

Strasbourg, 1st December 2023

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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

43rd meeting

Strasbourg, 27 November – 1st December 2023

**UPDATED TERMS OF REFERENCE OF
THE *AD-HOC* DRAFTING GROUP OF THE AMENDING
PROTOCOL**

*Document prepared by
the Secretariat of the Bern Convention*

I. BACKGROUND

In 2019, the Standing Committee to the Bern Convention adopted [Resolution No. 9](#) on the financing of the Bern Convention and on initiating the establishment of a new system for obligatory financial contributions by Parties setting up an Intersessional Working Group on Finances entrusted with the drafting of proposals for amending the Convention and for a Partial Agreement.

After three years of operation, the Intersessional Working on Finances assessed the feasibility to establish an Enlarged Partial Agreement, prepared several financial scenarios in relation to the Enlarged Partial Agreement, drafted an amendment of the Bern Convention pursuant Article 16 of the Convention, prepared a financial simulation tool in relation to the amendment and reviewed other institutional, legal options.

On 19 October 2022, the Committee of Ministers ([CM/Del/Dec\(2022\)1446/9.1](#)) entrusted the Standing Committee to the Bern Convention to elaborate a protocol amending the Bern Convention. To achieve this task, the Standing Committee decided to set up an *Ad-hoc* Drafting Group of the Amending Protocol which will replace the Intersessional Working Group on Finances.

II. SCOPE

The *Ad-hoc* Drafting Group of the Amending Protocol will be entrusted with drafting a protocol amending the Bern Convention by creating a mechanism of compulsory financial contributions.

The *Ad-hoc* Drafting Group of the Amending Protocol is requested to:

- Draft a protocol amending the Bern Convention and creating a financial mechanism drawing on the work of the Intersessional Working Group on Finances with respect to the amendment of the Bern Convention pursuant Article 16 of the convention.
- Advise the Standing Committee to the Bern Convention on the threshold of ratifications to be achieved for the entry into force of the protocol.
- Recommend a scale of financial contributions to the Standing Committee drawing on the financial scenarios elaborated by the Intersessional Working Group on Finances with respect to the amendment of the Bern Convention pursuant Article 16 of the convention and the enlarged partial agreement, and taking into account the outcomes of the bilateral discussions between the relevant bodies of the European Commission and of the Council of Europe concerning the scale of contributions to be applied to the European Union.
- Design the functioning of the financial mechanism and elaborate the procedures which will regulate the financial mechanism.

III. COMPOSITION

The *Ad-hoc* Drafting Group of the Amending Protocol will comprise relevant representatives of Contracting Parties to the Bern Convention and may invite relevant third parties as deemed necessary.

The *Ad-hoc* Drafting Group will select one Chair from amongst its members.

IV. WORKING METHODS

The members of the *Ad-hoc* Drafting Group of the Amending Protocol will provide input through meetings, conference calls, written contributions to draft papers, reports, and other means as appropriate.

The working language will be English.

The *Ad-hoc* Drafting Group will determine its own meeting frequency. The *Ad-hoc* Drafting Group shall operate by online means.

The Bureau of the Standing Committee will review and evaluate the work of the *Ad-hoc* Drafting Group at the Bureau's meetings through the year.

The *Ad-hoc* Drafting Group of the Amending Protocol will report to the 44th Standing Committee to the Bern Committee.

In co-operation with the Chair, the Secretariat will coordinate and assist with the organisation and preparation of the agenda for the meetings of the *Ad-hoc* Drafting Group of Amending Protocol and any other support activities deemed necessary.