dismissed the previous year (*Abattage incontrôlé du blaireau en France / Uncontrolled badger cull in France - 2020/7*) and that there had been recent positive developments, namely that several court decisions had cancelled additional hunting periods.

## 8. ANY OTHER BUSINESS

The Bureau took note that a spontaneous report had been sent to the Secretariat from the complainant of complaint on stand-by 2020/6: Portugal: Presumed threat to Tagus Estuary Special Protected Area from a new airport. It was stated that the SEA for the airport could be completed by early 2024 before the next Bureau meeting when this case was next scheduled to be discussed, and that the locations under consideration for the airport, which still included Montijo, had been publicly released. The Bureau

reiterated its previous decision of its March 2023 [meeting](#), calling on the government to be transparent and respect the nature provisions that it would bound to. It urged that they send a comprehensive report on the SEA process and any other relevant updates for its next Spring meeting.

The Bureau decided on the following dates for its meetings in 2024:

- 18-19 March 2024, in person in Strasbourg
- 20 June 2024, online
- 10-11 September 2024, in person in Strasbourg

## Appendix I – Agenda

### 1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

### 2. REPORT FROM THE SECRETARIAT

#### 2.1. Notification of denunciation by Belarus of the Bern Convention

#### 2.2. Follow-up to the 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

*[T-PVS(2023)06 - report of the 2<sup>nd</sup> meeting]*

*[T-PVS(2023)11 - report of the 3<sup>rd</sup> meeting]*

*[T-PVS(2023)12 – Draft report of the 4<sup>th</sup> meeting]*

*[T-PVS(2023)xx – Draft report of the 5<sup>th</sup> meeting]*

#### 3.2. Voluntary contributions received in 2023: state of play

*[T-PVS/Inf(2023)11 - Table of the voluntary contributions received]*

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

#### 3.4. Vision and Strategic Plan for the Bern Convention for the period to 2030: state of play: Discussion on a draft recommendation

*[T-PVS(2023)09 - report of the 6<sup>th</sup> meeting]*

*[T-PVS(2023)18 - Strategic Plan for the Bern Convention for the period to 2030 – 9<sup>th</sup> draft]*

*[Draft recommendation to possibly accompany the Strategic Plan]*

#### 3.5. Case-file reflection: Prioritising case-files

*[T-PVS/Inf(2023)10 - Proposed framework to assess incoming case-file complaints]*

### 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

*[T-PVS/DE(2022)13 – List of the 2023 on-the-spot appraisal visits]*

#### 4.2. Illegal killing of birds: State of play

*[T-PVS/Inf(2023)09 - Suggested methodology and guidance for conducting socio-economic research into the motivations behind illegal killing, taking and trade of birds]*

#### 4.3. Action Plan for the eradication of the Ruddy Duck in Europe: State of play

*[T-PVS(2023)17 - Report of Expert Meeting]*

*[T-PVS(2023)xx - Draft analytical report]*

#### 4.4. Amphibians and reptiles: Group of Experts meeting & marine turtles conservation

*[Doc prepared by the consultants - RACE]*

*[T-PVS/Agenda(2023)13 – Draft agenda of the 11<sup>th</sup> meeting of the Group of Experts on the Conservation of Amphibians and Reptiles]*

#### 4.5. Emerald Network: State of play of the written procedure

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

*[Chair letter for a written procedure]*

*[Voting form]*

#### 4.6. Reporting on the conservation status of species and habitats – state of preparation of the forthcoming reporting cycle

*[T-PVS/PA(2023)03 - Report of the 3<sup>rd</sup> meeting of the Ad hoc Working Group on Reporting]*

#### 4.7. Conservation of large carnivores: Expert Conference in the Harz Mountains (Germany), 11-12 May 2023

### 5. 43<sup>RD</sup> STANDING COMMITTEE MEETING

#### 5.1. Draft Agenda

*[T-PVS/Agenda(2023)xx – Preliminary draft agenda]*

#### 5.2. Programme of Activities 2024

*[T-PVS(2023)xx – Preliminary draft programme of Activities and budget for 2024]*

#### 5.3. Increased cooperation with youth organisations

### 6. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION (Biennial reporting and Online reporting system)

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

*[T-PVS/Notes(2023)4 – Summary of open and possible case files]*

*[T-PVS/Notes(2023)5– Summary of complaints on stand-by]*

*[T-PVS/Notes(2023)6– Summary of new complaints and follow-up recommendations]*

*[T-PVS/Inf(2023)2 – Register of Bern Convention's case-files]*

#### 7.1. Open files

- 1995/06: Cyprus: Akamas peninsula

*[T-PVS/Files(2023)58 – Government Report]*

*[T-PVS/Files(2023)41 – Complainant Report]*

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

*[T-PVS/Files(2023)43 - Government Report]*

*[T-PVS/Files(2023)39 - Complainant Report]*

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

*[T-PVS/Files(2023)45 - Government Report]*

*[T-PVS/Files(2023)57 - 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)3 –Terms of Reference of the OSA]*

*[T-PVS/Files(2023)45 - Government Report]*

*[T-PVS/Files(2023)27 - Complainant Report]*

*[T-PVS/Files(2023)31 – Draft OSA Report]*

*[T-PVS(2023)XX – Draft Recommendation...]*

- 2016/05: Albania: Presumed negative impact of hydro-power plant development on the Vjosa river and Vlora international airport– **OSA and Written Procedure**

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

*[T-PVS/Files(2023)19 - Government Report]*

*[T-PVS/Files(2023)20 - Complainant Report]*

*[T-PVS/Files(2022)67 – OSA report]*

*[T-PVS(2023)08rev - Draft Recommendation]*

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

*[T-PVS/Files(2023)44 - Government Report]*

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

*[T-PVS/Files(2023)35 – Government Report]*

*[T-PVS/Files(2023)46 – Complainant Report]*

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

*[T-PVS/Files(2023)36 – Government Report]*

*[T-PVS/Files(2023)47 – Complainant Report]*

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

*[T-PVS/Files(2023)23 - Government Report]*

*[T-PVS/Files(2023)16 - Complainant Report]*

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

*[T-PVS/Files(2023)56 - Government Report]*

*[T-PVS/Files(2023)42 - Complainant Report]*

## **7.2. Possible files**

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

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

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

## **7.3. Complaints on stand-by**

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

*[T-PVS/Files(2023)52 - Government Report]*

*[T-PVS/Files(2023)53 - Complainant Report]*

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

*[T-PVS/Files(2023)33 - Government Report]*

*[T-PVS/Files(2023)48 - Complainant Report]*

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

*[T-PVS/Files(2023)15 - Government Report]*

*[T-PVS/Files(2023)07 - Complainant Report]*

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

*[T-PVS/Files(2023)49 - Government Report]*

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

*[T-PVS/Files(2023)17 - Government Report]*

*[T-PVS/Files(2023)18 - Complainant Report]*

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

*[T-PVS/Files(2023)38 – Government Report]  
[T-PVS/Files(2023)51 – Complainant report]*

#### **7.4. New complaints**

- 2022/07: Bosnia & Herzegovina: Possible negative impact of mining activities in Trstionica – Gornja Bukovica and Vareš

*[T-PVS/Files(2022)76 – Complaint form]*

- 2022/08: Serbia: Possible negative impact of mining activities in Mountain Baba

*[T-PVS/Files(2022)78 – Complaint form]  
[T-PVS/Files(2023)50 – Government Report]*

#### **7.5. Follow-up of previous recommendations and case-files**

- [Recommendation No. 95 \(2002\)](#) on the conservation of marine turtles in Kazanlı beach, Türkiye

*[T-PVS/Files(2023)55 – Government Report]  
[T-PVS/Files(2023)40 – Complainant report]*

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

*[T-PVS/Files(2023)54 – Government Report]*

#### **7.6. New complaint forms received**

### **8. ANY OTHER BUSINESS**

## **Appendix II – List of participants**

### **CHAIR**

Ms Merike LINNAMÄGI, Advisor, Biodiversity Conservation Department, Ministry of the Climate, 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 Gianluca SILVESTRINI, Head *ad interim* of the Department for Culture, Nature and Heritage, Head of the Biodiversity Division

Mr Mikaël POUTIERS, Secretary of the Bern Convention

Mr Marc HORY, Bern Convention Project Manager

Mr Eoghan KELLY, Bern Convention Project Officer

Mr Michaël NGUYEN, Administrative and Project officer of the Bern Convention