



Strasbourg, 4 November 2022

T-PVS(2022)27

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

INTER-SESSIONAL WORKING GROUP ON FINANCES

6th meeting (*online*)

21 October 2022
(9.00 – 12.00 CET)

Meeting Report

*Document prepared by
the Secretariat of the Bern Convention*

1. Opening of the meeting by the Chair

The Chair, Mr Charles-Henri de Barsac (France), opened the meeting and welcomed the participants to the 6th meeting of the Intersessional Working Group on Finances [Annex 1].

The Secretariat recalled the decisions of the Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C) and the 41st Standing Committee listed below:

- The GR-C had requested the Standing Committee to review all options available and explore possible new options to ensure political, institutional, and financial stability of the Convention.
- The 41st Standing Committee:
 - *extended the mandate of the Intersessional Working Group on Finances, and instructed it, in collaboration with the Secretariat, to assess the feasibility to establish the EPA in the light of the last survey and to follow up the GR-C instruction to review all options available and explore possible new options for consideration by the 42nd Standing Committee;*
 - *instructed the Secretariat to liaise with Parties which are either not ready yet to join the EPA or which have not yet expressed their intentions, to clarify the operation and governance of the EPA. The Secretariat should also prepare a questions and answers document summing up Parties' concerns.*
 - *took note of the state of play of the preparation of the amendment to the Bern Convention and mandated the Intersessional Working Group to pursue its elaboration and to submit it to the 42nd Standing Committee for possible adoption.*

The Secretariat further pointed out that, due to the lack of replies, the survey addressed to the Contracting Parties which were either not ready yet to join the EPA or which had not expressed an interest for the EPA had been unfruitful as it had not clarified the Parties' concerns and feasibility of establishing the EPA. Therefore, the option to establish the EPA was discarded by the GR-C.

2. Review of possible options for a financial mechanism:

a. Amendment of the Bern Convention

Proposal for Article 14 bis and its Annex [Annex 2 – [T-PVS\(2022\)02](#)].

The Secretariat recalled the drafting proposal of Article 14bis and its annex for amending the Bern Convention, as mandated by the 41st Standing Committee. Only one non-substantial comment was received from the consultation of Contracting Parties on this draft proposal.

Therefore, it was assumed that the proposed wording of Article 14bis and its annex was supported by the Contracting Parties and could constitute a basis for further work.

b. Amending / Additional Protocol

[Annex 3 - Document prepared by the Directorate of Legal Advice and Public International Law: Establishing a financial mechanism within the Bern Convention - Explicative note [T-PVS/Inf\(2022\)05](#)].

[Annex 4 - Document prepared by the Directorate of Legal Advice and Public International Law on advantages and disadvantages and consequences of possible options [T-PVS/Inf\(2022\)50](#)].

The Secretariat introduced the document prepared by the Directorate of Legal Advice and Public International Law of the Council of Europe on advantages, disadvantages and potential consequences of three different legal avenues that exist for the inclusion of a financial mechanism within the Bern Convention [T-PVS/Inf\(2022\)50](#):

(1) amendment pursuant to Article 16 of the Bern Convention, (2) amending protocol to the Bern Convention, (3) additional protocol to the Bern Convention.

The Secretariat then reported on the outcome of the GR-C meeting of 4 October 2022 which examined and discussed the document on the advantages and disadvantages of the three options to set up a financial mechanism. The Director of Democratic Participation, Matjaž Gruden, had also underlined that the establishment of the institutional long-term solution would have to run in parallel with the progress of the Fund for the Bern Convention to ensure that the Convention had the necessary resources to carry out its work programme. At the same time, the Fund, if successful, would play the role of catalyst for the discussions on the long-term solution.

The GR-C decided to entrust the Standing Committee to prepare a draft amending protocol and to submit it to the Committee of Ministers for consideration with a view to its adoption. The GR-C decision was adopted by the Ministers' Deputies on 19 October 2022 ([CM/Del/Dec\(2022\)1446/9.1](#)).

The Secretariat and the Working Group acknowledged that this process contributed to strengthening the coordination between the Ministries of Foreign Affairs and the Ministries of Environment at national level.

The Working Group took note of the positive developments and invited 42nd Standing Committee to follow-up on the Deputies' decision. The Secretariat proposed to invite the Standing Committee to take the proposed wording of Article 14bis and its annex into account when preparing the amending protocol to the Bern Convention. The Group agreed with the proposal to benefit from the work already done and to accelerate the amending process in 2023.

The participants instructed the Secretariat to timely prepare for the 42nd Standing Committee a revised Terms of Reference for an Ad-hoc Drafting Group for an Amending Protocol which would create a mechanism of compulsory financial contributions. The participants also suggested to call for nominations from Contracting Parties to participate in the Ad-hoc Drafting Group.

3. Fund for the Bern Convention

[Annex 5 - Concept note on the creation of a Fund for the Bern Convention - [T-PVS/Inf\(2022\)51](#)].

[Annex 6 - Committee of Ministers decision of 15 June 2022 - [CM/Del/Dec\(2022\)1437/9.2](#)]

The Secretariat recalled that the Ministers' Deputies decided to set up a Fund for the Bern Convention on 15 June 2022 in order to emphasize the need for financial resources and to give more visibility to the donors. A dedicated website to the Fund would be created and a high-level event would be organised beginning of 2023 to give a political dimension to the Fund and increase its visibility. The achievement of the Fund would also be a positive indicator of the success of the institutional solution for the Bern Convention.

Some members of the Working Group considered the Fund as having minimal value-added and expressed concerns regarding the additional work generated by the Fund for the Secretariat. It was also noted that the Fund would need to simplify the rather complex administrative arrangements for making voluntary financial contributions to the Council of Europe to facilitate the implementation of the Bern Convention.

4. Any other business

No further issues were discussed.

ANNEX
LIST OF PARTICIPANTS

Contracting Party	Name
Czech Republic	<p>Mr Jan BROJÁČ Ministry of the Environment</p> <p>Ms Eliška ROLFOVÁ Unit of International Conventions Department of Species Protection and Implementation of International Commitments Ministry of the Environment</p>
European Commission	<p>Ms Iva OBRETENOVA Policy Officer DG Environment Directorate ENV. D Natural Capital</p>
France	<p>M. Charles-Henri DE BARSAC (Chair) Chargé de mission « accords internationaux et européens faune sauvage » sous-direction de la protection et de la restauration des écosystèmes terrestres Ministère de la Transition Ecologique et Solidaire</p>
Norway	<p>Mr Andreas Benjamin SCHEI Senior Advisor Norwegian Environment Agency</p>
Slovenia	<p>Ms Maja HUMAR Nature Conservation Division Ministry of the Environment and Spatial Planning</p>
Switzerland	<p>M. Martin KREBS Département fédéral des affaires étrangères DFAE Secrétariat d'Etat DFAE Division prospérité et durabilité DPD Environnement, énergie et santé</p>
Council of Europe Secretariat	<p>Mr Gianluca SILVESTRINI Head a.i. of the Department for Culture, Nature and Heritage</p> <p>Ms Ursula STICKER Secretary of the Bern Convention</p> <p>Mr Marc HORY Bern Convention Project Manager</p>