



Strasbourg, 15 January 2023

T-PVS(2022)31

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, hybrid meeting, 28 November - 2 December 2022

-MEETING REPORT-

*Document prepared by
the Secretariat of the Bern Convention*

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PART I – OPENING

1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

Relevant documents: T-PVS/Agenda(2022)20 – Draft agenda of 42nd Standing Committee

The 42nd meeting of the Standing Committee to the Bern Convention was opened by the Chair of the Committee, Ms Merike Linnamägi, who welcomed Contracting Parties and all other participants to the meeting who were either joining in-person in Strasbourg or online. She remarked that out of the 196 participants who had registered, 44 Contracting Parties were represented. She also thanked the Secretariat for the hard work during the year and for preparing the meeting. The agenda was adopted with no amendments ([Appendix I](#)).

The European Union (EU) and its Member States stated that it was pleased that the 42nd meeting of the Standing Committee was able to meet in person again. It highlighted some of the crucial issues which were to be discussed on the agenda, such as the strategic plan, whose success depended on a sufficient and stable financing of the Convention. Several issues related to the monitoring of species and habitats would be discussed and the expert groups involved were thanked. The case-files and the important contribution of the civil society in bringing those issues to the attention of the parties was also stressed.

The EU and its Member States also expressed full solidarity with Ukraine and the Ukrainian people, and that the Russian Federation has to put an end to the unjustifiable, unprovoked and illegal war against Ukraine, to stop violating the UN Charter and other fundamental principles of international law. Finally, they welcomed that the UN General Assembly had adopted a resolution on “The human right to a clean, healthy and sustainable environment”, and finally recalled the upcoming CBD COP 15.2, and the Bern Convention’s ongoing important role to play at global level.

2. CHAIRPERSON'S REPORT AND COMMUNICATIONS FROM THE DELEGATIONS AND FROM THE SECRETARIAT

Relevant documents: T-PVS(2021)28 – 41st Standing Committee meeting report
T-PVS(2022)05, T-PVS(2022)20 – Reports of the two Bureau meetings in 2022

The Standing Committee noted the report of its 41st meeting and reports of the two ordinary meetings of the Bureau to the Standing Committee held during 2022. It recalled that there had been once again a high number of activities implemented during the year, and a challenge this year had been the re-introduction of in-person activities, as well as the new format of hybrid meetings.

The Committee appreciated the many activities undertaken and commended the balance of in-person, online, and hybrid activities and meetings.

The Director of Democratic Participation, Mr Matjaž Gruden, informed the Standing Committee about a restructuring of the Department of Culture, Nature and Heritage and recent developments within the Council of Europe. In particular, he reported on measures that had been taken by the Committee of Ministers of the Council of Europe in light of the aggression of the Russian Federation against Ukraine:

By decision of 16th March 2022 (CM/Del/Dec(2022)1428ter/2.3), the Committee of Ministers had decided, in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, that the Russian Federation ceases to be a member of the Council of Europe as from 16th March 2022.

By decision of 17th March 2022 (CM/Del/Dec(2022)1429/2.5), the Committee of Ministers had decided to suspend all relations with Belarus as a result of the country's active participation in the aggression of the Russian Federation against Ukraine. This also concerns Belarus' participation in partial agreements of the Council of Europe, but is without prejudice to the rights of Belarus as contracting party to international conventions. The Committee of Ministers had also decided to suspend all technical co-operation with Belarus. At the same time, the Committee had decided to enhance relations with Belarusian civil society and the opposition in exile, paying particular attention to the Belarusian youth, independent media and human rights defenders.

By decision of 30th June 2022 (CM/Del/Dec(2022)1438/2.3), the Committee of Ministers had taken decisions concerning the modalities for the participation of the Russian Federation in open conventions. The Committee of Ministers had invited each body representing all the Parties of treaties to which the Russian Federation is a Party to decide, on the basis of its rules of procedure, on the modalities of participation of the Russian Federation in that body and to consider measures which may include restrictions or limitations to the participation of the Russian Federation.

On 5th October 2022, referring to their decisions on relations between the Council of Europe and Belarus of 17th March 2022 and on the consequences of the aggression of the Russian Federation against Ukraine of 30th June 2022, the Committee of Ministers had taken decisions concerning the modalities for the participation of Belarus in open conventions (CM/Del/Dec(2022)1445/10.4). The Committee of Ministers had invited each body representing all the Parties of treaties to which Belarus is a Party to decide, on the basis of its rules of procedure, on the modalities of participation of Belarus in that body and to consider measures which may include restrictions or limitations to the participation of Belarus.

The Standing Committee took note of the information provided. The Standing Committee was reassured by Mr Gruden that the internal restructuring of the Department of Culture, Nature and Heritage would not affect the workload of the Secretariat. It also took note of statements of representatives from Belarus and Ukraine.

3. MODALITIES OF PARTICIPATION OF BELARUS IN THE WORK OF THE STANDING COMMITTEE

Relevant document: CM/Del/Dec(2022)1445/10.4 - Committee of Ministers' decisions of 5 October 2022 on the modalities for the participation of Belarus in open conventions

The Director of Democratic Participation, Mr Matjaž Gruden, presented the following decisions taken by the Committee of Ministers at its 1445th meeting on 5th October 2022 concerning the modalities for the participation of Belarus in open conventions (CM/Del/Dec(2022)1445/10.4), referring to its decisions on relations between the Council of Europe and Belarus of 17th March 2022 and on the consequences of the aggression of the Russian Federation against Ukraine of 30th June 2022:

“The Deputies

1. referring to their decisions CM/Del/Dec(2022)1429/2.5 (paragraph 9) on relations between the Council of Europe and Belarus of 17 March 2022 and CM/Del/Dec(2022)1438/2.3 on the consequences of the aggression of the Russian Federation against Ukraine of 30 June 2022;
2. pursuing a case-by-case approach to the analysis of the modalities of participation of Belarus in open conventions, in order to take into account the subject and regime of each convention as well as the main principles of public international law, invited, where relevant, each body representing all the Parties of treaties to which Belarus is a Party, to decide, on the basis of its rules of procedure, on the modalities of participation of Belarus in the respective body as soon as possible and no later than the end of December 2022;
3. in doing so, invited these bodies to consider, requesting the advice of the CAHDI if needed, measures which may include the possibility of restricting the participation of Belarus in the above-mentioned treaty bodies or limiting its participation exclusively to the monitoring of its own compliance with the obligations under those conventions, without the right to participate in the adoption of decisions by those bodies nor to vote;
4. invited the Rapporteur Group on Legal Co-operation (GR-J) to continue to co-ordinate this work and to report back on the decisions taken by the above-mentioned bodies.”

The Standing Committee condemned in the strongest possible terms the Russian Federation's unprovoked and unjustified act of aggression against Ukraine and the involvement of Belarus in this war which grossly violates international law and the UN Charter and undermines international security and stability.

The Standing Committee recalled that, in addition to the primary tragedy of the mass deaths of the Ukrainian people, the natural environment of the country is also being catastrophically damaged. Regrettably, Ukraine's natural habitats and species will take many years to recover and some may be irretrievably lost. Furthermore, the war in Ukraine is compromising the ability of multilateral environmental agreements to carry out their work

in co-operation with their Parties, and the positive environmental work undertaken with Ukraine over the last decades is being undone.

The Standing Committee further expressed the intention to fully support Ukraine to continue to co-operate on environmental issues internationally, once the situation has stabilised.

The Standing Committee expressed its active opposition to the selection of any possible Belarusian candidates for the role of a Bureau member, Chair or Vice-Chair, or a chair of any Group of Experts, working group, and also to entrusting any representative of Belarus with any task of rapporteur or coordinator, or tasking them with representing the Standing Committee in any circumstances.

The Standing Committee requested the Secretariat to monitor the developments and approaches in other similar conventions within the Council of Europe with regard to possible further restriction of the participation of Belarus, to monitor further advice on this matter and to report to the next Standing Committee on experience gained for further discussion on the subject.

4. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION

4.1 Financing of the Bern Convention

Relevant documents:

- CM/Del/Dec(2022)1437/9.2 - Committee of Ministers' decision of 15 June 2022 to establish a Fund
- CM/Del/Dec(2022)1446/9.1- Committee of Ministers' decision of 19 October 2022 to draft an amending protocol
- Resolution No. 9 (2019) on the financing of the Bern Convention
- T-PVS/Inf(2022)13 – Voluntary Contributions 2022
- T-PVS(2022)01 - Report of 5th meeting of Intersessional Working Group on Finances
- T-PVS(2022)27 - Report of 6th meeting of Intersessional Working Group on Finances
- T-PVS(2022)02 - Proposal for Article 14 bis amending the Bern Convention and its draft Annex
- T-PVS/Inf(2022)05 - Establishing a financial mechanism within the Bern Convention - Explicative note
- T-PVS/Inf(2022)50 - Advantages and disadvantages and consequences of possible options
- T-PVS/Inf(2022)51 - Concept note on the creation of a Fund for the Bern Convention
- T-PVS(2022)28 - Draft Terms of Reference of the *ad hoc* Drafting Group of an Amending Protocol

The Chair thanked the 20 Contracting Parties which had paid a voluntary contribution in 2022, invited the Standing Committee to take stock of the voluntary contributions received in 2022 and to consider the same scale of voluntary contributions as set by Resolution No. 9 (2019) for 2023.

The Chair of the Intersessional Working Group on Finances, Mr Charles-Henri de Barsac, presented the outcomes of the two Working Group meetings held in 2022. He reported on the extent to which the Working Group had managed to comply with the mandate of the 41st Standing Committee and the recommendations of the Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C).

With regard to the Enlarged Partial Agreement (EPA), the Intersessional Working Group had acknowledged that Parties' uncertainty regarding their intention towards the EPA was an obstacle to pursue this option.

Regarding the amendment pursuant to Article 16 of the Bern Convention, the Intersessional Working Group had agreed on a draft amendment and its annex as presented in document T-PVS(2022)02.

In response to the GR-C request to explore new options, the Intersessional Working Group on Finances had considered a paper prepared by the Directorate of Legal Advice and Public International Law on the advantages and disadvantages of three different legal avenues that exist for the inclusion of a financial mechanism in the Bern Convention, namely: (1) an amendment pursuant to Article 16 of the Bern Convention, (2) a protocol amending the Bern Convention, (3) an additional protocol to the Bern Convention. As the Working Group had had no mandate from the Standing Committee to pursue the amending or the additional protocol, it had agreed that it was necessary to assess which of the legal options would gather the most support from the Standing Committee and the Committee of Ministers.

Mr de Barsac further reported that, in parallel to the work of the Intersessional Working Group, discussions and consultations had continued within the GR-C, which considered the establishment of a protocol to be more realistic, faster and more flexible than the amendment pursuant to Article 16 of the Convention. Following the GR-C decision of 4th October 2022 to support the elaboration of a protocol amending the Bern Convention, on 19th October 2022, the Committee of Ministers had mandated the Standing Committee to elaborate such a protocol.

Moreover, on 15th June 2022, the Committee of Ministers had also supported the creation of a Fund for the Bern Convention by transforming the existing special account into a Fund with the aim of increasing the visibility

of the Convention and its donors and attract additional contributions until a sustainable, institutional financial mechanism would be found.

Regarding the next steps, the Intersessional Working Group on Finances had invited the Standing Committee to follow up on the decision of the Committee of Ministers taking into account the proposed draft amendment under Article 16 when drafting the protocol amending the Bern Convention. The Intersessional Working Group had further invited the Standing Committee to endorse the Terms of Reference of the *Ad hoc* Drafting Group of an Amending Protocol which would replace the Intersessional Working Group on Finances in 2023.

The Director of Democratic Participation, Mr Matjaž Gruden, emphasised that a protocol amending the Bern Convention was a perspective for a sustainable financial solution. Its entry into force remained nevertheless uncertain and would in any case take time. He pointed out that less than half of the Contracting Parties were contributing voluntarily to the Bern Convention and invited Contracting Parties ready to engage and support a mechanism of compulsory financial contributions to already provide the Bern Convention with voluntary contributions.

The Standing Committee:

- took note of the information presented;
- agreed on the suggested scale of voluntary contributions for 2023 as set in Resolution No. 9 (2019);
- took note of the meeting reports of the Intersessional Working Group on Finances;
- welcomed the Committee of Ministers' decision of 19th October 2022 entrusting the Standing Committee to prepare a draft protocol amending the Bern Convention;
- welcomed the Committee of Ministers' decision of 15th June 2022 to establish a Fund for the Bern Convention, stressing that it must neither lead to a reduction of the efforts in seeking for an institutional financial mechanism, nor to a decrease of the resources provided by the ordinary budget of the Council of Europe. The Fund should also facilitate the procedure for the payment of voluntary contributions and allow the funding of more ambitious projects in the interest of all Parties. The Standing Committee further acknowledged that the success of the Fund relied on significant mobilisation of resources and communication.
- endorsed the Terms of Reference for an *Ad hoc* Drafting Group of an Amending Protocol to elaborate a draft protocol amending the Bern Convention ([Appendix II](#)), elaborate its modalities of entry into force and functioning, and propose a scale of contribution for the consideration of the Standing Committee;
- mandated the Secretariat to constitute the *Ad-hoc* Drafting Group of an Amending Protocol shortly after the 42nd Standing Committee and, if possible, finalise the elaboration of the protocol amending the Bern Convention within the first quarter of 2023 and convene an extraordinary meeting of the Standing Committee before the end of June 2023;
- requested that the Council of Europe Directorate of Legal Advice and Public International Law (DLAPIL) attends the meetings of the *ad-hoc* Drafting Group of an Amending Protocol to provide the necessary advice;
- called on all Contracting Parties to fully engage in the process of drafting the Amending Protocol text and capitalise on and further strengthen the positive relationship between the Ministries of Environment and the Ministries of Foreign Affairs;
- called for nominations from Contracting Parties to participate in the *Ad hoc* Drafting Group by 15th December 2022.

4.2 Vision and Strategic Plan for the Bern Convention for the period to 2030 and contribution to the post-2020 global biodiversity framework

Relevant documents: T-PVS(2022)04 - Report of 4th meeting of Working Group on a Vision and Strategic Plan
T-PVS(2022)10 - Report of 5th meeting of Working Group on a Vision and Strategic Plan
T-PVS(2022)21 - 8th draft of the Strategic Plan
T-PVS(2021)14 - Vision for the Bern Convention for the period to 2030

The Chair of the Working Group on developing a Vision and Strategic Plan for the Bern Convention for the period to 2030, Mr Jan Plesnik, informed the Standing Committee on the work of the Group during 2022: it had met twice and undertaken several written consultations in between to further elaborate the Strategic Plan, which

was on its 8th draft, as well as accompanying material on potential indicators for targets. The Chair warmly thanked the former Working Group Chair Simon Mackown, the current members of the Group, the Secretariat and the independent consultant Mr David E. Pritchard for his continuing excellent work of compiling members' comments and developing the draft. However, he stressed that recruitment of new countries and members was needed.

Much of the work during the year had focused on the targets, and the Group had agreed on the wording of these before looking into developing indicators. It had quickly become apparent however, that the latter task would require further technical work; therefore, the Group had agreed to recommend to the Standing Committee to further extend its mandate in 2023, with a view to finalising the strategic plan in time for the 43rd Standing Committee. It also proposed that the targets as they were could be approved during the present meeting.

Several Parties, including the EU and its Member States, the UK, Switzerland, Georgia, Azerbaijan, Serbia and Norway, as well as Observers ProNatura and Bankwatch, expressed their general satisfaction with the direction in which the Plan was going. It was, however, agreed that the targets should not be adopted during this meeting, as they were too closely interlinked with the indicators which required further elaboration. Not to mention that the CBD negotiations on the Global Biodiversity Framework were still awaited and most relevant to the current Plan. Several speakers strongly called for the adoption of the Plan at latest by the 43rd Standing Committee meeting, and urged a strong decision during the current meeting to that effect, as to delay further would jeopardise the objectives of the Plan and its 2030 target year.

Several Parties also stressed that the purpose of the Plan should be to outline the strategic direction of the Convention and strengthen its already existing instruments, without inventing new ones or further reporting burden- in this regard, the Chair of the Working Group on Reporting offered to join the Group to provide insight on reporting aspects. Another comment was that some specific elements required clarification. Several participants expressed their desire to join the Working Group and to comment on the present 8th draft, however it was also reiterated that the Working Group had been meeting for almost 2 years, and therefore future consultations should not return to already discussed and decided aspects.

In that regard, the Standing Committee thanked the Working Group, the independent expert and the Secretariat for the work done on the Strategic Plan during 2022, expressed its approval of the direction in which the Plan was going, and agreed to extend the mandate of the Group into 2023, in order to conclude the drafting of the remaining elements of the Plan and to recommend an agreed final version to the 43rd Standing Committee for adoption. The Plan should also take into account the outcomes of the Global Biodiversity Framework negotiations, due to conclude in December 2022. All Contracting Parties and interested Observers were invited to provide comments to the 8th draft of the Plan as well as possible nominations to the Working Group by 15th January 2023.

4.3 Case-file reflection

Relevant documents: T-PVS/Inf(2022)27 – Case-File Reflection: Draft Guide of Procedures
 T-PVS/Inf(2022)28 – Case-File Reflection: Proposals for increasing the efficiency and effectiveness of the system
 T-PVS/Inf(2021)30 – Case-file system reflection: Secretariat memorandum

The Chair recalled the reason for this case-file reflection which had been initiated in 2021: the Bureau and Standing Committee were receiving more and more case-files, the Secretariat receiving frequent questions about the processes, and some of the procedures required rethinking. The two documents which had been developed following the case-file reflection consultation with the Bern Convention Contracting Parties and Observers, as well as extensive Bureau review during 2021 and 2022 were presented: the draft Guide of Procedures and the proposals for increasing the efficiency and effectiveness of the system going forward.

The draft Guide of Procedures was intended to become a useful resource for all Bern Convention stakeholders and the wider public. The Chair recalled that the documents were for reference only and intended to be updated over time. She mentioned further that one of the initiatives from the second document had already been implemented this year - the case-file dashboard, which would be presented later in the meeting.

Several parties, including the UK, the EU and its Member States, Switzerland and Azerbaijan supported the documents, and some minor amendments and suggestions were proposed and agreed upon. One party enquired as to the next steps in relation to the Document on Future Proposals, and if a specialised Working Group could be formed to take these proposals forward. The Chair recalled that many working groups were already planned for next year and proposed that the Bureau continue to be the entity working on these proposals for now, while in the

future, resources depending, a specialised Working Group could be envisaged.

The Committee also took note of and thanked Switzerland for its offer to support financially next year some of the activities included in the document on future proposals.

The Standing Committee thanked the Secretariat for the work done on the case-file reflection documents and acknowledged the need to improve certain elements of the system. It supported the document “Guide of Procedures” which should become the go-to handbook for users of the system and the general public, and invited them to use the Guide when dealing with the case-files. The Standing Committee took note of the document “Proposals for increasing the efficiency and effectiveness of the system going forward”, noting that it was a living document which could be updated regularly, and invited the Bureau to guide the Secretariat in the implementation of proposed actions, subject to availability of adequate financial and human resources.

4.4 Rules of Procedure - Possible modifications

Relevant documents: T-PVS/Inf(2022)29 - Proposed amendments to the Rules of Procedure of the Standing Committee
T-PVS/Inf(2022)30 - Explanatory table of proposed amendments to the Rules of Procedure of the Standing Committee

The Chair recalled that the proposed amendments to the Rules of Procedure of the Standing Committee had been developed in consultation with the Bureau and the legal department of the Council of Europe. The main aim of the proposed amendments was to include a more explicit mention of the possibility to use digital technologies for the work of the Standing Committee, taking into account the lessons learnt from the pandemic experience, addressing procedural issues such as working methods, electronic voting and written consultations. As requested by the 41st Standing Committee, the final proposal had been shared with the Parties in June 2022.

The EU and its Member State and the UK proposed several minor amendments which were accepted and France proposed a linguistic amendment to the French version.

The Standing Committee therefore **adopted the revised Rules of Procedure (T-PVS(2022)29)** ([Appendix III](#)) which would replace the former version (T-PVS/Inf(2013)6).

PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

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

5.1 Biennial reports 2017-2018 and 2019-2020 concerning exceptions made to Articles 4, 5, 6, 7 or 8

Relevant documents: T-PVS/Inf (2022)52 – Summary table of reporting under the Bern Convention
Joint Note from the Secretariat of the Bern Convention and DG Environment on further instructions on reporting under Article 9 of the Bern Convention by EU MS

The Standing Committee took note of the information of the Secretariat who informed that, following a reminder sent in June 2022, 28 Contracting Parties had submitted either a report via the Online Reporting System (ORS) system, or, for the EU Member States, the Habides+ tool, an increase of two from last year. However, of those, some reports were incomplete, and in the case of some of the EU Member States, the full package of reports, that is, the biennial report according to the Habitats Directive and both annual reports according to the Birds Directive had not yet been submitted. Those Parties who had not done so were kindly requested to submit the reports at their earliest convenience, either via the ORS tool or the Habides+ tool, as relevant.

The Committee also took note of the intervention of the EU and its Member States, who appreciated the streamlined process of the ORS and Habides+ tools, and informed that they would submit the compilation of Member States’ biennial reports for 2021–2022 in October 2023.

The Standing Committee also took note of the information of the Secretariat that, with the funding of a voluntary contribution from Germany, an external consultant with experience in monitoring processes had undertaken an assessment of the biennial reporting process, in relation to the online reporting system, reporting

quantity and quality, and comparing to other similar reporting mechanisms, e.g. EU, AEWA and CMS. The study had also looked into the possibilities of undertaking future external evaluations of the biennial reports, such as the European Commission does for its Habitats and Birds reports. The final study was almost ready.

The Standing Committee welcomed the study and asked the Bureau to follow up with this during 2023, and to report back at the 43rd meeting. It stressed the importance of Parties following up with their legal obligations to the Convention.

5.2 Proposal for amendment: Downlisting of the wolf (*Canis lupus*) from Appendix II to Appendix III of the Convention

Relevant documents: T-PVS/Inf(2022)45 – Pan-European assessment of the conservation status of the wolf

The Chair recalled that, in 2018, Switzerland had proposed an amendment to the Appendices of the Convention in accordance with Article 17, paragraph 1 of the Bern Convention, to downgrade the wolf (*Canis lupus*) from Appendix II (strictly protected fauna species) to Appendix III (protected fauna species). The 38th Standing Committee had not taken a decision on the proposed amendment as Contracting Parties had not been ready to take a position. Following a renewal of the request by Switzerland on 5th April 2022 and pursuant to Article 17, paragraph 2 of the Convention, the Standing Committee was invited to re-examine the proposed amendment of the Appendices II and III.

The delegate of Switzerland presented the proposal for amendment and the motivations behind the proposal. He also requested the Standing Committee to take position on the proposal for amendment.

The Chair of the IUCN Large Carnivore Initiative for Europe (LCIE) informed Parties of the conservation status of the wolf at pan-European level.

At the request of the representative of Switzerland, Contracting Parties were asked to vote.

Azerbaijan, Belarus, Georgia, Liechtenstein, Switzerland and Türkiye supported the amendment.

Andorra, Iceland, the EU and its Member States and the United Kingdom opposed the amendment.

Monaco, Norway and Serbia abstained.

As the required two-thirds majority of the Contracting Parties was not reached, the proposed amendment was not adopted.

PART III – MONITORING OF SPECIES AND HABITATS

6. MONITORING OF SPECIES AND HABITATS

6.1 Conservation of Birds: IKB and Group of Experts

Relevant documents: T-PVS(2022)11 - Meeting report of 4th joint IKB/MIKT meeting

T-PVS/Inf(2022)21_rev - Instructions for additional narrative text to support Scoreboard submissions

T-PVS/Inf(2022)18_rev2 - Legislative Guidance relating to the illegal killing, taking and trade of wild birds

T-PVS/Inf(2022)19_rev3 - Model law provisions on illegal killing, taking, and trade of wild birds (IKB)

T-PVS/Inf(2022)20_rev - draft Methodology, guidance and common format for conducting socio-economic research into the motivations behind IKB

T-PVS/Inf(2022)23_rev - Recommendations for the development and implementation of national Action Plans against the Illegal Killing, Trapping and Trade of Birds

T-PVS(2022)12 - Meeting report of 7th meeting of the Group of Experts on the Conservation of Birds

T-PVS/Inf(2022)31 - Action Plan for river birds in the five-country Biosphere Reserve “Mura-Drava-Danube”

The Standing Committee thanked the outgoing Chair of the Group of Experts on the Conservation of Birds Mr Rastislav Rybanic and the CMS Secretariat for their presentations and the work achieved throughout the year.

The Standing Committee took note of the report of the 4th joint meeting of the Bern Convention Network of Special Focal Points on IKB and the CMS Intergovernmental Task Force MIKT of 7-9 June 2022 and thanked the Spanish authorities for hosting the meeting.

The Committee recognised the importance of coordinated efforts to tackle IKB and welcomed the continuous cooperation between the Bern Convention and the CMS Secretariat.

The Standing Committee noted that the updates to the Scoreboard would help improve the Contracting Parties' self-assessment of the progress made in the implementation of the Rome Strategic Plan. It adopted the proposed instructions for additional narrative text to support Scoreboard submissions (T-PVS/Inf(2022)21rev, [Appendix IV](#)), and invited Contracting Parties and Observer states to provide additional narratives to support their Scoreboard submissions in 2023 and for future assessments.

The Standing Committee discussed and endorsed the legislative guidance related to the illegal killing, taking and trade of wild birds (T-PVS/Inf(2022)18_rev2) and took note of the associated model law examples (T-PVS/Inf(2022)19_rev3).

The Standing Committee discussed and endorsed the recommendations for the development and implementation of national Action Plans against the Illegal Killing, Trapping and Trade of Birds (T-PVS/Inf(2022)23_rev).

The Committee welcomed the progress in the development of a methodology, guidance and common format for conducting socio-economic research into the motivations behind IKB and took note of the draft presented (T-PVS/Inf(2022)20rev). When finalised, the Standing Committee instructed the Secretariat to present the document for discussion and possible adoption by the Standing Committee.

The Standing Committee took note of the report of the 7th meeting of the Group of Experts on the Conservation of birds of 9-10 June 2022 and thanked the Spanish authorities for hosting the meeting. The Committee welcomed the proposals by the Group for its future work priorities, and in particular thanked the Turkish authorities for offering to host the next Group of Experts meeting in Türkiye.

Further, the Standing Committee thanked WWF Austria and REVITAL for their presentation on the Action Plan for River birds in the five-country Biosphere Reserve “Mura-Drava-Danube” (T-PVS/Inf(2022)31). The Standing Committee took note of the Action Plan and invited range Contracting Parties to follow up on its implementation.

6.2 Invasive Alien Species (IAS)

Relevant documents:

- T-PVS/Inf(2022)35 - Guidance on communication and IAS
- T-PVS/Inf(2022)15 - draft Recommendation on communication and IAS
- T-PVS/Inf(2022)40 - Report on Alien Pathogens and Pathogens spread by IAS
- T-PVS/Inf(2022)41 - Analysis of replies to questionnaire on relevant legislation of Bern Convention non- EU Contracting Parties on wildlife pathogens spread by alien species and on alien species affecting wildlife by acting as pathogens
- T-PVS/Inf(2022)16 - draft Recommendation on alien pathogens and pathogens spread by IAS
- T-PVS/Inf(2022)39 - Position paper on Invasive Alien Tree Species and Climate Change
- T-PVS/Inf(2022)17 - draft Recommendation on Invasive Alien Tree Species and Climate Change

The Standing Committee thanked the independent consultant Mr Thomas Abeli for his presentation and the work achieved throughout the year. It took note of the Guidance on Communication and IAS and it examined and adopted, with minor amendments, the following Recommendation:

➤ **Recommendation No. 214 (2022) on Communication and IAS ([Appendix V](#))**

The Standing Committee thanked the independent consultant Mr Riccardo Scalera for his presentations and the work achieved throughout the year. The Committee took note of the Report on Alien Pathogens and Pathogens spread by IAS, including the analysis of relevant legislation of non-EU Contracting Parties on wildlife pathogens and IAS, and it examined and adopted, with amendments, the following Recommendation:

➤ **Recommendation No 215 (2022) on Alien Pathogens and Pathogens spread by IAS ([Appendix VI](#))**

The Standing Committee thanked the independent consultant Mr Giuseppe Brundu for his presentation and the work achieved throughout the year. It took note of the position paper on risks associated with the use of

invasive alien tree species as a nature-based solution to mitigate climate change, and it examined and adopted, with amendments, the following Recommendation:

➤ **Recommendation No 216 (2022) on invasive alien tree species and climate change ([Appendix VII](#))**

6.3 Amphibians and Reptiles: Conservation of Marine Turtles

Relevant documents: T-PVS(2022)14 - Report of 2nd meeting of ad hoc working group for conservation of marine turtles
T-PVS/Inf(2022)42 – Conservation of marine turtle nesting sites: a guidance tool

The Standing Committee thanked the Chair of the *ad hoc* Working Group on marine turtles' conservation, Ms Céline Van Klaveren-Impagliazzo, and the independent consultants commissioned to assist in the development and implementation of the initiative for marine turtles' conservation, Mr Paolo Casale and Mr Ivica Trumbic, for their presentations and the work achieved throughout the year. The Standing Committee took note of the report of the second meeting of the *ad hoc* Working Group for conservation of marine turtles. It thanked the three Contracting Parties Cyprus, Greece and Türkiye, the NGOs, the members of the *ad hoc* Working Group and the Secretariat for their commitment and efforts.

The Standing Committee welcomed the progress in the development of the guidance tool for the conservation of marine turtle nesting sites and took note of the draft presented (T-PVS/Inf(2022)42). The Standing Committee instructed the Secretariat, in collaboration with the *ad hoc* Working Group and independent consultants, to further elaborate the document during the course of 2023, with the aim of presenting it to the 43rd Standing Committee.

The Committee thanked Monaco for its financial support to the initiative for marine turtles' conservation and called on Contracting Parties to provide financial support for the continuation of the initiative.

The Standing Committee took note of the financial support provided by the Convention towards the 7th Mediterranean Conference on Marine Turtles held on 18-21 October 2022 in Tetouan, Morocco.

6.4 Biodiversity and Climate Change

Relevant documents: T-PVS(2022)13 – Meeting report of the Group of Experts on Biodiversity and Climate Change
T-PVS(2022)09 – draft revised Terms of Reference of the Group of Experts on Biodiversity and Climate Change

The Standing Committee took note of the report of the 11th meeting of the Group of Experts on Biodiversity and Climate Change which had taken place online on 23rd May 2022. It endorsed the revised Terms of Reference of the Group of Experts on Biodiversity and Climate Change (T-PVS(2022)09, [Appendix VIII](#)) which had been drafted in order to better reflect recent developments in the agenda on climate change and also the urgency of the topic, where climate change has been recognised by the IPBES Global Assessment Report as one of the key drivers of global biodiversity loss.

With respect to the future priority areas of work of the Group of Experts, the Standing Committee welcomed the suggestion of the Group to focus on the impact of climate change on protected areas and on the role of protected areas in climate change mitigation, adaptation and disaster risk reduction. With this in mind, the Standing Committee supported the organisation of a joint meeting of the Groups of Experts on Biodiversity and Climate Change and on Protected Areas and Ecological Networks where the inclusion of adaptation measures in management plans, the monitoring of climate change impacts in protected areas could be discussed and good practices showcased.

Regarding the assessment of progress in the implementation of the numerous Recommendations of the Standing Committee in the field of climate change, the Standing Committee recommended that this question should be considered at a more general level and in conjunction with the discussion on the Strategic Plan of the Bern Convention in order to ensure streamlined monitoring and avoid duplication of reporting obligations.

Finally, the Standing Committee supported increased cooperation in the field of climate change across multilateral environmental agreements.

6.5 Pan-European Action Plan for Sturgeons

Relevant document: T-PVS(2022)26 – Report of the first meeting of the National Focal Points for the Pan-European Action Plan for Sturgeons

The Chair of the National Focal Points for the Pan-European Action Plan for Sturgeons, Ms Salome Nozadze, informed the Standing Committee of the outcomes of the first meeting of the National Focal Points held in-person on 5th and 6th October 2022 thanks to the generous financial support from the Netherlands.

The meeting had aimed to take stock of the state of implementation of the Action Plan adopted by the Standing Committee in 2018, assess gaps, showcase good practices and identify areas of improvements.

The Standing Committee took note of the report of the first meeting of the National Focal Points for the Pan-European Action Plan for Sturgeons and urged all range Contracting Parties to nominate National Focal Points with the mandate to actively engage in the coordination of the implementation of the Action Plan at national level.

The Standing Committee took note of the conclusions of the meeting aimed at overcoming obstacles and challenges to the implementation of the Pan-European Action Plan for the Conservation of Sturgeons and strongly recommended range Parties to put them into practice without delay.

Furthermore, the Standing Committee encouraged National Focal Points to cooperate with the consultant who would be selected by the European Commission within the frame of a call for tender aimed at supporting the implementation of activities within the Action Plan.

Finally, the Standing Committee thanked the authorities of the Netherlands for their voluntary contribution in support of the conservation of sturgeons and invited other Parties to consider paying voluntary contributions for the protection of the species.

6.6 Action Plan for the eradication of the Ruddy Duck

Relevant documents: T-PVS(2022)18 – Report of Ruddy Duck Expert Meeting
T-PVS(2022)24 - Progress report on the implementation of the Action Plan for the Eradication of the Ruddy Duck in the Western Palaearctic, 2021-2025

The Standing Committee took note of the report of the meeting on the implementation of the Action Plan for the eradication of the Ruddy Duck in the Western Palaearctic, 2021-2025, held online on 20th July 2022. The Standing Committee thanked all Contracting Parties who had replied to the reporting questionnaire shared in the first half of the year and particularly thanked Tier 3 countries for their efforts in eradicating the Ruddy Duck.

The Committee also appreciated the presentation of the technical expert of Wildfowl & Wetlands Trust, Mr Peter Cranswick, who reported on the outcomes of the progress review of the implementation of the Action Plan (T-PVS(2022)24). The Committee welcomed the progress in certain countries notably in the Netherlands, but noted with concern the absence of effective control in Germany, especially in light of the new individuals recently reported in the country.

Whilst the implementation has improved, the Standing Committee continued to stress the need for collective and coordinated action for implementation of the Action Plan, especially in countries that had or still have significant breeding populations, to effectively address the problem for Europe as a whole. All Contracting Parties with sightings of Ruddy Ducks were invited to step up their efforts to eradicate the species and save the endangered white-headed duck in Europe.

6.7. Conservation of Large Carnivores

Relevant document: T-PVS/Inf(2022)54 - CMS draft range-wide strategy on the conservation of the Persian leopard (UNEP/CMS/CAMI/RS- PL1/Doc.2/Rev.2)

The Standing Committee took note of the information of the Secretariat who informed about the draft CMS Range-Wide Conservation Strategy for the Persian Leopard, which was being developed by the CMS Central Asian Mammals Initiative (CAMI), as part of its Programme of Work, together with the IUCN SSC Cat Specialist Group.

The Committee also took note of the lynx conference scheduled for May 2023 under the initiative of the IUCN Cat Specialist Group. It expressed its support for the Bern Convention to financially assist the Conference, pending the availability of resources.

6.8. Conservation of Habitats:

6.8.1 *Emerald Network of Areas of Special Conservation Interest*

Relevant documents:

- T-PVS/PA(2022)07 - Meeting report of the Group of Experts on Protected Areas and Ecological Networks
- T-PVS/PA(2022)09 - draft list of candidate Emerald Network Sites
- T-PVS/PA(2022)10 - draft list of adopted Emerald Network Sites

The Secretariat informed the Standing Committee of the outcomes of the 13th meeting of the Group of Experts on Protected Areas and Ecological Networks which had taken place online on 15th June 2022.

While the Standing Committee took note of the report of the meeting of the Group of Experts, it strongly regretted the lack of progress on the legal framework of the Emerald Network. This work is of key importance for providing guidance to Contracting Parties on the management of sites and the assessment of impacts of projects and plans on the sites' integrity and related permitting procedures. The Standing Committee instructed the Group of Experts to give the highest priority to this matter and to submit a proposal for the consideration of the 43rd Standing Committee.

The Standing Committee regretted the delayed launch of the consultation on the legal framework of the Emerald Network, to which only the UK had responded. The Standing Committee encouraged Parties to provide a response by the extended deadline of 15th January 2023.

The Standing Committee welcomed the official launch of the Emerald Network Barometer aimed to become a very useful tool for guiding decision-making and priority setting both at national and Convention levels and monitoring progress in the implementation of the future strategic plan of the Convention.

The Standing Committee also welcomed the outcomes of the biogeographical evaluations of the Emerald Network sites designated by Iceland and Liechtenstein. The Standing Committee encouraged both Parties to take advantage of the momentum and to pursue and step up their efforts for ensuring a full sufficiency of their networks.

The Standing Committee further welcomed the outcomes of the IPA project “Emerald Network data mobilization in the Western Balkans” implemented by the European Environment Agency, congratulated Serbia for its commitment to its international obligations in the framework of the Bern Convention and encouraged the other South-East European Contracting Parties to fully engage in the Emerald Network process.

The Standing Committee adopted the updated list of officially nominated candidate sites (T-PVS/PA(2022)09, [Appendix IX](#)) including the sites designated by Iceland and Liechtenstein.

The Standing Committee adopted the updated list of officially adopted Emerald Network sites (T-PVS/PA(2022)10, [Appendix IX](#)) including 20 additional sites designated by Georgia.

6.8.2 *European Diploma for Protected Areas*

Relevant documents:

- T-PVS/DE(2022)12 – Meeting report of the Group of Specialists on the European Diploma
- T-PVS/DE(2022)01 – List of the 2022 on-the-spot appraisal visits
- T-PVS/DE(2022)13 – List of areas which could benefit from an on-the-spot appraisal visit in 2023

The Secretariat presented the outcomes of the annual meeting of the Group of Specialists on the European Diploma for Protected Areas which had taken place online on 23-24 February 2022.

The Standing Committee took note of the report of the meeting of the Group of Specialists as well as of on-the-spot appraisal visits which could take place in 2023 and welcomed the Resolutions adopted by the Committee of Ministers renewing the European Diploma of 7 areas.

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

Relevant documents:

- T-PVS/PA(2022)08 - Meeting report of ad hoc Working Group on Reporting

The Chair of the *ad hoc* Working Group on Reporting, Mr James Williams, informed the Standing Committee of the outcomes of the two meetings of the *ad hoc* Working Group on Reporting which had taken place online on 15th June and 18th November 2022. The Standing Committee took note of the two meetings of the *ad hoc* Working Group on Reporting.

Considering that the end of the next reporting round, covering the period 2019-2024, is fast approaching, the Standing Committee agreed the *ad hoc* Working Group on Reporting should work as a matter of urgency on the issues within its Terms of Reference, including on the subset of features to be considered for next reporting cycle, to finalise the checklists of features based on the Emerald Network Reference lists, to produce the format and consider the tool(s) needed for the reporting by the end of 2023 with a view to their submission for adoption by the 43rd Standing Committee.

The Standing Committee recalled that the reporting under Resolution No. 8 (2012) is a priority dataflow for the European Environment Agency (EEA) and requested the Secretariat, subject to availability of resources, to urgently initiate discussions with the EEA to clarify its needs and define the support the EEA could provide.

Finally, the EU and its Member States pointed out that the Bern Convention was lacking a mechanism for measuring how well Contracting Parties were complying with their obligations under the Convention, how well the protected species and habitats were faring in terms of their conservation status within their territories, the extent to which the Emerald Network sites contributed to the achievement of Contracting Parties' result obligations under the Convention and that the reporting under Resolution No. 8 (2012) was originally thought to provide for this mechanism.

PART IV – MONITORING OF SPECIFIC SITES AND POPULATIONS

7. SPECIFIC SITES AND POPULATIONS

Relevant documents: T-PVS/Notes(2022)07 – Summary of open and possible case files
T-PVS/Notes(2022)08 – Summary of complaints on stand-by and follow-up Recommendations
T-PVS/Inf(2022)07 – Register of Bern Convention's case-files

7.1 Files opened

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

Relevant documents: T-PVS/Files(2022)63 - Government Report
T-PVS/Files(2022)XX - Complainant Report

The Standing Committee thanked the Bulgarian Ministry of Environment and Water for the report and presentation, and the complainant, Bulgarian Society for the Protection of Birds/Birdlife, for the oral presentation, but noted that no written report had been received this year from the latter.

The Committee noted the Government's progress in relation to implementation of project activities under point three of Recommendation 200 (2018), availability of public information online, and various positive steps taken under action plans for species including the Red-breasted Goose. It also noted the Government's request that points 1, 2, 6 and 7 of the Recommendation be confirmed by the Standing Committee as fulfilled.

The Committee also took note of the complainant's concerns such as that a strict moratorium on further turbines and windfarm projects still had not been established, and an ongoing lack of inclusion of the complainant in the processes of monitoring, discussions, problem-solving, etc.

The Committee noted the European Commission's statement that the Commission continues to closely monitor progress achieved in Bulgaria to comply with the Court ruling in case C-141/14.

The Committee recalled the decision of the Bureau last September that, given the length of time that the complaint had been on the agenda of the Standing Committee and acknowledging the progress and willingness of the governmental authorities to implement the Recommendation, the 42nd Standing Committee could be invited to discuss and take a decision on the future of this case, whether that be keeping it on the agenda, or closing the case with a follow-up reporting.

Following the discussion, there was general support from Contracting Parties to close the file as it had been on the agenda for so long and due to the willingness of the authorities to implement the Recommendation. However, there was also a strong call to follow-up with this case as a closed file with biennial monitoring, as it was agreed that some results would only be seen in a few years, and also that the government should ensure better collaboration with civil society and scientific community, taking the initiative to invite the complainant and other relevant stakeholders to discussions.

Therefore, **the file was closed** and both parties were requested to send a progress report related to the progress in fulfilment of Recommendation 200 (2018) at the 44th Standing Committee, providing it on time for the Autumn Bureau meeting in 2024 to pre-screen it.

➤ **2013/1 - North Macedonia: Hydro power development within the territory of the Mavrovo National Park**

Relevant documents: T-PVS/Files(2022)58 - Government Report
T-PVS/Files(2022)28 - Complainant Report

The Standing Committee thanked the Ministry of Environment and Physical Planning of North Macedonia and the complainant, Ekosvest for their reports and oral presentations.

The Committee took note of the activities presented by the Government such as efforts to ensure a budget for adoption of the Study for the Revalorisation of the Mavrovo Protected Area; termination of seven concession agreements for small hydropower plants in Shar Mountain National Park; establishment of a working group for Bern Convention issues; ongoing adoption procedure of a new Law on Nature; and initiatives for large carnivores especially the Balkan lynx and Brown bear.

The Committee also took note of the information of the complainant who highlighted that some progress had been achieved by the Government, but much more was needed, most importantly the cancellation of concessions in Mavrovo (as had been done at Shar), which was blocking all of the following processes related to studies, plans, draft laws, etc. Speeding up other aspects such as state funding of national parks, ensuring no further legalisation of objects, improving environmental capacities, collaboration amongst national parks as well as between different levels of governance and civil society, and related to the action plan for the Balkan lynx were also stressed.

The Committee commended the authorities for the progress made during the last year with regard to implementation of Recommendation No. 211 (2021), and especially welcomed the news that the Government had recently revoked seven concessions for small hydropower plants in the newly proclaimed Shar Mountain National Park, an example that should be followed in Mavrovo national Park. It stressed, however, that more concrete and quicker progress was needed, and in particular, in relation to the aspects referred to by the complainant, to:

- cancel the remaining three concessions in Mavrovo NP (Zhirovica 5 and 6 and Ribnicka sHPP);
- accelerate the adoption of the new Law on nature;
- start the process of reproclamation of Mavrovo NP by initiating public consultations and desktop analysis of existing documentation;
- start the process of updating the Balkan Lynx Conservation Action Plan;
- start the process of preparation of the methodology for determination of ecological flow in cooperation with civil society organisations; and
- establish regular coordination and consultation between the State authorities and CSO Complainants.

The Committee, taking note of the progress received and apparent willingness of the Contracting Party to take action, decided to follow the proposal of the Bureau in September to reduce the file to an annual monitoring (Autumn Bureau and Standing Committee). The Government of North Macedonia was requested to send separate reports for the two case-files.

Thus, the file remained open and both parties were invited to present updates on the case and progress in relation to Recommendation No. 211 (2021) at the 2nd Bureau meeting in 2023.

➤ **2017/02: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments - *on-the-spot appraisal***

Relevant documents : T-PVS/Files(2022)03 –Terms of Reference of the OSA
T-PVS/Files(2022)58 - Government Report
T-PVS/Files(2022)29 - Complainant Report

The Standing Committee thanked both parties for their oral presentations. It also took note of the reports received during the year from the complainant Front 21/42, and it acknowledged the report of the Ministry of Environment and Physical Planning, but repeated the last Bureau's request that in the future, the Government send distinct reports for the two open case-files of North Macedonia, as the many issues raised by the complainant had not been responded to.

The Committee took note of the activities presented by the Government such as elaboration of several plans and laws (draft Special Plan for the management of the Saint Naum complex, draft Strategic Plan for the rehabilitation of the natural and cultural heritage of the Ohrid UNESCO Region, Law on Studencheshte Marsh which is in a parliamentary procedure, Study and Draft Management Plan for the valorisation of Monument od Nature - Ohrid Lake, and draft law on re-proclamation of Ohrid lake), establishment of a working group for Bern Convention issues, and collaboration with the complainant Front 21.

The Committee also took note of the multiple concerns raised by the complainant almost all of which appeared to go against the UNESCO WHC recommendations and go in the wrong direction in terms of protecting the fragile environment in these areas. These issues related to the legalisation of illegal constructions, draft amendments to the Law on Urban Planning, new draft Law on Studencheshte Marsh, further urbanisation developments, strategic plans/projects (highway, railway, tourism development), and on-the-ground illegal actions.

The Committee also took note of the information of the Chair that the on-the-spot appraisal (OSA) mandated by the 41st Standing Committee had not yet taken place due to a delayed response from the Government to the draft terms of reference (ToR). It was particularly concerned to hear from the complainant that the Government had not even been aware of the opening of the case nor recommendation for an OSA until late 2022. Nevertheless, in recent weeks the ToR (T-PVS/Files(2022)03) had finally been agreed upon, and it had also been agreed to go ahead with the OSA as soon as possible in Spring 2023. The mission should build on but not duplicate previous monitoring missions of other organisations such as IUCN, Ramsar and UNESCO. To that end, those organisations could be invited to join as observers to the mission and furthermore, eventual recommendations could build on those of Recommendation no. 211 (2021).

The Committee was overall deeply concerned with the apparent deteriorating situation at the Lake Ohrid and Galichica National Park sites, and recalled that these candidate Emerald Network sites must be protected in line with Recommendation No. 208 (2019) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites. It urged the authorities of North Macedonia to halt all ongoing projects and developments which come into conflict with the provisions of the Bern Convention, and to undertake the OSA as soon as possible and in a cooperative spirit.

In particular, while awaiting the OSA and new official recommendations, the Standing Committee urged:

- temporary postponement of the adoption of key documents until the OSA (which may include the Ramsar Conventoin and UNESCO WHC);
- to halt any activities for further urbanisation and/or other constructions (including administrative procedures for these) and legalisation of illegal constructions, on or near the Emerald Network sites Lake Ohrid and Galichica, until the OSA takes place and its recommendations are adopted;

The file remains open, and the parties were encouraged to continue their cooperation with the Secretariat in relation to the OSA, and the Government was requested to send a report responding specifically to the concerns of the latest complainant report on time for the next Bureau meeting in Spring, at which point the complainant could also send an update report if so desired.

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

Relevant documents: T-PVS/Files(2022)01 –Terms of Reference of the OSA
 T-PVS/Files(2022)26 - Government Report
 T-PVS/Files(2022)19 - Complainant Report

The Standing Committee thanked the representatives of the Government, complainant and other stakeholders who had participated in the on-the-spot appraisal (OSA) which had taken place on 29 August – 2 September along with AEWA and CMS, the representatives of whom the Committee also thanked. It had been the first on-site mission since 2018, and the first collaboration of three Treaties in recent memory. The Chair highlighted that, due to the complexities of drafting a report and recommendations to comply with three Treaties, the documents had not been finalised on time for the meeting and the Albanian authorities had requested further time for consultation.

The Committee thanked the independent consultant Mr Lazaros Georgiadis for his oral presentation on the OSA and provisional recommendations, taking note that the OSA had included several meetings with representatives of governmental authorities at national, regional and municipal level, with civil society, the airport construction developers, and the EU delegation in Albania. Several field and site visits had also allowed for a good overview of the location of the airport, protected areas and their surroundings.

The Committee took note of the oral presentation of the Ministry of Tourism and Environment of Albania, who recalled that they had not been allocated sufficient time to consult the draft report and recommendations, and that they believed that the situation of Vlora airport should not be considered under this case-file.

In response to this latter point, several Parties reminded that, firstly, as Narta Lagoon was a part of the case-file, the airport was an implied factor and secondly, that the Albanian authorities had not argued this at the last Standing Committee when the OSA had been mandated, nor in the subsequent exchanges with the Secretariat and agreement of the Terms of Reference of the mission. Also, one remark was that the title of the case-file could be adapted to include the other developments which could impact on the protected areas.

The Committee also took note of the oral and written report of the complainant EcoAlbania, who urged a strong decision and accelerated adoption of the Recommendation, due to the fact that the construction of the airport on an Emerald Network site was advancing quickly.

During the discussion, several parties and observers expressed their disappointment that the draft documents had not been finalised on time for the meeting, and there was a general agreement that a strong decision of the Standing Committee was needed now, in lieu of a Recommendation, due to the urgency of the situation.

Parties also stressed that the extraction of a zone from a Protected Emerald Network Site set a bad precedent, questioned the legality of the processes, were concerned about the irreversible effects to a Protected Area which was important not only at Albanian but also European level, that the delays in establishment of the Emerald Network were worrying and that due diligence should be paid to the relevant recommendations such as Recommendation 208 (2019) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites.

Furthermore, there were several suggestions on how to accelerate the adoption of this Recommendation as soon as possible next year once the Albanian authorities had been given adequate time to consider it, including to adopt it via a written procedure (as foreseen in the amended Rules of Procedure), during a possible extraordinary Standing Committee meeting in the first half of the year (as had been proposed for another item), or subsequent to the possible adoption of the Recommendation by the AEWA Standing Committee in the first half of the year.

The Chair proposed that, with regard to the information of the complainant that the construction of the airport is quickly progressing and in order to not lose momentum on this pressing case, the Standing Committee should take a strong decision based upon the expert's conclusions, thus the Committee urged the Albanian government to:

- Suspend the construction of the Airport due to its apparent lack of adherence to national and international laws;

as well as to:

- Initiate a comprehensive Wildlife Monitoring Programme;
- Revise the existing EIA based on the rigorous data of the Wildlife Monitoring Programme, and;
- Collect more data and provide a new database submission on the Emerald Network site.

The Chair also proposed that, in order not to lose a full year to adopt a Recommendation, the mission report should be completed as soon as possible, and the draft Recommendation should be considered and submitted for possible adoption of the Standing Committee in line with one of the procedures outlined above.

The file remains open and both parties were encouraged to cooperate with the Secretariat and new deadlines for providing feedback to the mission report and draft recommendations, and to fully cooperate during the eventual procedures for consideration and possible adoption of the Recommendation as outlined above. Both parties were also requested to present updates on the case for the 1st Bureau meeting in 2023.

➤ 2016/4 - Montenegro: Development of a commercial project in Skadar Lake National Park and candidate Emerald site

Relevant documents: T-PVS/Files(2022)62 – Government Report
T-PVS/Files(2022)23 – Complainant Report

The Standing Committee took note of the reports of both parties and thanked the Ministry of Ecology, Spatial Planning and Urbanism of Montenegro and the complainant organisation, Greenhome for their presentations.

The Committee took note of some good progress of the authorities such as that no construction has been monitored at Porto Skadar Lake and White Village, the Protected Area revision study of the Skadar Lake National Park is underway, and several activities have been undertaken or are planned at Ulcinj Salina and Tara River.

The Committee also took note of the information of the complainant that there had still been no meaningful progress of the authorities in implementing Recommendation no. 201 (2018), particularly on progress on the Draft on Special Purpose Spatial Plan, and that ongoing illegal activities and illegal urbanisations continue.

The Standing Committee once again reiterated the three key concerns of the complainant and urged the authorities of Montenegro to follow them:

- abandon SLS Mihalovici and revoke all building permits for Porto Skadar Lake and White Village;
- develop and deliver a new spatial plan and management plan for the National Park ensuring that they comply with Recommendations no. 201 (2018), and;
- initiate and establish efficient and effective methods of monitoring implementation of existing laws.

The file remains open and both parties are requested to provide updates for the 2nd Bureau meeting in 2023. Both parties should use the 12 points of Recommendation no. 201 (2018) as the basis for their reporting.

➤ 1995/6 - Cyprus: Akamas peninsula

Relevant documents : T-PVS/Files(2022)64 – Government Report
T-PVS/Files(2022)48 – Complainant Report

The Standing Committee took note of the reports of both parties and thanked the Cypriot authorities and the complainant organisation, Terra Cypria, for their oral presentations.

The Standing Committee also took note of the intervention of the European Commission which informed that the Commission had continued the dialogue with the Cypriot authorities in the framework of the infringement procedure for failing to comply with Articles 4.4 and 6 of the Habitat Directive, in particular for failing to designate sites of community importance and establish necessary conservation objectives for these sites.

The Standing Committee noted progress in certain areas, such as the patrol of the area by park rangers. Notwithstanding, the Committee remarked that minimal progress in the implementation of the majority of the thirteen points of Recommendation No. 191 (2016) had been achieved. In particular, the complainant renewed

its appeal to designate the entire Akamas Peninsula as a protected area and reported concerns over the licensing for a development project to create two golf courses in the Polis-Gialia area.

The Standing Committee urged the Cypriot authorities to step up efforts to implement all points of the Recommendation. The Standing Committee encouraged the Cypriot authorities to foresee no-building zones in nesting beaches and limit the tourism in the area.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative.

The file remains open and both parties were invited to report to the Bureau in Autumn 2023.

➤ 2010/5 - Greece: threats to marine turtles in Thines Kiparissias

Relevant documents: T-PVS/Files(2022)49 – Government Report
T-PVS/Files(2022)56 – Complainant Report
T-PVS/Files(2022)69 – NGO Archelon Report

The Standing Committee took note of the reports of both parties and of the NGO ARCHELON, and thanked both the authorities and MEDASSET, the complainant organisation, for their oral presentations.

The Committee acknowledged the complainant's ongoing concerns that a Management Plan has yet to be adopted and took note of the delays the government is facing.

The European Commission also informed the Committee that a follow-up to the decision of 2021 of the European Court of Justice (ECJ) to condemn Greece for failing to establish the necessary conservation objectives and measures for several sites of community importance, including Thines Kiparissias, was ongoing. In that framework, the Commission had urged the Hellenic authorities to finalise and adopt the Management Plan for the area as well as to establish the necessary conservation objectives and measures for the whole Natura 2000 network.

The Standing Committee recalled that despite national authorities' initiatives (such as road blocking), the enforcement of relevant national laws was still low. The Committee urged the national authorities to fully implement Recommendation No. 174 (2014), in particular with reference to point 11 of the Recommendation. Acknowledging that the adoption of a Management Plan for this area is scheduled to be issued in 2023 by the national authorities after the conclusion of public consultations by the end of 2022, the Committee urged them to step up their efforts to adopt a Management Plan as soon as possible.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative.

The file remains open and both parties were invited to report to the Bureau in Autumn 2023.

➤ 2012/9 – Türkiye: Presumed degradation of nesting beaches in Fethiye and Patara SPAs

Relevant documents: T-PVS/Files(2022)34 – Government Report
T-PVS/Files(2022)40 – Complainant Report

The Standing Committee took note of the reports of both parties and thanked the Turkish authorities and MEDASSET, the complainant organisation, for their oral presentations.

It noted progress by the authorities as evoked at the September Bureau meeting in the management and enforcement of regulations in Fethiye, but noted that additional efforts were needed to adequately protect the area.

The Committee welcomed the initiative launched by the Turkish authorities to promote marine turtles-friendly businesses and hoped that this approach would have a positive impact on the species' protection.

The Committee acknowledged the complainant's ongoing concerns on the construction of summer houses in Patara. Acknowledging the progresses achieved throughout the year on the development of a Management Plan for Fethiye, the Committee urged the Turkish authorities to step up their efforts to adopt Management Plans both for Fethiye and Patara as soon as possible.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative.

The file remains open and both parties were invited to report to the Bureau in Autumn 2023.

➤ 1986/8 - Greece: Recommendation No. 9 (1987) on the protection of Caretta Caretta in Laganas bay, Zakynthos

Relevant documents : T-PVS/Files(2022)50 – Government Report
T-PVS/Files(2022)57 – Complainant Report
T-PVS/Files(2022)71 – NGO Archelon Report

The Standing Committee took note of the reports of both parties and of the NGO ARCHELON, and the oral presentation of the authorities and MEDASSET, the complainant organisation.

The Committee acknowledged the complainant's concerns that Zakynthos National Marine Park Management needed secure funding to ensure its warden capacity. The Committee also took note that the complainant requested to mandate an on-the-spot appraisal.

The Standing Committee noted the authorities' efforts to intensify their enforcement as evoked at the September Bureau meeting, and welcomed the information that funding for the restoration of the illegal landfill site in the area of Skopos had been secured. However, the Committee expressed its concern at the information that illegal road constructions remained in place, despite the attempts of central government authorities to address the issue with their local counterparts, and that the fine for illegal activities had been reduced to €10,000.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative.

The file remains open and both parties were invited to report to the Bureau in Autumn 2023.

7.2 Possible files

➤ 2001/4 - Bulgaria: Motorway through the Kresna Gorge

Relevant documents: T-PVS/Files(2022)75 – Government Report
T-PVS/Files(2022)74 – Complainant Report
T-PVS/Files(2022)47 – Joint Government / Complainant Report

The Standing Committee thanked the Ministry of Environment and Water of Bulgaria and complainant "Save Kresna Gorge" coalition for their oral presentations. It also took note that a joint-report had been sent to the Bureau in Autumn.

The Committee took note of the information of the authorities that the Working Group on reviewing the Site-Specific Conservation Objectives (SSCOs) had completed its work in July 2022, and that some of its conclusions had been taken into account in the final decision. Furthermore, the Working Groups 2 and 3 had had to be re-constituted due to numerous changes in staff in Bulgarian institutions and agencies, but that the work was planned to begin by the end of the year based on the adopted SSCOs. Finally, they informed that no new construction works were ongoing, only safety-related maintenance within the scope of the existing road. Finally, the mitigating measures along the existing E79 road to address current pressures are important and should be implemented following their assessment for compliance with the SSCOs.

The Committee took note of the information of the complainant who expressed its disappointment that the consensus-based conclusions of Working Group 1 had for the most part not been taken into account and that cooperation with the government had disappeared following the change in government in August. They raised other concerns including the effectiveness of the mitigation measures proposed, and signals from the government that the EIA/AA Revision may not take place despite it being an obligation from the European Commission. They raised concerns that there was ongoing construction in the gorge.

The Standing Committee also took note of the intervention of the European Commission that it had been informed that the SSCOs for the two concerned Natura 2000 sites had been adopted by the Bulgarian authorities on 25th October 2022, that it had reminded the Bulgarian authorities that setting these objectives is only a preparatory step ahead of revision of or development of a new EIA/AA, that the mitigation measures deriving

from the EIA No. 3-3/2017 were considered of questionable effect, and that it had noted with concern information about ongoing construction works.

The Committee also took note of the complainant's request to open the file. Following a discussion, a vote was required, after which the result was:

12 votes (Austria, Czech Republic, Estonia, Finland, Germany, Hungary, Luxembourg, Monaco, Norway, Switzerland, Ukraine and United Kingdom) were in favour of opening the file.

8 votes (Azerbaijan, Bulgaria, Cyprus, Georgia, North Macedonia, Poland, Serbia and Türkiye) were against opening the file.

There were 8 abstentions (Belarus, Denmark, France, Latvia, Malta, Republic of Moldova, Montenegro and Sweden).

Due to technical reasons the vote against opening the file of one Party was not accounted.

In accordance with the Rules of Procedure which require a two-thirds majority of the votes cast, the file was not opened.

The Standing Committee appealed to the Government, together with the Complainants, to fully implement Recommendation 212 (2021) and to revise the EIA/AA report, following the advice of the European Commission, on the potential impact of the motorway, thus respecting Recommendation 98 (2002). It reminded Bulgaria not to start any construction before the Recommendation was fulfilled. Given the ongoing cooperation problems between the Government and NGOs, it instructed the Bureau to consider at its next meeting if a Bern Convention Mediation procedure could be a productive problem-solving instrument for this case.

The file remains possible and both parties were invited to present updates on the case and progress in relation to the Recommendation at the 1st Bureau meeting in 2023.

➤ 2019/5: Türkiye: Habitat destruction in Mersin Anamur Beach

Relevant documents : T-PVS/Files(2022)32 – Government Report
T-PVS/Files(2022)33 – Complainant Report

The Standing Committee took note of the reports of both parties and thanked the Turkish authorities and MEDASSET, presenting on behalf of the complainant organisation, for their oral presentations.

The Committee took note that the complainant requested to open a file and mandate an on-the-spot appraisal.

As evoked at the September Bureau meeting, the Standing Committee noted with concern that construction permits had been issued for phase I of a coastal development and urged once more the Turkish authorities to halt phase II of the coastal development project.

Finally, the Standing Committee thanked both parties for their cooperation on the ongoing marine turtles' conservation initiative.

Following a discussion on the proposal of the complainant to open the file, the issue went to a vote.

Austria, Cyprus, Czech Republic, Estonia, Finland, Germany, Italy, Luxembourg, Monaco, Norway, Serbia, Slovak Republic, Slovenia and the United Kingdom supported opening the file.

Azerbaijan, Bulgaria, Georgia and Türkiye opposed opening the file.

Belarus, Belgium, Denmark, France, Hungary, Latvia, Liechtenstein, Lithuania, Malta, Republic of Moldova, Montenegro, North Macedonia, Poland, Sweden and Switzerland abstained.

In accordance with the Rules of Procedure which require a two-thirds majority of the votes cast, **the file was opened.**

Both parties were invited to report to the Bureau in Autumn 2023.

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

Relevant documents:

- T-PVS/Files(2022)02 –Terms of Reference of the OSA
- T-PVS/Files(2022)XX – Government Report
- T-PVS/Files(2022)22 – Complainant Report
- T-PVS/Files(2022)72 – Mission report of the OSA
- T-PVS(2022)25 - draft Recommendation on Possible negative impact of hydro-power plant development on the Neretva river

The Standing Committee thanked the representatives of the government, complainant and other stakeholders who had taken the time to participate in the on-the-spot appraisal (OSA) which had taken place on 17-21 October 2022. It remarked that the OSA had been initially scheduled for June, but had been postponed at short notice by the authorities.

The Committee thanked the independent consultant Mr Gregory Egger for his presentation on the mission report and draft recommendations, taking note that the OSA had included several meetings with representatives of governmental authorities at State and Entity level, with civil society, with hydropower plant (HPP) investor/construction companies. Several field and site visits had also allowed for a good overview of the protected areas and their surroundings and the locations of the related HPPs (HPP Ulog, hydro-electric system (HES) Gornja Neretva and HPPs Glavatičeve and Bjelimići).

The Committee also took note of the oral presentations of the Ministry of Spatial Planning, Construction and Ecology of the Republic Srpska, and of the complainants Centre for Environment and the Aarhus Centre in Bosnia and Herzegovina, as well as the written reports. Both parties had expressed their appreciation of the OSA and cooperation with the Bern Convention.

During the discussion, several Parties and Observers highlighted the fact that the river territory was of European-wide importance, that several species would be endangered by activities such as hydro-peaking, and the concern that the other HES in question could receive permits and construction start at any moment.

The Government submitted a written statement informing that the HPP Ulog had received an environmental permit before it had been declared as a Candidate Emerald Network site, and that it is necessary to define, precisely and beyond doubt, the exemption areas defined in the concession agreement for HPP Ulog from the Emerald Network, i.e. upper Gornja Neretva when it is adopted.

One Contracting Party proposed an amendment and with no objections it was accepted. The Standing Committee therefore welcomed the mission report and adopted with amendments the following Recommendation:

Recommendation No. 217 (2022) on the possible negative impact of hydro-power plant development on the Neretva river (Bosnia and Herzegovina), available in [Appendix X](#).

In relation to the complainant's request to open a file, and with a majority of Contracting Parties supporting the proposal, **the file was opened**.

The Standing Committee, referring to the newly adopted Recommendation no. 217 (2022), urged the authorities to halt construction of Ulog HPP, cancel the concessions related to the HES Gornja Neretva, and suspend any plans for HPPs in the Emerald Network site, while taking into account the other criteria in the Recommendation.

The file is opened and both parties were invited to present updates on the case and progress in relation to the Recommendation at the 1st Bureau meeting in 2023.

7.3 Complaints on stand-by

➤ **2017/6: Iceland: Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure - online advisory mission**

Relevant documents : T-PVS/Files(2021)02rev –Terms of Reference of the OSA

T-PVS/Files(2022)XX – Government Report

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

T-PVS/Files(2022)68 – Mission report of the online advisory mission

T-PVS(2022)22 - draft Recommendation on the possible negative impact on Breiðafjörður Nature Reserve and its surroundings from new road infrastructure

The Standing Committee thanked the representatives of the Government, complainant and other stakeholders who had taken the time to participate in the online advisory mission which had taken place on 5-6 May. The Committee thanked the independent consultant Mr Radu Mot for his presentation on the mission report and draft recommendations.

The Committee also took note of the oral presentations of the Ministry of the Environment, Energy and Climate of Iceland, and of the complainant Landvernd. Both parties had expressed their appreciation of the mission, its spirit of transparency and participation, and of the cooperation with the Bern Convention.

The Standing Committee took note of proposed amendments which had been submitted by the Government, and bilaterally negotiated with the independent expert, resulting in a text that all parties were happy with.

The Standing Committee therefore welcomed the mission report and adopted with amendments the following Recommendation:

Recommendation No. 218 (2022) on the possible negative impact on Breiðafjörður Nature Reserve and its surroundings from new road infrastructure (Iceland), available in [Appendix XI](#).

The Standing Committee, referring to the newly adopted Recommendation no. 218 (2022), urged the authorities to adhere to its elements without delay, using the timeline in the mission report as a reference.

The complaint remains on stand-by and both parties were invited to present updates on the case and progress in relation to the Recommendation at the 2nd Bureau meeting in 2023.

7.4 Follow-up of previous complaints and Recommendations

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

Relevant documents: T-PVS/Files(2022)55 - Government Report

The Standing Committee took note of the report and oral presentation of the Turkish authorities.

The Standing Committee recalled its decision taken at its 36th meeting to dismiss the case-file and to follow-up on conservation measures at its 38th meeting in 2018. The closed file had then been re-assessed at the 40th Standing Committee meeting in 2020.

The Committee welcomed the progress in the monitoring studies, which shows that monk seals are using the area. The Committee welcomed the implementation by the country of the Action Plan, in particular with reference to educational and awareness raising activities.

Confident that the efforts for the protection of the Mediterranean monk seal in Türkiye would continue and acknowledging that measures were being taken under the framework of the Action Plan, the Standing Committee decided to close the monitoring of this file.

➤ **Recommendation No. 169 (2013) on the Rhone streber (Zingel asper) in the Doubs (France) and in the canton of Jura (Switzerland) in the framework of a case-file on stand-by 2011/5: France / Switzerland**

Relevant documents: T-PVS/Files(2022)59 - Swiss Government Report (FR)
T-PVS/Files(2022)XX - French Government Report (FR)
T-PVS/Files(2022)73 – Swiss & French Complainant's Report (FR)

The Standing Committee took note of the biennial reports from the authorities and NGOs and appreciated the progress made by the parties.

The Committee expressed its concern about the imminent extinction of the Rhone Streber population in the Doubs in Switzerland and welcomed the joint reflections to identify the best option for the future conservation strategy for the Rhone Streber.

The Committee also welcomed the adoption of the new Rhone Streber action plan 2020-2030 and the "Plan rivières karstiques 2022-2027" in France.

It noted the need to continue the follow-up of previous recommendations, in particular with regard to the collaboration between the French and Swiss authorities (binational working group on water quality) to combat pollution and the establishment of on-the-ground measures concerning agricultural pollution.

It invited the parties and the complainants to report on the results of their efforts at the 44th Standing Committee meeting in 2024.

PART V – COOPERATION AND COMMUNICATION ACTIVITIES AND PROGRAMME OF WORK 2022-2023

8. INTERNATIONAL COORDINATION WITH OTHER MEAS AND ORGANISATIONS

The Standing Committee took note of the information provided by the Secretariat and expressed its appreciation of the continued international cooperation developed throughout the year with other MEAs and organisations such as AEWA, Birdlife, CMS, Energy Community Treaty, European Commission, European Environment Agency, IENE, UNEP/WCMC, Wildfowl and Wetlands Trust, and WWF.

9. AWARENESS AND VISIBILITY

The Secretariat presented a preview of the *case-file dashboard*, which had been developed in the framework of the case-file reflection and proposals for improvements. The dashboard contained concise information on all the case-files such as a brief summary, timeline, keywords, and all available relevant reports and documents. They were divided into “active” and “closed” files. Furthermore, a filtering function would enable an efficient exploration and comparison of similarly themed files. It was planned to launch the dashboard after the Standing Committee meeting. The Standing Committee congratulated the Secretariat for the excellent work on this dashboard, and also thanked in particular the Council of Europe’s Directorate of Communications for their technical assistance, interns Ms Veronika Schick and Ms Roxane Bradaczek who had strongly contributed to the database, and the communication company for preparing the illustrations. The Committee agreed that this was a most useful resource for all Bern Convention stakeholders and the wider public who were interested in the case-files.

The Standing Committee also welcomed the information that the Secretariat had collaborated with the Irish Permanent Representation in Strasbourg to launch a photo exhibition in October 2022 featuring one of the EDPA sites in Ireland, the Burren. Furthermore, the President of Ireland had launched the exhibition during the Parliamentary Assembly of the Council of Europe’s Autumn session, thus ensuring great visibility for the Convention. Some of the exhibition photos were presented digitally to the Committee.

10. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2023

Relevant document: T-PVS(2022)19– Draft Programme of Activities and budget for 2023
 T-PVS/Inf(2022)38 – Calendar of meetings for 2023
 T-PVS/Inf(2022)44 - Reflection on possible biennial Standing Committee meetings

The Standing Committee took note of the document reflecting the pros and cons of holding the Committee meeting only every two years, highlighting mitigation measures and/or other options in case of drawbacks. The document had been prepared as a follow-up to the request of the 41st Standing Committee asking the Secretariat in consultation with the Bureau to further elaborate the reflection, and to make an assessment on how the case-file management system could be managed efficiently. The Standing Committee thanked the Secretariat for its presentation on the issues above. It was agreed that the assessment of having only biennial Standing Committee meetings would require further reflection. The Standing Committee was invited to submit any suggestions or comments on the pros and cons, possible mitigation measures and/ or other options to the Secretariat by 15th January 2023. To continue the reflection, the feedback received would be addressed at the Spring Bureau meeting in 2023.

Due to the significant resource pressures the Secretariat was facing and the need to prioritise actions under the work plan for 2023 effectively, the Standing Committee decided to delay the meeting of the Group of Experts on Protected Areas and Ecological Networks until September 2023, to postpone the meeting of National Focal Points for the PANEUAP to 2024 and the Group of Experts meeting on IAS to 2025. It was stressed that the highest priority is the implementation of the amending protocol to the treaty, as only by resolving the significant funding issues can the high ambitions of the Standing Committee be delivered.

The Standing Committee took note that the UK may not be in a position to take a decision at the 43rd Standing Committee on the outcomes of the meeting of the Group of Experts on Protected Areas and Ecological Networks should these have legal implications, as the postponement of the meeting to the Autumn would reduce the time available for consultations with the UK's devolved administrations.

The Standing Committee adopted, with amendments in line with the agreed reprioritisation of action, the Programme of Activities and budget for 2023 ([Appendix XII](#)) as well as a revised calendar of meetings, to be implemented subject to the availability of resources. It further encouraged Contracting Parties to express their interest to the Secretariat of hosting Group of Experts meetings, again subject to the feasibility of hosting physical meetings.

11. STATES TO BE INVITED AS OBSERVERS TO THE 43RD MEETING

The Standing Committee decided unanimously to invite the following States to attend its 43rd meeting: San Marino, Egypt, the Holy See and Jordan.

12. ELECTION OF CHAIR, VICE-CHAIR AND BUREAU MEMBERS

Relevant document: T-PVS(2022)29 – Rules of Procedure of the Standing Committee

In accordance with Article 18(e) of the Rules of Procedure, the Standing Committee elected:

- Ms Merike Linnamägi (Estonia) as Chair;
- Mr Carl Amirkashvili (Georgia) as Vice-Chair;
- Mr Andreas Schei (Norway) and Mr Claude Origer (Luxembourg) as Bureau members.

According to Rule 19 of the Rules of Procedure, the Committee acknowledged the automatic election of the previous Chair, Ms Jana Durkošová (Slovak Republic), as a Bureau member.

The Committee warmly thanked outgoing Bureau member Mr Jan Plesník (Czech Republic) for his years of dedicated service as Chair and Bureau member to the Bern Convention.

13. DATE AND PLACE OF THE 43RD MEETING

The Standing Committee agreed to hold its next meeting on 28th November – 1st December 2023 in Strasbourg (exact format of the meeting to be decided).

14. ADOPTION OF THE MAIN DECISIONS OF THE MEETING

The Standing Committee took a vote for Agenda item 3 with the following result:

The EU and its Member States, Iceland, Republic of Moldova, Monaco, Montenegro, Norway Switzerland, Ukraine and the United Kingdom voted in favour of the decision as included in the draft list of decisions and adopted texts.

Belarus voted against the decision.

North Macedonia, Serbia and Türkiye abstained.

In accordance with the Rules of Procedure which require a two-thirds majority of the votes cast, the decision of Agenda item 3 was adopted.

The Standing Committee adopted document T-PVS(2022)Misc.

15. CLOSING OF THE MEETING

The meeting was closed.

APPENDIX I

AGENDA **- T-PVS/Agenda(2022)20 -**

PART I – OPENING

- 1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA**
- 2. CHAIRPERSON'S REPORT AND COMMUNICATIONS FROM THE DELEGATIONS AND FROM THE SECRETARIAT**
- 3. MODALITIES OF PARTICIPATION OF BELARUS IN THE WORK OF THE STANDING COMMITTEE**
- 4. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION**
 - 4.1. Financing of the Bern Convention**
 - 4.1.1 Setting up of a financial mechanism – state of play*
 - 4.1.2 Next steps*
 - 4.2. Vision and Strategic Plan for the Bern Convention for the period to 2030 and contribution to the post-2020 global biodiversity framework**
 - 4.3. Case-file reflection**
 - 4.4. Rules of Procedure - Possible modifications**

PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

- 5. MONITORING OF THE IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION**
 - 5.1. Biennial reports 2017-2018 and 2019-2020 concerning exceptions made to Articles 4, 5, 6, 7 or 8**
 - 5.2. Proposal for amendment: Downlisting of the wolf (*Canis lupus*) from Appendix II to Appendix III of the Convention**

PART III – MONITORING OF SPECIES AND HABITATS

- 6. MONITORING OF SPECIES AND HABITATS**
 - 6.1. Conservation of Birds: IKB and Group of Experts**
 - 6.2. Invasive Alien Species**
 - 6.3. Amphibians and Reptiles: Conservation of Marine Turtles**
 - 6.4. Biodiversity and Climate Change**
 - 6.5. Pan-European Action Plan for Sturgeons**
 - 6.6. Action Plan for the Eradication of the Ruddy Duck**
 - 6.7. Conservation of Large Carnivores**
 - 6.8. Conservation of Habitats:**

6.8.1 Emerald Network of Areas of Special Conservation Interest

6.8.2 European Diploma for Protected Areas

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

PART IV – MONITORING OF SPECIFIC SITES AND POPULATIONS

7. SPECIFIC SITES AND POPULATIONS

7.1. Files opened

- 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica
- 2013/1: North Macedonia: Hydro power development within the territory of the Mavrovo National Park
- 2017/02: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments - *on-the-spot appraisal*
- 2016/5: Albania: Presumed negative impact of hydro-power plant development on the Vjosa river - *on-the-spot appraisal*
- 2016/4: Montenegro: Development of a commercial project in Skadar Lake National Park and candidate Emerald site
- 1995/6: Cyprus: Akamas peninsula
- 2010/5: Greece: threats to marine turtles in Thines Kiparissias
- 2012/9: Türkiye: Presumed degradation of nesting beaches in Fethiye and Patara SPAs
- 1986/8: Greece: Recommendation No. 9 (1987) on the protection of Caretta Caretta in Laganas bay, Zakynthos

7.2. Possible files

- 2001/4: Bulgaria: Motorway through the Kresna Gorge
- 2019/5: Türkiye: Habitat destruction in Mersin Anamur Beach
- 2020/09: Bosnia and Herzegovina: Possible negative impact of hydro-power plant development on the Neretva river - *on-the-spot appraisal*

7.3. Complaints on stand-by

- 2017/6: Iceland: Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure- *on-the-spot appraisal*

7.4. Follow-up of previous complaints and Recommendations

- Closed file No. 2011/4: Threat to the Mediterranean monk seal (*Monachus monachus*) in Türkiye
- [Recommendation No. 169 \(2013\)](#) on the Rhone streber (Zingel asper) in the Doubs (France) and in the canton of Jura (Switzerland) in the framework of a case-file on stand-by 2011/5: France / Switzerland

PART V – COOPERATION AND COMMUNICATION ACTIVITIES AND PROGRAMME OF WORK 2023

- 8. INTERNATIONAL COORDINATION WITH OTHER MEAS AND ORGANISATIONS**
- 9. AWARENESS AND VISIBILITY**
- 10. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2023**
- 11. STATES TO BE INVITED AS OBSERVERS TO THE 43RD MEETING**

PART VI – OTHER ITEMS

- 12. ELECTION OF CHAIR, VICE-CHAIR AND BUREAU MEMBERS**
- 13. DATE AND PLACE OF THE 43RD MEETING**
- 14. ADOPTION OF THE MAIN DECISIONS OF THE MEETING**
- 15. CLOSING OF THE MEETING**

DRAFT PLAN FOR DISCUSSION OF THE AGENDA

MORNINGS 9.00 am - 12.30 pm (CET)	AFTERNOONS 2.00 pm – 5.30 pm (CET)
MONDAY 28th November	
	<ul style="list-style-type: none"> 1. OPENING AND ADOPTION OF AGENDA 2. REPORT FROM CHAIRPERSON & COMMUNICATIONS 3. MODALITIES OF PARTICIPATION OF BELARUS 4. FINANCING AND STRATEGIC DEVELOPMENT OF THE BERN CONVENTION <ul style="list-style-type: none"> 4.1 Financing of the Bern Convention <ul style="list-style-type: none"> <i>4.1.1 Setting up of a financial mechanism – state of play</i> <i>4.1.2 Next steps</i> 4.2 Vision and Strategic Plan for the Bern Convention for the period to 2030 and contribution to the post-2020 global biodiversity framework 4.3 Case-file reflection 4.4 Rules of Procedure- Possible modifications
TUESDAY 29th November	
<ul style="list-style-type: none"> 5. MONITORING AND IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION <ul style="list-style-type: none"> 5.1 Biennial reports 5.2 Proposal for amendment: Downlisting of the wolf (<i>Canis lupus</i>) from Appendix II to Appendix III of the Convention 6. MONITORING OF SPECIES AND HABITATS <ul style="list-style-type: none"> 6.1 Conservation of Birds: IKB and Group of Experts 6.2 Invasive Alien Species 6.3 Amphibians and Reptiles: Conservation of Marine Turtles 	<ul style="list-style-type: none"> 6.4. Biodiversity and Climate Change 6.5 Pan-European Action Plan for Sturgeons 6.6 Action Plan for the Eradication of the Ruddy Duck 6.7 Conservation of Large Carnivores 6.8 Conservation of Habitats <ul style="list-style-type: none"> <i>6.8.1 Emerald Network of Areas of Special Conservation Interest</i> <i>6.8.2 European Diploma for Protected Areas</i> 6.9 Reporting under Resolution No. 8 (2012) on the conservation status of species and habitats

WEDNESDAY 30th November

7. SPECIFIC SITES AND POPULATIONS

7.1 Files opened

- 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica
- 2013/1: North Macedonia: Hydro power development within the territory of the Mavrovo National Park
- 2017/02: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments - *OSA*
- 2016/5: Albania: Presumed negative impact of hydro-power plant development on the Vjosa river - *OSA*
- 2016/4: Montenegro: Development of a commercial project in Skadar Lake National Park and candidate Emerald site

7.1 Files opened (continued)

- 1995/6: Cyprus: Akamas peninsula
- 2010/5: Greece: threats to marine turtles in Thines Kiparissias
- 2012/9: Türkiye: Presumed degradation of nesting beaches in Fethiye and Patara SPAs
- 1986/8: Greece: Recommendation No. 9 (1987) on the protection of Caretta Caretta in Laganas bay, Zakynthos

7.2 Possible files

- 2001/4: Bulgaria: Motorway through the Kresna Gorge
- 2019/5: Türkiye: Habitat destruction in Mersin Anamur Beach
- 2020/09: Bosnia and Herzegovina: Possible negative impact of hydro-power plant development on the Neretva river - *OSA*

THURSDAY 1st December

7.3 Complaints on stand-by

- 2017/6: Iceland: Possible negative impact on Breiðafjörður Nature Reserve's authentic birch woods from new road infrastructure – *OSA*

7.4 Follow-up of previous complaints and Recommendations

- Closed file No. 2011/4: Threat to the Mediterranean monk seal (*Monachus monachus*) in Türkiye
- [Recommendation No. 169 \(2013\)](#) on the Rhone streber (Zingel asper) in the Doubs (France) and in the canton of Jura (Switzerland) in the framework of a case-file on stand-by 2011/5: France / Switzerland

Possible continuation of unfinished work

8. INTERNATIONAL COORDINATION WITH OTHER MEAS AND ORGANISATIONS

9. AWARENESS AND VISIBILITY

10. DRAFT PROGRAMME OF ACTIVITIES AND BUDGET FOR 2023

11. STATES TO BE INVITED AS OBSERVERS TO THE 43RD MEETING

FRIDAY 2nd December (9.30 am – 2.00 pm)

12. ELECTION OF CHAIR AND VICE-CHAIR, AND BUREAU MEMBERS

13. DATE AND PLACE OF THE 43RD MEETING

14. ADOPTION OF THE MAIN DECISIONS OF THE MEETING

15. CLOSING OF THE MEETING

APPENDIX II

Terms of Reference of the ad hoc Drafting Group of an Amending Protocol

- T-PVS(2022)28 -

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 the 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.
- 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 43rd Standing Committee to the Bern Committee. It shall consult the Standing Committee before its 43rd meeting in writing (insofar as this is allowed by the rules of procedures of the Standing Committee) or at the occasion of an extra-ordinary meeting the Standing 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.

APPENDIX III

Rules of Procedure of the Standing Committee - T-PVS(2022)29 -

The Standing Committee (hereafter the “Committee”),

Having regard to the entry into force on 1 June 1982 of the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, hereafter the “Convention”),

Pursuant to Article 13, paragraph 6, of the Convention,

Seeking to complement the rich exchanges that result from physical meetings with the flexibility provided by virtual meetings and written procedures,

Adopts the present Rules of Procedure.

Rule 1 – Meetings

a. The Committee shall fix the date of its meeting in consultation with the Secretariat of the Convention (hereafter the “Secretariat”).

b. Whenever a majority of the Contracting Parties requests a meeting, the Secretariat shall fix the date of the meeting in consultation with the Chair of the Committee.

c. Meetings shall not be held in public.

d. Meetings shall normally be convened at the premises of the Council of Europe in Strasbourg.

e. On an exceptional basis, meetings may be held virtually, by videoconference or similar means or with some participants in person and others virtually (a “hybrid meeting”).

The proposal to hold a meeting by videoconference shall be made by the Chair or the Secretariat and approved by the Bureau of the Committee, subject to the availability of the necessary budgetary resources.

Remote attendance of Contracting Parties and observers at a meeting shall be treated as presence in person for the purposes of the Rules of Procedure, for all proceedings such as the quorum, participation in discussions and voting.

A participant who loses connection during the adoption of decisions by the Standing Committee may ask the Chair for the opportunity to express their views when they reconnect again.

f. The Secretariat shall ensure that meetings are conducted securely, including in respect to electronic voting, in accordance with all applicable rules.

Rule 2 – Convocation

The convocation of the meetings of the Committee shall be addressed by the Secretariat to the Contracting Parties at least six weeks before, and to observers one month before, the date fixed for the opening of the meeting.

Rule 3 – Postponement of meetings

When a meeting of the Committee has been convened, any request for postponement must reach the Secretariat at least one month before the date previously fixed for the opening of the meeting. A decision in favour of postponing the meeting shall be regarded as having been taken when a majority of the Contracting Parties have notified the Secretariat of their agreement at least fifteen days before the date previously fixed.

Rule 4 – Agenda

a. The Secretariat shall draw up the draft agenda for a meeting. The Chair of the Committee shall be consulted in advance.

b. The agenda shall be adopted by the Committee at the beginning of its meeting.

Rule 5 – Official languages

- a. The official languages of the Committee shall be English and French.
- b. A delegate or observer may speak in a language other than the official languages, in which case the delegate or observer must provide for interpretation into one of the official languages.
- c. All documents presented by delegations or observers shall be submitted in one of the official languages. Flora and fauna species shall be indicated by their scientific names.

Rule 6 – Documentation

- a. Subject to contrary provisions in the Convention, meeting documents shall be sent by the Secretariat to Contracting Parties and observers at least one month before the opening of the meeting concerned. However, the Committee may decide by a two-thirds majority of the votes cast to admit a document submitted later.
- b. Maximum use should be made of information technology, including between meetings. This includes for the purpose of compiling amendments, comments, proposals and finalising texts. When so decided by the Chair, decisions of the Standing Committee may be adopted by written procedure or by a simplified written procedure (“silent procedure”). Contracting Parties shall be given a minimum of six weeks to consider proposals on decisions that are to be taken by written procedure.

Rule 7 – Quorum

There shall be a quorum if more than half of the Contracting Parties are present.

Rule 8 – Voting

- a. Entitlement to vote is regulated by Article 13, paragraph 2, of the Convention.
- b. Subject to any contrary provisions in the Convention or in these rules, voting requires the quorum.
- c. Every effort will be made to take decisions by consensus. If that is not possible, subject to any contrary provisions in the Convention or in these rules, decisions are to be taken by a two-thirds majority of the votes cast.
- d. Procedural matters shall be settled by a majority of the votes cast.
- e. Where the question arises as to whether or not a matter is procedural in nature, it may not be so regarded unless the Committee decides to that effect by a two-thirds majority of the votes cast.
- f. Voting shall normally take place by show of hands, except for decisions that are taken by secret ballot. Alternatively, voting may take place electronically. In virtual or hybrid meetings, voting may take place by electronic means. A roll call vote shall be taken if one is requested by any Contracting Party or if the Chair considers it desirable.
- g. Should a Party attending virtually lose connection during a vote, every reasonable effort shall be made to ensure that the Party is able to vote before a decision is taken.
- h. A vote by written procedure shall only be taken in exceptional circumstances, and when it is not feasible to hold an extraordinary meeting to resolve the issue. When a vote by written procedure is to be taken, the Secretariat shall transmit to the delegations, on the Chair’s instruction, the draft decision to be voted upon together with a voting form indicating the deadline by which Parties must ensure that their vote reaches the Secretariat of the Committee. In the case of a vote by secret ballot, the Secretariat shall ensure the secrecy of the vote.

Decisions taken by written procedure vote are to be taken only if a majority of all the Contracting Parties have expressly acknowledged receipt of the invitation to vote. This would fulfil the requirements of quorum in line with Rule 7.

- i. For the purpose of these rules, “votes cast” shall mean the votes of delegations cast for or against. Delegations abstaining shall be regarded as not having cast a vote.

Rule 9 – Observers

- a. An observer shall have no right to vote.
- b. If sponsored by a delegation or with the Chair’s permission, an observer may make oral or written statements on the subject under discussion.
- c. Proposals made by observers may be put to the vote if sponsored by a delegation.

Rule 10 – Proposals

Any proposal must be submitted in writing if a delegation so requests. In that case it shall not be discussed until it has been circulated.

Rule 11 – On-the-spot appraisals

a. If during discussions on one or more proposals, any doubts and/or difficulties arise regarding the measures to be taken for the implementation of the Convention with regard to a natural habitat essential to the conservation of species of wild flora and fauna, and if it is necessary to obtain appropriate information, the Committee may, if the gravity of the situation so demands, decide that the natural habitat in question should be inspected by an expert with powers to make on-the-spot appraisals and report back to the Committee.

b. Such on-the-spot appraisals will be conducted in accordance with the relevant rules appended to the Rules of Procedure.

Rule 12 – Order of voting on proposals or amendments

a. Where a number of proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted, unless the Chair, with the agreement of the Committee, concludes that the efficient working of the Committee dictates a different order.

b. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more amendments to the same proposal are presented, the Committee shall vote first on whichever departs furthest in substance from the original proposal. It shall then vote on the next further removed from the original proposal, and so on until all the amendments have been put to the vote. However, where the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the Chair shall decide.

c. Parts of a proposal or amendment may be put to the vote separately.

d. In the case of proposals with financial implications, the most costly shall be put to the vote first.

Rule 13 – Order of procedural motions

Procedural motions shall take precedence over all other proposals or motions except points of order. They shall be put to the vote in the following order:

a. suspension of the sitting;

b. adjournment of discussion on the item in hand;

c. postponement of a decision on the substance of a proposal until a specified date.

Rule 14 – Reconsideration of a question

When a decision has been taken, it is only re-examined if a delegation so requests, and if this request receives a two-thirds majority of the votes cast.

Rule 15 – Minutes

The Committee may, if it considers this necessary, have minutes kept.

Rule 16 – Communications to the press

By unanimous and express agreement of the Committee, the Chair, or the Secretariat on the Chair's behalf, may make suitable communications to the press.

Rule 17 – Reports

The Committee shall at the end of each meeting or, in exceptional cases, as soon as possible thereafter establish the report, including a list of decisions and adopted texts, as specified in Article 15 of the Convention.

Rule 18 – Chair

a. The Committee shall elect a chair, a vice-chair and two additional Bureau members in accordance with the following procedure:

- i. candidates shall be nominated by Parties to the Convention;
 - ii. nominations shall be sent to the Secretariat in at least one of the official languages of the Convention as from six weeks before the opening of the meeting at which the election is to take place, up to and including the first day of the meeting of the Standing Committee. The Secretariat will announce the full list of candidates in the morning of the second day of the meeting;
 - iii. each nomination shall take the form of a letter explaining the reason for candidature and for which position the candidate is being nominated. It can be accompanied by a curriculum vitae (CV) of the candidate and may include supporting material;
 - iv. the Secretariat shall distribute the nominations and the CVs together with any supporting material.
- b. The Chair shall conduct proceedings and sum up the conclusions whenever it thinks necessary. The Chair may call to order a speaker who departs from the subject under discussion or from the Committee's terms of reference. The Chair shall retain the right to speak and to vote in its capacity as a delegate.
- c. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to take the chair. If the Vice-Chair is absent, the Chair shall be replaced by another delegate to the Committee, appointed by the latter.
- d. Election of the Chair, Vice-Chair and two additional Bureau members shall require a two-thirds majority of the votes cast at the first ballot, a simple majority of the votes cast at the second ballot and the highest number of votes at the third ballot. The election shall be held by secret ballot.
- e. The Chair, Vice-Chair and two additional Bureau members shall be elected at the end of each ordinary meeting. They shall execute their respective terms of office from their election onwards until the end of the ordinary meeting following the meeting where they were elected. Their terms of office may be renewed, but the total length of term of office shall not exceed four years or, as appropriate, the end of the first meeting following the expiry of this period of four years.
- f. Whenever the previous Chair is not available to serve in the Bureau, the Committee shall elect three additional Bureau members.

Rule 19 – Bureau

a. The Committee shall set up a Bureau, whose members shall be the Chair, the Vice-Chair, the previous Chair and two additional Bureau members.

Whenever the previous Chair is not available to serve in the Bureau, the Committee shall set up a Bureau whose members shall be the Chair, the Vice-Chair and three additional Bureau members.

b. The Bureau shall meet at the request of the Chair. Meetings of the Bureau can be held virtually. The Bureau may not deliberate unless the Chair or Vice-Chair and at least two of its other members are present.

c. The functions of the Bureau are:

- to assist the Chair in conducting the Committee's business, within the mandate that has been given;
- to supervise the preparation of meetings at the Committee's request;
- to ensure the continuity between meetings as necessary, including overseeing and providing direction for the case-file management;
- to execute other additional specific tasks as delegated by the Committee.

The Secretariat will make the report of those meetings available to the Contracting Parties.

Rule 20 – Secretariat

a. The Secretary General shall provide the Committee with the necessary staff, including the Committee secretary, as well as with the administrative and other services it may require.

b. The Secretary General or a representative of the Secretary General may at any time make an oral or written statement on any subject under discussion.

c. The Committee may request the Secretariat to prepare a report on any question relevant to the Committee's work.

d. The Secretariat shall be responsible for circulating all documents to be examined by the Committee.

Rule 21 – Amendments of the Rules of Procedure

These rules may be amended by a two-thirds majority of the votes cast.

APPENDIX 1 TO THE RULES OF PROCEDURE

RULES APPLICABLE TO ON-THE-SPOT APPRAISALS

1. The decision to recommend an on-the-spot appraisal shall lie with the Standing Committee, which shall reach the relevant decision in accordance with Rule 8.c. of its Rules of Procedure, subject to the agreement of the Contracting Party within whose territory the habitat under consideration is situated.
2. In urgent cases, the Chair may authorise the Secretariat to consult the Bureau at one of its meetings or by electronic consultation in order that a decision can be made in accordance with the foregoing paragraph. A decision of the Bureau in such an exceptional circumstance would require a unanimous agreement of the Bureau members.
3. The expert detailed to carry out the on-the-spot appraisal shall be appointed by the Secretary General of the Council of Europe. The expert cannot be a person who represents or has represented a State on the Standing Committee, or a national of the Contracting Party in whose territory the natural habitat to be visited is situated. The appointment of the expert must be agreed by the Contracting Party and complainant concerned.
4. The expert shall be accompanied during the on-the-spot appraisal by a member of the Secretariat and representatives of the Contracting Party and complainant concerned.
5. In close consultation with the Standing Committee and/or the Bureau, the concerned Contracting Party and the complainant, the Secretariat shall draw up terms of reference for the on-the-spot appraisal. Both the concerned Contracting Party and complainant must submit their agreement before the terms of reference can be accepted.
6. After completing the on-the-spot appraisal, the expert shall submit a written report to the Standing Committee in one of the official languages of the Council of Europe. The expert may be called upon to present the report to the Standing Committee at one of its meetings.
7. In order to ensure that the said expert may carry out the on-the-spot appraisal in full independence, the travel and subsistence expenses pertaining to the on-the-spot appraisal and those arising out of the presentation of the report to the Standing Committee shall be borne by the Council of Europe. The host country of the on-the-spot appraisal shall arrange local interpretation, local transportation and the translation of documents, and shall bear the expenses thereof.

APPENDIX 2 TO THE RULES OF PROCEDURE**RULES APPLICABLE TO MEDIATION**

1. The purpose of mediation is to facilitate dialogue between conservation authorities and a complainant or interest groups concerning matters under the scope of the Convention.
2. The decision to propose a visit of mediation shall lie with the Standing Committee, which shall reach the relevant decision in accordance with Rule 8.c. of its Rules of Procedure, subject to the agreement of the Contracting Party to whom the complaint is addressed.
3. In urgent cases, the Chair may authorise the Secretariat to consult the Bureau at one of its meetings or by electronic consultation in order that a decision can be made in accordance with the foregoing paragraph. A decision of the Bureau in such an exceptional circumstance would require a unanimous agreement of the Bureau members.
- 3.bis Experts appointed as mediators shall have appropriate experience in mediation.
4. The mediator will endeavour to foster dialogue, facilitate discussions, identify and clarify the conservation issues, propose possible solutions that would satisfy the different parties, reach consensus and record agreements, all in the respect of the spirit and letter of the Convention. The mediator will act as an independent, impartial and honest broker in all circumstances.
5. The mediator charged with carrying out the mediation visit shall be appointed by the Secretary General of the Council of Europe. The mediator cannot be a person who represents or has represented a State on the Standing Committee, or a national of the Party concerned by the mediation. The appointment of the mediator must be agreed by the Contracting Party and complainant concerned.
6. The mediator shall be accompanied during the visit by a member of the Secretariat and representatives of the Contracting Party and complainant concerned.
7. In close consultation with the Standing Committee and/or the Bureau, the concerned Contracting Party and the complainant, the Secretariat shall draw up precise terms of reference to be conveyed to the mediator. Both the concerned Contracting Party and complainant must submit their agreement before the terms of reference can be accepted.
8. After completing the mediation, the mediator shall submit a written report to the Standing Committee in one of the official languages of the Council of Europe. The mediator may be called upon to present the report to the Standing Committee at one of its meetings. Mediations shall remain confidential until such point as the mediation process has concluded.
9. In order to ensure that the mediator may carry out the assignment in full independence, the travel and subsistence expenses pertaining to the visit and those arising out of the presentation of the report to the Standing Committee shall be borne by the Council of Europe. The cost of mediation should be kept reasonable. The host country of the mediation shall arrange local interpretation, local transportation and the translation of documents, and shall bear the expenses thereof.

APPENDIX IV

Proposed instructions for additional narrative text to support Scoreboard submissions

- [T-PVS/Inf\(2022\)21rev](#) -

APPENDIX V

Recommendation on Communication and IAS

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 214 (2022) of the Standing Committee, adopted on 2nd December 2022, on communication and Invasive Alien Species.

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention.

Having regard to the aims of the Convention to conserve wild flora and fauna and its natural habitats;

Recalling that Article 11, paragraph 2.b, of the Convention requires parties to strictly control the introduction of non-native species;

Recalling its Recommendation No. 160 (2012), adopted on 30 November 2012, on the European Code of Conduct for Botanic Gardens on Invasive Alien Species;

Recalling its Recommendation No. 167 (2013), adopted on 6 December 2013, on the European Guidelines on Protected Areas and Invasive Alien Species;

Recalling the Regulation (EU) No. 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species;

Recalling the Regulations (EU) No. 1107/2009, No. 528/2012 and No 708/2007 which provide rules concerning the authorisation for the use of certain alien species for particular purposes;

Recalling the EU Biodiversity Strategy for 2030 aiming, inter alia, at managing established Invasive Alien Species and decreasing the number of Red List species they threaten by 50%;

Recalling the Strategic Plan for Biodiversity 2011-2020 with its 20 headline Aichi targets for 2020, adopted at COP 10 of the CBD and in particular Target 9 devoted to invasive alien species (IAS): “By 2020, invasive alien species and pathways are identified and prioritised, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment”, and welcoming the future post-2020 global biodiversity framework and its foreseen target on invasive alien species, expected to be adopted at CBD COP 15;

Recalling its Recommendation No. 99 (2003), adopted on 4 December 2003, on the European Strategy on Invasive Alien Species, which stresses the importance of raising awareness and commitment to develop shared responsibility and to encourage private efforts and voluntary compliance and recommends to set up vigorous information and education programmes and to incorporate IAS into existing education and public awareness programmes, working in collaboration with key stakeholders;

Recalling decision IX/4 adopted by the Conference of the Parties to the Convention on Biological Diversity, which invites Parties, other Governments and relevant organizations to support awareness-raising programmes in sectors that are potential pathways of biological invasions;

Conscious that invasive alien species are assessed as one of the five main direct drivers of biodiversity loss in the IPBES [Global Assessment on Biodiversity and Ecosystem Services](#), approved by the IPBES Plenary at its 7th session in May 2019 in Paris, France (IPBES-7);

Referring to the Guidance Document on communication and Invasive Alien Species [[document T-PVS/Inf\(2022\)35](#)];

Recommends that Contracting Parties:

1. Ensure that communication on IAS is based on a communication plan that precisely defines the target audience, the initial level of awareness of the topic by the audience, the communication objectives and that monitors the effects of the communication strategy.
2. Ensure that a communication plan is based on S.M.A.R.T. objectives and adaptive communication principles.
3. Involve both scientists and communication professionals in the development of a communication plan on IAS.
4. Identify the relevant target segments of communication, their characteristics, influencers, connections, and potential preferred means of communication.
5. Select the proper communication style and content for the target segments.
6. Engage the target audience by promoting a two-way interaction and (possibly) leveraging on practical examples that trigger the recollection of a daily life experience in the audience.
7. Use keywords to formulate clear and concise key messages.
8. Formulate positive messages. Messages containing an optimistic view of a problem and vehiculated using positive words are more often appreciated by the audience than messages presented using pessimistic and catastrophic views.
9. Be aware of the possible reluctance of the target audience to eradication/removal towards a particular IAS (e.g., good-looking species) or the resistance to a behavioural change in some audience segments.
10. Ensure that technical documents are made available and communicated to the audience in a way that is adequately processed.
11. Take into consideration and benefit from already available communication plans on IAS as a basis to improve their efficacy based on the monitoring feedback.

APPENDIX VI

Recommendation on alien pathogens and pathogens spread by IAS

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 215 (2022) of the Standing Committee, adopted on 2nd December 2022, on alien pathogens and pathogens spread by Invasive Alien Species.

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention.

Having regard to the aims of the Convention to conserve wild flora and fauna and its natural habitats;

Recalling that Article 11, paragraph 2.b, of the Convention requires parties to strictly control the introduction of non-native species;

Recalling its Recommendation No. 99 (2003) on the European Strategy on Invasive Alien Species, which refers to the need to prevent disease incursions at source, and on arrival, through border control and quarantine measures;

Recalling its Recommendations addressing pathways for the introduction of Invasive Alien Species, which led to the development of several codes of conduct, most of which including measures to prevent pathogens being moved by alien species through the relevant pathways either directly or indirectly, as appropriate, as shown in:

- Recommendation No. 160 (2012) on European Code of Conduct for Botanic Gardens on Invasive Alien Species,
- Recommendation No. 161 (2012) on the European Code of Conduct on Zoological Gardens and Aquaria and Invasive Alien Species,
- Recommendation No. 166 (2013) on the European Code of Conduct on Hunting and IAS,
- Recommendation No. 170 (2014) on the European Code of Conduct on Recreational Fishing and Invasive Alien Species,
- Recommendation No. 193 (2017) on the European Code of Conduct for Invasive Alien Trees,
- Recommendation No. 194 (2017) on the European Code of Conduct on International Travel and Invasive Alien Species;

Recalling the Strategic Plan for Biodiversity 2011-2020 with its 20 headline Aichi targets for 2020, adopted at COP 10 of the CBD and in particular Target 9 devoted to Invasive Alien Species (IAS): “By 2020, invasive alien species and pathways are identified and prioritised, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment”, and welcoming the future post-2020 global biodiversity framework and its foreseen target on invasive alien species, expected to be adopted at CBD COP 15;

Recalling its Recommendations focusing on alien pathogens affecting native herpetofauna, such as Recommendation No. 176 (2015) on the prevention and control of the *Batrachochytrium salamandrivorans* chytrid fungus and the Recommendation No. 197 (2017) on biosafety measures for the prevention of the spread of amphibian and reptile species diseases;

Recalling the Regulation (EU) No. 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species;

Recalling the EU Biodiversity Strategy for 2030 aiming, inter alia, at managing established Invasive Alien Species and decreasing the number of Red List species they threaten by 50%;;

Conscious that invasive alien species are assessed as one of the five main direct drivers of biodiversity loss in the IPBES [Global Assessment on Biodiversity and Ecosystem Services](#), approved by the IPBES Plenary at its 7th session in May 2019 in Paris, France (IPBES-7);

Acknowledging that the introduction of alien species that may in themselves cause disease or may be vectors for transmitting pathogens may contribute substantially to the spread of emerging infectious diseases (EIDs), which represent a major threat not only to humans, but also to biodiversity and ecosystem services;

Noting that to date, the attention paid so far to the impact on biodiversity caused by alien pathogens and by pathogens spread by IAS seems has largely focused on the impact on human health, cropping systems and livestock production, and that the spread of those alien pathogens affecting only wildlife (wild animals and plants) has not yet received adequate attention despite the magnitude of their known and potential effects on native and endangered species, ecosystems, and ecosystem services;

Recalling the need to address the main gaps in knowledge, science, policy and legislation which may have an impact on the conservation objectives set by the Bern Convention;

Noting that the capacity to effectively protect wildlife from the threat currently posed by alien pathogens and pathogens spread by IAS, is likely to be limited by the incomplete knowledge and the very fragmented and dynamic policy and legislation framework on the issue, and that the development of interdisciplinary capacity, expertise and coordination to identify and manage threats is seen as critical to address the discussed knowledge and policy gaps;

Referring to Report on Alien Pathogens and Pathogens Spread by Invasive Alien Species in Europe [\[document T-PVS/Inf\(2022\)40\] and the discussion held at the 42nd meeting of the Standing Committee:](#)

Recommends that Contracting Parties:

1. Identify all concerned actors, including but not limited to experts on invasive alien species (IAS) and emerging infectious diseases (EIDs) and authorities competent for dealing specifically with wildlife pathogens and relevant pathways.
2. Improve knowledge on alien pathogens and pathogens spread by IAS.
3. Analyse existing measures, policy and legislation to assess gaps, constraints and barriers which prevent effective management of alien pathogens and pathogens spread by IAS affecting wildlife.
4. Prioritise the management of introduction pathways by assessing the risk of invasion by alien pathogens and pathogens spread by IAS in both risk assessments (and relevant management annex) and pathway action plans.
5. Increase awareness on the impact of wildlife pathogens among policy and decision makers, wildlife managers, scientists, and citizens.

Appendix VII

Recommendation on Invasive Alien Tree Species and Climate Change

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 216 (2022) of the Standing Committee, adopted on 2nd December 2022, on Risks associated with the use of invasive alien tree species as a Nature-based Solution to mitigate climate change.

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention.

Having regard to the aims of the Convention to conserve wild flora and fauna and its natural habitats;

Recalling that Article 11, paragraph 2.b, of the Convention requires parties to strictly control the introduction of non-native species;

Recalling the International Union for Conservation of Nature (IUCN) Global Programme 2013-2016, adopted by the IUCN World Conservation Congress in September 2012, which aimed at halting biodiversity loss and applying nature-based solutions to conserve biodiversity;

Recalling its Recommendation No. 193 (2017) on the European Code of Conduct for Invasive Alien Trees;

Recalling the Regulation (EU) No. 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species;

Recalling the EU Biodiversity Strategy for 2030 which recognises the importance of nature-based solutions, such as protecting and restoring wetlands, peatlands and coastal ecosystems, or sustainably managing marine areas, forests, grasslands and agricultural soils, to be essential for emission reduction and climate adaptation;

Recalling the European Green Deal, which aims at being climate-neutral by 2050;

Recalling the Resolution on “Nature-based solutions for supporting sustainable development” adopted at the fifth session of the United Nations Environment Assembly, which provides an internationally agreed definition of nature-based solutions;

Conscious that invasive alien species are assessed as one of the five main direct drivers of biodiversity loss in the IPBES [Global Assessment on Biodiversity and Ecosystem Services](#), approved by the IPBES Plenary at its 7th session in May 2019 in Paris, France (IPBES-7);

Conscious that tree planting can help balancing anthropogenic emissions of greenhouse gases to the atmosphere, and that alien trees and well-managed planted forests of alien tree species can provide opportunities for adaptation to climate change and global change;

Conscious of the risks associated with the usage of invasive alien tree species as a Nature-based Solution to mitigate climate change;

Referring to the Position paper on the risks associated with the use of invasive alien tree species as a Nature-based Solution to mitigate climate change. [document [T-PVS/Inf\(2022\)39](#)] and the discussion held at the 42nd meeting of the Standing Committee;

Recommends that Contracting Parties:

1. Ensure transparency, access to information and inclusive participation, in their tree planting initiatives.
2. Prioritise conservation and protection of remaining natural forests, old-growth forest, and other types of wooded and tree-less habitats, such as wetlands, peatlands, grasslands, for biodiversity conservation and climate change adaptation.
3. Protect existing forest and adopt adequate preventive measures to analyse and reduce the risk of negative impact from biotic and abiotic risks, including fire risks.
4. Restore degraded natural forest ecosystems, avoiding tree planting in naturally non-forested habitats, such as wetlands, peatlands, and grasslands, and prioritise areas that improve conservation value.
5. Be aware of, and adopt, whenever possible, the Ten Golden Rules¹ - supported by scientists from the Royal Botanic Gardens, Kew (RBG Kew) and Botanic Gardens Conservation International (BGCI) - for reforestation to optimize carbon sequestration, biodiversity recovery and livelihood benefits.
6. Apply the precautionary principle and rigorous risk assessment for all new alien trees, in particular when these species do not have a documented history of planting with limited risk of escaping from plantation sites. Favour those tree species that are assessed as low risk in low risk areas for planting and avoid planting species that are on the EU or on national invasive alien species lists in the relevant territories.
7. Be aware of the documented existence of a time lag between first alien tree introduction and invasive behaviours as well as possible range-shift driven by anthropogenic climate-change;
8. Apply the precautionary principle and rigorous biodiversity safeguards to all large-scale tree-planting projects, and forest restoration initiatives - including those labelled as Nature-based Solutions and under the Bonn Challenge².
9. Promote the use of native and threatened tree species in reforestation/afforestation/restoration initiatives and highlight the risks of planting invasive alien tree species in areas rich in native, and especially endemic tree biodiversity.
10. Take into account these key principles within planning and when designing incentives, subsidies, to support the adaptation of forest, urban forest, and forestry to climate change.

¹ Di Sacco, A., Hardwick, K.A., Blakesley, D., Brancalion, P.H.S., Breman, E., Cecilio Rebola, L., Chomba, S., Dixon, K., Elliott, S., Ruyonga, G., Shaw, K., Smith, P., Smith, R.J., Antonelli, A., 2021. Ten golden rules for reforestation to optimize carbon sequestration, biodiversity recovery and livelihood benefits. *Glob. Change Biol.* 27, 1328–1348. <https://doi.org/10.1111/gcb.15498>

² The Bonn Challenge is a global effort to bring 150 million hectares of deforested and degraded land into restoration by 2020 and 350 million ha by 2030. (<https://bonnchallenge.org/>) (www.decadeonrestoration.org)

APPENDIX VIII

Revised Terms of Reference of the Group of Experts on Biodiversity and Climate Change

- T-PVS(2022)09 –

I. BACKGROUND

In 2006, the Standing Committee to the Bern Convention adopted Recommendation No. 122 on the conservation of biological diversity in the context of climate change setting up a Group of Experts on Biodiversity and Climate Change to review the effects of climate change on the biological diversity and to propose advice and guidance for use in developing appropriate adaptation and management policies for the conservation of the biological diversity.

Since 2006, the Group of Experts elaborated the following eleven recommendations:

- No. 122 (2006) on the conservation of biological diversity in the context of climate change
- No. 135 (2008) and No. 143 (2009) on addressing the impacts of climate change on biodiversity
- No. 145 (2010) on guidance for Parties on biodiversity and climate change in mountain regions
- No. 146 (2010) on guidance for Parties on biodiversity and climate change in European islands
- No. 147 (2010) on guidance for Parties on wildland fires, biodiversity and climate change
- No. 152 (2011) on Marine Biodiversity and Climate Change
- No. 158 (2012) on Conservation translocations under changing climatic conditions and
- No. 159 (2012) on the effective implementation of guidance for Parties on biodiversity and climate change
- No. 187 (2016) on communicating on climate change and biodiversity
- No. 206 (2019) on nature-based solutions and management of protected areas in the face of climate change

In 2021, the Standing Committee to the Bern Convention adopted a vision for the period to 2030 stating that “By 2030, declines in biodiversity are halted, leading to recovery of wildlife and habitats, improving the lives of people and contributing to the health of the planet.”

In 2022, acknowledging that climate change is a major overarching driver responsible for biodiversity decline and for the deterioration of people’s well-being, that will increase its impacts, members of the Group of Experts recognised that the Group’s role in tracking climate change impact on biodiversity, fostering engagement and action, bridging policy and practice and keeping the Standing Committee updated was more important than ever.

II. SCOPE

The Group of Experts on Biodiversity and Climate Change will provide a dedicated cooperation platform to support Parties’ actions and facilitate the exchange of good practices and initiatives.

The Group of Experts on Biodiversity and Climate Change is requested to:

- Regularly review the recommendations of the Convention related to climate change.
- Explore the opportunity to use existing reporting and monitoring tools of the Convention to assess progress by Parties in the implementation of recommendations in the field of climate change, as well as ways to simplify and streamline reporting activities. If necessary, propose new tools for developing action-oriented reporting.
- Provide support to Parties to monitor the impact of climate change on protected areas and include adaptation measures in management plans in cooperation with other relevant Groups of Experts under the Bern Convention.

- Encourage and assist Parties in increasing knowledge about the vulnerability of species to climate change and collecting and analysing information and data.
- Foster (cross-border) cooperation among Contracting Parties.
- Provide, if required, information, guidance and advice to other technical, scientific Groups of Experts under the Bern Convention, and to the Standing Committee on questions and issues related to relations between biodiversity and climate change.

III. COMPOSITION

The Group of Experts will comprise relevant representatives of Contracting Parties to the Bern Convention and observers and may invite relevant third parties as deemed necessary.

The Group of Experts will select one Chair from amongst the Contracting Party members for a term of office of 2 years.

IV. WORKING METHODS

The members of the Group of Experts 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 Group of Experts will determine its own meeting frequency. The Group of Experts shall operate by online means and physical meetings as appropriate.

The Bureau of the Standing Committee will review and evaluate the work of the Group of Experts at the Bureau's meetings through the year.

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 Group of Experts and any other support activities deemed necessary.

APPENDIX IX

Updated list of officially nominated candidate Emerald Sites

Kindly consult document [T-PVS/PA\(2022\)09](#) on the website of the meeting.

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Updated list of officially adopted Emerald Sites

Kindly consult document [T-PVS/PA\(2022\)10](#) on the website of the meeting.

APPENDIX X

Recommendation on Possible negative impact of hydro-power plant development on the Neretva river

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 217 (2022) of the Standing Committee, adopted on 2nd December 2022, on the possible negative impact of hydropower plant development on the Neretva River (Bosnia and Herzegovina):

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1 of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Recalling that Article 4, paragraph 2 further stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recalling its previous recommendations related to hydropower plant development such as Recommendation No. 184 (2015) and Recommendation No. 202 (2018);

Recalling that Gornji tok Neretve (Upper Neretva) has been officially nominated as a candidate Emerald Network site in 2011 in accordance with national legislation, and as such, it is subject to Recommendation No. 157 (2011, revised in 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to “take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites” until their full inclusion in the Emerald Network;

Recalling Recommendation No. 208 (2019) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites;

Considering other relevant international guidelines on hydropower/biodiversity conflicts such as the Energy Community Treaty’s Policy Guidelines on small hydropower projects, and also the due diligence requirements for protected areas of the International Hydropower Association in cooperation with IUCN and UNESCO;

Noting the delicate ecosystem of the whole Neretva River and its surroundings, and the rich variety of wildlife reported to inhabit the river, the areas of the planned catchments and their terrestrial environment, including numerous rare, endangered and endemic species listed in the Convention’s annexes;

Taking note of the report of the on-the-spot appraisal carried out by an independent expert on 18-20 October 2022 (document T-PVS/Files(2022)72);

Recommends to the Government of Bosnia and Herzegovina to:

1. Officially declare “Gornji tok Neretve” (BA0000002) as an adopted Emerald Network site;
2. Develop a new regulation of a residual flow regime based on scientifically founded studies as the current regulation is inadequate: the regulation should be aligned with the ecological requirements of the important

- flagship species like Adriatic brown trout (*Salmo fariooides*), sculpin (*Cottus gobio*), minnow (*Phoxinus phoxinus*), stone loach (*Barbatula barbatula*) and eventually marble trout (*Salmo marmorata*);
3. Ensure that no hydropeaking operations will be performed as an obligatory condition for commissioning of the power plant (to be officially stipulated in advance by the authorities); Should hydropeaking still be performed, the operation must be stopped immediately;
 4. Elaborate mitigation measures for the destroyed habitats such as C 3.55 Sparsely vegetated river gravel banks (Habitats directive code 3220, F 9.1 Riverine shrub (Habitats directive code 3240), G 1.11 Riverine *Salix* woodland and G1.21 Riverine *Fraxinus - Alnus* woodland, wet at high but not at low water (Habitats directive code *91E0), E 5.4 Moist or wet tall-herb and fern fringes and meadows (Habitats directive code 6430), E 2.2 Low and medium altitude hay meadows (Habitats directive code 6510), G1.A4 Ravine and slope woodland (Habitats directive code 9180);
 5. Implement an absolute ban on fish stocking;
 6. Formulate monitoring measurements for the affected species and habitats.
 7. Halt the construction of the hydropower plant Ulog until:
 - a. the Bureau or Standing Committee have assessed that the recommendations under paragraph 1-6 of this recommendation are implemented and complied with; and
 - b. the assessments pursuant to paragraph 11 of this recommendation have been completed and, taking into account these assessments, compliance with Article 4 II of the Convention is demonstrably ensured.
 8. Prohibit implementation of the hydro-electric system Gornja Neretva (both Phase I and Phase II) and cancel the granted concessions, due to the profound negative impact, very long stretch of the Upper Neretva River affected and additional negative cumulative effects, that are deemed incompatible with the objectives of the candidate Emerald Network site BA0000002. Remove the concerned projects from the Spatial plan.
 9. Prohibit implementation of the currently dormant hydropower plant projects Glavatičovo and Bjelimići due to the profound negative impact, very long stretch of the Upper Neretva River affected including downstream effects and additional negative cumulative effects, that are deemed incompatible with the objectives of the candidate Emerald Network site BA0000002. Remove the concerned projects from the Spatial plan.
 10. Concerning planned hydropower plants along the Upper Neretva tributaries, halt all planning and permitting of the projects until the area is officially declared as an adopted Emerald Network site.
 11. Perform detailed assessments of potentially affected protected resources (habitats and species) as the current available data situation does not allow any detailed statements on the environmental impacts, thus it is strongly assumed that the deterioration will be dramatic.
 12. Following the rapid official proclamation of "Gornji tok Neretve" (BA0000002) as a protected area (point 1.a): formulate a management plan for this Emerald Network site.
 13. Implement a ban on development of further hydropower plants in the candidate Emerald Network site BA0000002 and all other candidate Emerald sites in the Neretva River basin (BA0000001, BA0000002, BA0000003, BA0000004, BA0000005, BA0000006, BA0000007, BA0000008, BA0000012, BA0000023, BA0000024 and BA0000025).
 14. Improve the collaboration with relevant NGOs, scientists, academia, local communities and other affected stakeholders in this and other similar future projects.
 15. Establish an official Focal Point for the Bern Convention on the state level.

APPENDIX XI

Recommendation on the possible negative impact on Breiðafjörður Nature Reserve and its surroundings from new road infrastructure

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 218 (2022) of the Standing Committee, adopted on 2nd December 2022, on the road infrastructure developed through the Breiðafjörður Nature Reserve and its surroundings (Iceland):

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1 of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Recalling that Article 4, paragraph 2 further stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recalling that Article 4, paragraph 3 further provides that the Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas;

Recalling that the area is of high value for biodiversity and could qualify as an Emerald Network site under the Bern Convention, and thus referring to Recommendation No. 157 (2011, revised in 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to “take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites” until their full inclusion in the Emerald Network;

Recalling the Icelandic national and regional legislation aiming to protect habitats and species such as the Nature Conservation Act and Breiðafjörður Conservation Act;

Considering that Breiðafjörður Nature Reserve and its surroundings host migratory waders, hosts a large part of the white-tailed eagle population, as well as species protected under Appendix II of the Convention and a variety of flora species that are conservation priorities and which Iceland has undertaken to protect;

Aware of the foreseeable ecological impact of the road project on this natural sanctuary unique in Iceland and internationally;

Taking note of the report of the online advisory mission (document T-PVS/Files(2022)68) carried out by the independent expert on 5-6 May 2022;

Recommends to the government of Iceland to:

1. Ensure an inclusive and transparent consultation process with *all* relevant stakeholders at both local and national level regarding the route P-H project implementation (including monitoring, mitigation and compensatory plans).

2. Finalise the detailed plan for compensatory measures for the route P-H, in consultation with the relevant (local and national) stakeholders, in order to be able to implement the measures as soon as possible and assess their efficiency.
3. Update the mitigation and monitoring plan for the route P-H according to the following:
 - a. add a consultation plan that should include regular updates on monitoring results and their implications in relation to decision-making; the consultation process should ensure collection of suggestions or data from interested stakeholders and could be used as a mechanism to transfer good practices at national level (possibly supporting development of national monitoring standards);
 - b. add a detailed risk assessment and contingency plan with predefined procedures/solutions to be implemented in cases where the proposed mitigation and compensatory measures may lead to sub-optimal results;
 - c. ensure that the existing regulation (Article 16 of regulation no. 772/2012 - Regulation on planning permits) on a clear and transparent procedure of stopping the construction until a proper solution will be agreed upon, will be used in the case where a compensatory measure may be identified as not being effective;
 - d. include in the monitoring plan success/failure indicators/thresholds for the proposed measures and predefined procedures for how to adapt technical solutions based on the real time data provided by the monitoring results;
 - e. add as monitoring objectives the habitat fragmentation and fauna mortality in relation to terrestrial species;
 - f. consider the secondary effects on nature related with land-use changes during the development scenarios analysis once it is prepared by the Steering Group.
 - g. add a chapter on lessons learnt to facilitate the transferability of local knowledge accumulation (considering that the mitigation and monitoring plan is a first for Iceland in terms of complexity).
 - h. consider as a high priority discussing with *all* relevant stakeholders (including the complainant) the studies that led to the current parameters of the Gufufjörður bridge before finalising the construction.
 - i. document that the changes made to reduce the impact on specific features beyond the terms stipulated in the EIA have had no impact on other natural features.
4. Ensure that the GIS data related to the road project will be updated regularly and will remain available throughout the whole monitoring period; the relevant authorities or Breiðafjörður Committee should facilitate a working group dedicated to harmonising data-collection and database structures in order to create a functional tool to support the decision-making process at the scale of the entire Breiðafjörður area.
5. Allocate sufficient resources for adaptation and implementation of adequate mitigation / compensation measures and monitoring activities related to the road project, including a side fund that should be used to respond to possible sub-optimal results of the implemented measures, should it be the case.
6. Document the overall costs being allocated to mitigation and compensatory measures for the route P-H and compare them with those of the alternative routes which prioritised avoidance such as the tunnel solution, as part of the lesson-learning process.
7. Start the development of the cumulative effect assessment as a pilot-study in the Breiðafjörður area using all relevant implemented projects and the current route P-H.
8. Support the overall conservation of the Breiðafjörður area and consider developing it as a relevant case study for Iceland (by implementing the following suggested actions that could strengthen the conservation of other parts of the Breiðafjörður area):
 - a. ensure that a Consultation Group to the Steering Group is set up as soon as possible, and that it will be inclusive and the process transparent;
 - b. within the aforementioned groups, discuss the possibility of including the Breiðafjörður area on the candidate list of Emerald Network sites (especially as the current conservation act is considered

compatible with the Emerald Network requirements), considering Recommendation No. 157 (2011, revised 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination.

- c. strengthen the Breiðafjörður Conservation Act (1995);
- d. implement a sound overall monitoring plan for the Breiðafjörður area;
- e. start developing a comprehensive database as an efficient support for decision-making for the Breiðafjörður area;
- f. develop a model-management plan for the Breiðafjörður area which should harmonise the sustainable development needs with the conservation objectives of the conservation plan requested by law.

Invites the relevant NGOs, scientific community, and civil society to:

- 9. Follow the above recommendations with regard to cooperation with the authorities, including by sharing data, engaging in cooperation bodies and activities, and agreeing on a detailed time plan of next steps (inspired by the proposal in the mission report).

APPENDIX XII

Kindly consult:

- the **Programme of Activities and Budget 2023** via this link: [T-PVS\(2022\)19](#)
- the **Calendar of Meetings 2023** via this link: [T-PVS/Inf\(2022\)38](#)

APPENDIX XIII

STATEMENTS³

Item 2.	Chairperson's report and communications from the delegations and from the Secretariat
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-Statement by Ukraine-

Madame Chair,

Distinguished delegates,

The crime of aggression, which Russia commits in Ukraine on a daily basis, is the mother of all crimes. The aggressor state is blind and indiscriminate, indiscriminate in the most negative sense. It does not differentiate between armed forces or civilians, between humans or wildlife. The aggressor state strives at destruction of basically everything.

The Russian armed aggression covers all aspects of our life, including environment.

No doubts, it affects wildlife and natural habitats. The aggressor destroys the habitats of rare species of animals that we have undertaken to protect.

This concerns not only Ukraine, but also has negative consequences for wider European region.

Distinguished delegates,

Russia commits ecocide in Ukraine, and we need immediate protection of environment.

Millions of hectares of forest were burned by shelling. Almost two hundred thousand hectares of our land are contaminated with unexploded mines and shells. Dozens of coal mines are flooded, including the mine in which an underground nuclear test explosion was carried out in 1979.

This is the "Yunkom" mine in the Donetsk region. It is located on the territory occupied by Russia. It has been flooded for several years - precisely because of the occupiers. Everyone in Moscow knows what a threat it poses not only to the rivers in the Donetsk region, but also to the Black Sea basin. Only the de-occupation of our territory can provide the conditions for the elimination of this threat.

It is impossible to accurately calculate the amount of atmospheric pollution from burnt oil depots and other fires. As well as from blown up sewage facilities, burned chemical plants, innumerable burial sites of slayed animals. Just imagine this – due to the Russian aggression, 6 million domestic animals died. 6 million! These are official numbers. At least 50,000 dolphins were killed in the Black Sea. Thousands of hectares of soil are contaminated with harmful substances – most of them are fertile soils. Used to be fertile soils.

Every missile that is fired from Belarus and from Russian bombers is destruction. It is also thousands of kilograms of environmentally dangerous chemicals that enter the soil, water bodies, air and move with the rain to considerable distances. Even after neutralizing, we should not forget about the possibility of fire of various grasses and forest areas. Let me remind you that we have 15 shares out of 78 total separate massives of primeval beech forests – an important natural heritage that is included in the UNESCO list. Every missile is a potential danger to these primeval forests.

Distinguished delegates,

The Bern Convention is one of the key mechanisms of cooperation in the field of protection and sustainable development for our country. For us, it is primarily an innovative tool to ensure the protection and promotion of the sustainable development of environment, that ensures the preservation and restoration of unique, rare and typical natural complexes and objects located in the center of Europe, and prevents their negative anthropogenic impact by promoting a policy of sustainable development.

During the last Climate Summit in Egypt, the President of Ukraine Volodymyr Zelensky proposed a platform to assess the environmental damage of war. We have to implement it.

We must also find common responses to all environmental threats created by the war. Without this, there will be no return to a normal, stable life, and the reverberations of the war will remain for a long time - in the explosions of mines that will take the lives of children, women and men, in the pollution of water, soil and atmosphere.

³ Only *viva voce* statements that were submitted in writing to the Secretariat for the appendix of this report are included.

We thank all the countries that are already helping us. Funds and technologies are also needed for the restoration of the ecosystem.

This is not just a Ukrainian problem. This is a challenge for the whole world.

Distinguished delegates,

I am convinced that Ukraine will persevere in this unequal struggle.

The reason for our fortitude is quite simple - we protect European values, the right to which we have chosen with our own blood.

Our children and grandchildren have the right to live on peaceful land. Our task is to leave them a free country with a safe environment, which the occupiers are currently destroying.

We long for the future, together with you, while the aggressor lives in a dark past, to which our people will not return.

I am convinced that the time will come when the sun will rise over a peaceful Ukraine, where humanity, moral values and freedom will not be stained with blood, and our children will grow up in a safe environment, and will not see a tear from shells and scorched earth.

I would also like to request the Secretariat to include my statement in the meeting report.

I thank you!

Item 3. Modalities of participation of Belarus in the work of the Standing Committee

-Statement by Belarus-

Dear Madam Chair!

Distinguished colleagues!

First of all, I would like to thank Mr. Gruden for the provided information regarding the decision of the Committee of Ministers of the Council of Europe of October 5, 2022, "Modalities for the participation of Belarus in open conventions" of the Council of Europe

I would like to comment on the statements made. The very fact that such an issue is brought before the Standing Committee is not comprehensible. Restriction of the rights of any state for purely political reasons jeopardizes the achievement of the goals and objectives of the Berne Convention, its consistency.

I propose to consider the Statute of the Council of Europe, in particular the articles regulating the legal status of the Committee of Ministers. Thus, Article 20 of the Organization's Statute contains a clear list of issues on which the Committee of Ministers is authorized to take decisions.

I would like also to draw your attention to the fact that, according to the Statute of the Council of Europe and the rules of procedure of the Committee of Ministers, its powers in relation to agreements are very limited and usual for administrative and executive bodies.

It is not empowered to interfere in the work of committees, commissions, working groups created not on the basis of Article 17 of the Statute of the Council of Europe, but on the basis of the provisions of international treaties.

At the same time the Berne Convention does not contain any provisions allowing the Committee of Ministers to interfere in the work of its bodies and, moreover, to restrict any rights of its member states.

It may be concluded that by the very fact of making a decision on the modality of participation of the Republic of Belarus in the open conventions of the Council of Europe, the Committee of Ministers has exceeded its powers and has broken not only its own rules of procedure, but also the Statute of the Council of Europe.

Article 14 of the Berne Convention, which establishes the legal status of the Standing Committee, contains a list of its powers, which does not include the right to limit the participation of states in the work of this convention body.

Thus, we may face an unprecedented situation when the Committee of Ministers of the Council of Europe actually pushes the Standing Committee of the Berne Convention to exceed its powers and violate the provisions of the Council of Europe Statute, the Berne Convention and its own rules and procedures.

In addition, I would like to draw attention to paragraph 4.1 of the report on the meeting of the Bureau of the Berne Convention on September 15-16, 2022, which reflects the opinion of the Bureau members that "continuing effective functioning of the Standing Committee, in particular in view of the functions entrusted to it, does not require a change in the modalities of participation of Belarus in the Standing Committee".

The repeated submission of the issue of modalities of the participation of the Republic of Belarus in the Standing Committee indicates the partiality of the Secretariat of the Berne Convention, its intention to politicize environmental issues, as well as a violation of both the universally recognized principles of international law, the provisions of the Vienna Convention on the Law of Treaties, and the Berne Convention itself.

I want to draw attention to another important aspect. In its decision, the Committee of Ministers of the Council of Europe refers to the fundamental principles of international law. One of these is the principle *pacta sunt servanda*, which is also enshrined in the Vienna Convention on the Law of Treaties. I would like to draw attention of the participants of the meeting of the Standing Committee to the fact that the Republic of Belarus strictly adheres to this principle in fulfilling its international obligations. This can also be seen in the example of the Berne Convention: our legislative and law enforcement practice complies with the provisions of this international treaty, the state submits reports on time and actively interacts with the Secretariat, providing the necessary information in a timely manner and in full.

In this regard, I propose not to consider this issue during the meeting of the Standing Committee.

Thank you for your attention.

Dear Madam Chair!

Distinguished colleagues!

Yesterday there was a big discussion on the modality of the participation of the Republic of Belarus in the work of the Standing Committee of the Berne Convention.

In my statements yesterday, I demonstrated the complete absence of legal grounds for making a decision to terminate the participation of the Republic of Belarus in the work of the Standing Committee. I draw your attention to the fact that not a single legal document contains legal norms that even provide for the possibility of submitting such an issue for consideration.

I'll go straight to our discussion. In the context of agenda item three, I request full compliance with the procedures of the Standing Committee.

First of all, I will once again emphasize the absence of authority for the Standing Committee to consider issues of restricting the rights of any state to participate in an international treaty or in the work of its institutional mechanism.

Secondly, I would like to draw attention to rule 14 of the rules of procedure of the Standing Committee "Reconsideration of a question": When a decision has been taken, it is only re-examined if a delegation so requests, and if this request receives a two-thirds majority of the votes cast.

Yesterday, Madam Chairperson already closed the discussion on agenda item 3, with the understanding that 30 States Parties to the Berne Convention declared that there were no legal grounds to take a decision to limit the rights of Belarus, and moved on to issue 4, when the delegation of Ukraine again proposed returning to issue 3.

I request the Secretariat to comply with rule 10 of the rules of procedure and require the Delegation of Ukraine to submit a proposal in writing to reconsider item 3.

I request the Ukrainian delegation to substantiate its proposal in detail with reference to the relevant legal norms. I would like to draw the attention of the distinguished Secretariat and delegates that until the written proposal of Ukraine is received and circulated, it cannot be considered during the current meeting of the Standing Committee.

After receiving a written proposal from Ukraine, I request the Council of Europe legal office and the treaty office to evaluate such a proposal also with reference to the relevant legal norms.

Due to the fact that in legal documents, in particular, in the Berne Convention and the rules of procedure of the Standing Committee, there are no rules defining the legal grounds and regulating the procedure for restricting the rights of states to participate in the work of the body of the convention, I request to develop and adopt amendments to the text of the international treaty and the development of appropriate procedures for the Standing committee.

Without this, any decision to limit the rights of the Republic of Belarus to participate in the work of the Standing Committee of the Berne Convention will be legally null and void.

I request the Secretariat to include my statement to the report of the meeting and to prepare the minutes of the discussion of the item 3 of the agenda. My statement will be provided in written.

Thank you for your attention.

Dear Madam Chair!
Distinguished colleagues!

As far as I remember, the decision on the participation of the Republic of Belarus in the work of the permanent committee of the Berne Convention was already taken on Monday and Tuesday. Distinguished delegates agreed that the Standing Committee has no legal authority to make decisions of this kind.

Let me remind you that neither the Berne Convention nor the Rules of Procedure of the Standing Committee contain provisions that would provide with procedure for the initiating, development or adoption of such a decision.

I would like once again to emphasize that the adoption of such a decision requires the taking very serious measures: amendments to the text of the Berne Convention and the development of appropriate procedures for the standing committee. Without this, any decision to limit the rights of the Republic of Belarus to participate in the work of the permanent committee of the Berne Convention will be legally null and void.

In addition, I draw your attention to the fact that the submission of a decision already taken for reconsideration also requires compliance with the existing rules of procedure of the Standing Committee, in particular Articles 14 and 10.

To make a decision, it is necessary to analyse its wording, as well as the comments and objections of other members of the Standing Committee. This will require considerable time, which we no longer have at this meeting.

In fact, we are being pushed into violating the provisions of the Berne Convention and the rules of procedure of the Standing Committee for purely political reasons.

I consider such legal nihilism unacceptable and I require that the decision not restricting the right of the Republic of Belarus to take part in the work of the permanent committee of the Berne Convention be preserved. I ask to kindly include my statement into the report of the standing committee meeting.

Thank you for attention!

-Statement by the European Union and its Member States-

Madame Chair,

After having heard from other Contracting Parties, the EU+MS would like to provide additional comments to our position expressed yesterday.

We condemn in the strongest possible terms Russia's unprovoked and unjustified act of aggression against Ukraine, which grossly violates international law and the UN Charter, and undermines international security and stability, and the involvement of Belarus in this war.

We would like to stress that in line with the approach in other similar multilateral environmental agreements, the EU+MS will actively oppose any Belarusian candidates for the role of a Bureau member, Chair or vice-chair, of a chair of Groups of Experts or working groups. EU+MS will also actively oppose any proposal according to which a representative of Belarus would be entrusted with any task of rapporteur, coordinator, or would be tasked with representing the Standing Committee in any circumstances.

In addition, we would also like to underline that, since it is an agreement for nature conservation, we do not think the Bern Convention should lead the discussion on exploring legal options to limit the participation of the Belarus via possible amendment of the Rules of Procedure. We therefore take note of the discussion in other fora within the Council of Europe and as this area is subject to developments, we call on the Standing Committee to request the Secretariat to monitor the developments and approaches in other similar conventions, to monitor further legal advice and to report to the next Standing Committee on further experience gained for potential further revision of the Rules of Procedure.

We would like this intervention to be recorded in the report from the meeting.

-Statement by Switzerland-

Merci madame la présidente. Nous souhaitons soutenir la position exprimée par l'Union européenne en ce qui concerne la poursuite de la participation du Belarus à la Convention de Berne.

-Statement by Ukraine-

Madame Chair,

Distinguished delegates,

Please do not forget about the aspect with Belarus in the Russian war against Ukraine.

The world knows very well that we have been doing everything to prevent the involvement of the people of Belarus in a war against our state.

But since the beginning of the full-scale Russian invasion, missiles have been launched against Ukraine from Belarusian territory.

And Belarus is an accomplice.

This has also been confirmed by the international community and reflected in the resolution of the United Nations General Assembly "Aggression against Ukraine", where the overwhelming majority of the Member States deplored the involvement of Belarus in this unlawful use of force against Ukraine.

And only 4 Member States joined Russia and voted against the resolution. I will name those countries: DPRK, Eritrea, Syria and Belarus.

Belarus continues to provide its land for Russian strikes against Ukraine.

Therefore, we should sanction Belarus for this involvement.

We cannot allow Belarus to participate in Bern Convention.

And it is not a politicization of the meeting as the representative of Belarus has just put it.

We call on everyone to exclude Belarus from sitting here, prevent the accomplice from taking part in the discussions and from voting.

I would also like to request the Secretariat to include my statement in the meeting report.

I thank you!

Madame Chair,

Distinguished delegates,

Following my yesterday's statement on the Agenda Item 3, I would like to make it clear: we do not insist on the expulsion of Belarus from the Bern Convention, as we do not see legal procedure for this. At least for the moment. Unless the Secretariat can confirm otherwise.

What we request is to limit participation of Belarus, as an accomplice in the Russian war, in the meetings of the Standing Committee to the Bern Convention, including in the voting process.

We support the document that the Secretariat has circulated on November 2 on the Modalities of participation of Belarus in the work of the Standing Committee to the Convention.

And during the online meeting on the 10th of November, it seemed that there was a general understanding that what was outlined in the document is the way forward.

If the legal opinion of the Secretariat regarding this document has changed, we are to be informed thereof.

However, we firmly stand for maximum limitation of the participation of the representatives of Belarus in the work of the Standing Committee.

If there is no consensus on that matter in this room, we shall request this issue to be put for a vote.

But before that, I would like to once again remind you of the role Belarus plays in the Russian war against Ukraine. Belarus indirectly sponsors environmental degradation in Ukraine, and that is a straightforward violation of the Convention.

Environment does not exist on its own. It does not live its own life, independent from human activity. Our ecosystem shares the same habitat with us. Or rather we share the same habitat with the ecosystem.

The war, or as some in this room tried to call it "politics", is indiscriminate. When tanks cross the border of a sovereign state, when artillery shells fall on the villages, when Iskander, Kalibr and Kinzhal missiles destroy basically everything, these are not politics. And this is about environment too.

Maybe these names speak nothing to you as experts on Bern Convention. But I assure you, these names also used to speak nothing to Ukrainians before, whether you are a teacher, lawyer, doctor or expert on the environment.

Today, these names are all well known to Ukrainians. When the siren goes off, the first thing everyone does is checking Telegram.

Let me read you a typical notification you receive: "2:15am, Baranovichi, Mig-31 took off."

Does it speak anything to you? Actually, I doubt it means anything even to the Belorussian colleague, or does it?

I will explain you what it means: It means that in the middle of the night, no matter if it is the first, second or even the third siren in one night, a mother with her children has to get up and go to the basement as fast as possible. Not to a shelter. There is no time to reach shelter. The time is enough to go down to basement only. Because the attack aircraft Mig-31 is capable of carrying air-ballistic air-to-surface missile "Kinzhal", which reaches Mach 12 speed, and from Baranovichi which is in Belarus it can reach any major city in Ukraine in mere minutes.

Distinguished delegates,

I would like to express myself one more time on the legal aspects of the involvement of Belarus in the Russian war against Ukraine.

Yesterday I already cited the UN General Assembly resolution titled "Aggression against Ukraine" of 2nd March 2022, which deplored the involvement of Belarus in the unlawful use of force against Ukraine. This resolution was adopted by the overwhelming majority of the UN Member States, and, I believe, by everyone of you present here, with only one exception.

Today I would like to refer to another UN General Assembly 3314 of 14th December 1974 titled "Definition of aggression". This resolution was adopted by consensus. This document, namely Article 3, clearly states that the action of a state that allows another state to use its territory to commit an act of aggression against a third state is qualified as an act of aggression. Therefore, Belarus does commit and act of aggression against Ukraine.

This crime affects all aspects of our life, including the environment.

Since February 24th more than 700 missile or-bomb attacks on Ukraine from the territory of Belarus have been recorded.

Just imagine one of the shellings of Ukraine from the territory of Belarus took place on the Independence Day of Ukraine. This happened after Lukashenko sent greetings to the people of Ukraine with wishes for a "peaceful sky".

Distinguished delegates,

I came from Kyiv – the city, which, like many regions of Ukraine, is on the brink of an environmental catastrophe.

Being here in quiet, safe and cozy Strasbourg, as in any other European city, it is difficult to imagine the environmental conditions in which Ukrainians are living.

Missiles launched from the territory of Belarus blow up oil depots with vast environmental consequences. This I hope is understandable for the experts present here.

Russian troops that came from the territory of Belarus and seized the Chernobyl nuclear power plant posed threat of a new nuclear ecological disaster.

We warned everyone in June 2019 about the dangers of the return of the Russian Federation to the Parliamentary Assembly of the Council of Europe.

We are warning you today – impunity in Belarus will lead to even greater environmental challenges in Ukraine, and in wider Europe. When this becomes a reality, we will remind you of the results of the voting that took place here.

Therefore, we urge the delegates to support the decision and to amend the Rules of Procedure, and, as the next step, to apply the amended rule to Belarus.

I thank you!

Madame Chair,

Distinguished delegates,

Following my yesterday's statement on the Agenda Item 3, I would like to make it clear: we do not insist on the expulsion of Belarus from the Bern Convention, as we do not see legal procedure for this. At least for the moment. Unless the Secretariat can confirm otherwise.

What we request is to limit participation of Belarus in the meetings of the Standing Committee to the Bern Convention, including in the voting process.

We support the document that the Secretariat has circulated on November 2 on the Modalities of participation of Belarus in the work of the Standing Committee to the Convention.

And during the online meeting on the 10th of November, it seemed that there was general understanding that what was outlined in the document is the way forward.

If the legal opinion of the Secretariat regarding this document has changed, please inform us.

But I would like to remind you of the decision of the Committee of Ministers of 5th October 2022, according to which we have to decide upon the modalities of participation of Belarus in the respective body not later than the end of December 2022.

However, we stand for maximum limitation of the participation of the representatives of Belarus in the work of the Standing Committee.

We urge the delegates to support the decision and to amend the Rules of Procedures, and as the second step to apply the amended rule to Belarus.

Remember Belarus has indirectly sponsored environmental degradation in Ukraine and that is a straightforward violation of the Convention.

Yesterday I already cited the UN General Assembly resolution titled "Aggression against Ukraine" of 2nd March 2022, which deplored the involvement of Belarus in the unlawful use of force against Ukraine. This resolution was adopted by the overwhelming majority of the UN Member States, and, I believe, by everyone of you present here, with only one exception.

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I would also like to request the Secretariat to include my statement in the meeting report.

I thank you!

Item 4.1 Financing of the Bern Convention

-Statement by Switzerland-

Merci Madame la Présidente. Tout d'abord, nous tenons à remercier le bureau et le secrétariat pour les documents préparés sur les finances et pour les efforts consentis dans la recherche de solutions pour le financement sain et durable de la Convention de Berne. Nous participons au groupe de travail inter-session sur le sujet et nous réalisons à quel point la tâche est ardue et complexe.

L'élaboration d'un protocole d'amendement peut être une solution au financement insatisfaisant de la Convention mais il faudrait avoir la certitude que la Convention de Berne puisse représenter une exception, en ce sens que le protocole puisse entrer en vigueur même si toutes les parties ne l'ont pas ratifié.

Nous soutenons la décision du Conseil des Ministres de créer un Fond pour la Convention de Berne qui permettrait – nous l'espérons - de récolter des contributions volontaires additionnels. Ce fond doit faciliter la procédure pour le versement des contributions et permettre le financement de projets plus ambitieux dans l'intérêt de toutes les parties. Pour que la création de ce fond soit un succès, elle doit être accompagnée par une grande mobilisation de ressources et de communication. Le secrétariat de la Convention ainsi que les Parties doivent s'engager pour le soutenir et le faire connaître.

Item 4.2 Vision and Strategic Plan for the Bern Convention for the period to 2030 and contribution to the post-2020 global biodiversity framework

-Statement by Serbia-

Regarding the Vision and Strategic Plan for the Bern Convention for the period to 2030 and contribution to the post 2020 global biodiversity framework Serbia thanks the WG for their Report and calls for Bern Convention as a main implementation instrument for biodiversity conservation to contribute to the implementation of Multilateral Environmental Agreements by planning synergies among biodiversity-related conventions.

Also, we propose the target on transboundary cooperation among Parties to enhance effective implementation of the Bern Convention at the sub regional level in relation to the post-2020 Global Biodiversity Framework reflections after the COP15.

-Statement by Switzerland-

La Suisse salue tout le travail qui a été réalisé par le groupe de travail pour élaborer le plan stratégique proposé au Comité permanent. Cependant, alors que la vision de la Convention de Berne adoptée en 2021 est solide, ambitieuse et reflète de manière adéquate les avantages de la Convention de Berne, les objectifs inclus dans le plan stratégique sont encore de nature trop générale. Souvent, ces objectifs ne sont pas SMART et ne donnent pas d'indications claires aux Parties sur la manière de les mettre en œuvre.

De plus, certaines sections du plan stratégique, par exemple sur la Mobilisation et la responsabilité dans la mise en œuvre (G), Faire connaître et utiliser le Plan (I) et les Compétences et moyens (J), semblent avoir une faible orientation stratégique, liée au produit et aux résultats.

La Suisse soutient donc le fait de ne pas adopter le plan lors du présent Comité mais de laisser encore une année au groupe de travail pour redéfinir certaines cibles et préciser les indicateurs. Ce plan doit viser à améliorer le profil de la Convention en valorisant ses spécificités afin d'assurer la durabilité de la Convention. Le plan stratégique devrait être proposé pour adoption au 43^{ème} Comité permanent soit en fin 2023.

-Statement by Pro Natura-

Pro Natura, also on behalf of other NGOs in the working group, deplored that despite of eight rounds of consultation and a two year process, parties were not ready to adopt the document. He called on parties to put their concrete questions and concerns forward as soon as possible so that the strategic plan can be discussed before summer and finally be adopted at the SC meeting in 2023, and to put a formulation in the report that the SC aims to adopt the plan at the 43rd SC meeting in 2023.

Item 4.3 Case-file reflection

-Statement by Switzerland-

Merci Madame la présidente.

La suisse remercie le secrétariat et le bureau pour la rédaction du document T-PVS/Inf(2022)27 « Draft summary of general procedure for the processing of complaints ». Nous soutenons ce document qui décrit de manière synthétique et claire une procédure plutôt complexe. Même s'il est souhaité que ce document soit vu comme un « document vivant », il nous semble important qu'il soit rendu facilement accessible et bien visible sur la page internet de la Convention dédiée au système de dossier.

Le titre D « Retards dans les rapports des parties » devrait être reformulé et adapté au contenu du chapitre qui contient des instructions dans le cas où il n'y a pas d'information de la part du pays ou du plaignant. Ce n'est donc pas un retard mais une absence d'information.

Nous soutenons également les propositions pour améliorer l'efficience et l'efficacité du système de dossier qui nous semblent pertinentes. Nous sommes intéressés à soutenir certaines d'entre elles dans notre prochaine contribution.

Item 5.2	Proposal for amendment: Downlisting of the wolf (<i>Canis lupus</i>) from Appendix II to Appendix III of the Convention
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-Statement by Azerbaijan-

The Republic of Azerbaijan has taken concrete actions to implement the Bern Convention and other international environmental instruments.

Today, more than 10% of Azerbaijan's territory comprises specially protected natural areas: Azerbaijan is home to 10 national parks, 10 state nature reserves, and 24 state nature sanctuaries established to protect important natural habitats and species.

Azerbaijan recognizes the necessity of international cooperation and collaboration in meeting its conservation goals, and in particular the crucial role of the Bern Convention in ensuring that the natural environment is preserved for future generations.

Take to the consideration number of wolf according to statistical information Azerbaijan support the proposal for the amendment.

-Statement by Liechtenstein-

Liechtenstein is a small country with a total area of only one hundred and sixty-two square kilometers, which is half the potential range area of a wolf pack in Central Europe. It is therefore impossible to implement wolf management specific to Liechtenstein, but rather there is a need to cooperate closely with neighboring countries Switzerland and Austria. To manage these wolves, it is absolutely essential that we have common legal ground.

The management plan for the wolf in Liechtenstein rests on two pillars: livestock protection and the management of wolf populations. The implementation of livestock protection measures, especially in summering areas, entails a considerable additional effort for livestock owners. Due to the aggravated circumstances for livestock owners, authorities are required to establish a scientifically sound basis for extended measures in the management of wolf populations and to adapt the legal framework as part of this. The long-term goal should be to create conditions that allow animal husbandry in the Alpine region without unacceptable restrictions on livestock owners, through both the establishment of nationwide livestock protection measures and continuously evolving wolf management.

In our view, downlisting of the wolf will not cause any disadvantages for the wolf population, but will present opportunities to decrease the conflict between livestock owners and wolves. According to the information provided by the Large Carnivore Initiative, the reintroduction of the wolf, an incredibly adaptable opportunist, has – from a conservation prospective – been a huge success. We strongly believe that, under these circumstances, and especially compared to the other species in Appendix II, labelling the wolf as strictly protected is no longer justified. Liechtenstein therefore supports the Swiss proposal to downlist the wolf from Appendix II to Appendix III.

-Statement by Switzerland-

Dear Madam Chair-person, Excellences
Dear colleagues

On 30th of August 2018, Switzerland submitted a request to the Secretary General of the Council of Europe to change the protection status of the wolf *Canis lupus* from Appendix II (strictly protected species) to Appendix III (protected species) of the Bern Convention. As the Chair was already pointing out, the 38th Standing Committee did not decide on the proposed amendment as Contracting Parties were not ready to take a position at that time.

Let me explain the motivation of our request:

The overall European wolf population is to be viewed as a large meta-population. The number of wolves in Europe is increasing rapidly and their range continues to expand. According to the pan-European assessment of the conservation status of the wolf, conducted by the IUCN Large Carnivore Initiative for Europe (LCIE) this

year, 19 out of 33 European countries report increasing wolf numbers and only three countries report decreasing numbers. Based on the best available data, in 2022, the total number of wolves in geographic Europe, hereby excluding Belarus and the Russian Federation, is likely to exceed 21'500, with a significant increase in the last five years. Consequently, the species qualifies as Least Concern after the Red-List methodology for Europe. Currently, Switzerland has at least 200 wolves in 23 packs in a territory of about 40,000 km². These figures demonstrated the recovery of the wolf in Europe and in our country. This is an achievement due to its protection status under the Bern Convention. The long-term survival is now assured.

However, increasing wolf populations lead to enhanced conflicts with livestock husbandry. Measures to protect livestock and adapt the farming systems are costly and are not always well received. In a situation of strict protection, individual wolves quickly learn that humans are not dangerous and they start to show up close to or even in villages. Protective measures such as guarding dogs or electrified fences lose their effect and attacks on livestock become difficult to avoid. This situation obviously amplifies the conflict.

With the increase in wolves and livestock depredations, management through targeted killings will not only have to refer to individual animals, but more extensive culling will be necessary.

Isolated shooting as a management measure can currently be authorised under Article 9 of the Convention. This standard allows for exceptional interventions, but does not provide a basis for justifying long-term management measures on a species, even if its conservation status is favourable. Accordingly, infringement proceedings could be opened against parties that provide for more comprehensive management methods.

Furthermore, reservations lead to a split-listing among the member States of the Convention: Most of the countries that had a wolf population when they joined the Convention made reservation against listing this species on Appendix II. This allows them to treat it as a protected species under Appendix III of the Bern Convention and to manage it accordingly. At the time of our accession, the wolf was almost absent from our territory and we did not, with good reason, enter such reservation. Accordingly, other Western European countries are unlikely to have made this reservation either. However, since the conservation status of the wolf has recovered throughout Europe, different treatment under the Bern Convention has become obsolete.

We are aware that, for the member states of the European Union, the rules of the Bern Convention are enshrined in the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. This for, we would like to invite the European Union and its member states to assess to what extent a relisting of the wolf from Appendix II to Appendix III of the Bern Convention could be compatible with its conservation objectives.

In this respect we count on that the European Commission takes a positive stance towards the European Parliament's resolution, passed last week, asking the Commission to "develop an assessment procedure without delay to enable the protection status of populations in particular regions to be amended as soon as the desired conservation status has been reached".

To conclude, good reason to downlist the wolf from Appendix II "strictly protected" to Appendix III "protected" are evident:

1. Wolf numbers and the Europe wide distribution have increased to a safe level for the species.
2. Removing individual animals will no longer address the increasing conflicts with herding livestock. Not improving our management scheme means losing the socio-political acceptance of the wolf in the long-run.
3. We should intend to re-establish a uniform legal treatment of the wolf among the Parties to the Convention.

Accordingly, we would recommend that you support the proposal.

Madam Chair-person, on the procedural side, Switzerland would like to ask for a vote, which is to be recorded. And may I ask the Secretariat to prepare the vote the way you could present the results to us with a list of parties supporting, opposing and abstaining to the Swiss proposal after the vote.

Thank you, Madam Chair-person.

-Statement by FACE-

FACE, the European Federation for Hunting and Conservation, would like to support the proposal from Switzerland. The recovery of wolves to around 21,500 individuals in geographic Europe (excluding Belarus and Russia) is a clear success as presented by the excellent report provided by the LCIE.

However, these increasing wolf populations continue to cause conflicts and the legal frameworks associated with strict protection are resulting in very heavy bureaucracy and prevent successful conflict resolution.

This is one reason why last week in the European Parliament a resolution was passed welcoming the proposal tabled at this Standing Committee and calling for it to be adopted.

The resolution “Protection of livestock farming and large carnivores in Europe”, calls on the European Commission to continue monitoring and assessing scientific data to enable the protection status of species to be adapted as soon as the desired conservation status has been reached, in accordance with Article 19 of the Habitats Directive.

Good conservation status can be achieved with listing in Annex V of the Habitats Directive, or Appendix III of the Bern Convention. It does not change the legal obligation to achieve and maintain the long-term conservation of the species.

It is important to add that social tolerance of wolves has reached its limit or is decreasing in many areas of Europe.

In fact, recent studies show that the limiting factor to successful wolf conservation in Europe is not habitat availability or quality, but factors such as social acceptance and favourable policies.

It should also be noted that Article 7 of the Convention requires that measures for temporal or local prohibitions of exploitation are taken to restore populations to satisfactory levels.

Further, I want to encourage contracting parties to engage in transboundary large carnivore conservation and management. Conservation and management measures as well as the conservation status assessments should be conducted at the ecologically correct level.

Item 6.1	Conservation on Birds: IKB and Group of Experts
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-Statement by Türkiye-

Dear distinguished delegates,

First of all we would like to thank Spanish authorities for hosting the meeting in the beautiful city of Valencia. The meeting was very fruitful in terms of mapping out a route for the future work of the Group. As the new Chair of the group, we will be strictly following up the issue of electrocution and collision with powerlines; continue studying the threats of windfarms and renewable energies on wild birds; finding ways to support non-EU Bern Convention Parties in their efforts to ban lead shot in wetlands; seeking synergies with other multilateral environmental agreements for species action planning; and contributing to promotion of bird-friendly agriculture practices.

Having said this, we would like to offer hosting the next group of experts meeting, together with the IKB Special focal points meeting, depending on the decision about joining the two meetings again.

Item 6.3 Amphibians and Reptiles: Conservation of Marine Turtles**-Statement by Cyprus-**

While we fully align with the statement by the EU and its MS, the Republic of Cyprus would like to underline the following as per Turkey's unfounded allegations against the sovereignty, independence and territorial integrity of the Republic of Cyprus:

Despite the fact that the aforementioned meeting was focusing on technical items, Turkey did not refrain from its constant provocative stance of undermining the deliberations in order to promote its unacceptable positions. More precisely, Turkey's statement under agenda item 6.3, unveils Ankara's constant aggressive stance which obviously goes against relevant United Nations Security Council Resolutions (541/83, 550/84) as well as relevant EU positions, statements and Council Conclusions which verify that the Government of the Republic of Cyprus is the only internationally recognized state in Cyprus and that all members of the UN shall respect the sovereignty, independence and territorial integrity of the Republic of Cyprus and are called not to recognize any Cypriot state other than the Republic of Cyprus. In this regard, the aforementioned UNSC Resolutions underline that the unilateral "declaration" of the secessionist regime in the occupied areas of Cyprus is legally invalid and thus called for its withdrawal. The Council of Europe also aligned itself with the said UNSC relevant Resolutions via Resolution 83 (13) adopted by the Committee of Ministers.

Apart from the above-mentioned, Turkey also uses this technical meeting as a springboard in order to promote its own revisionist policy in the Eastern Mediterranean, by presenting its illegal claims which run contrary to international law, including United Nations Convention on the Law of the Sea. In this respect, Turkey claims that the work already done on sea turtle habitats in Cyprus takes into consideration only the position of the Republic of Cyprus, and is asking for a separate work concerning only Turkey. Therefore, under the said pretext Turkey attempts, once again, to challenge the sovereignty and sovereign rights of the Republic of Cyprus in its Exclusive Economic Zone. At this point, it is important to remind that the Government of the Republic of Cyprus signed delimitation agreements with almost all littoral states, in line with UNCLOS, which define Cyprus' Exclusive Economic Zone.

Given Turkey's perennial aggressive policy *vis-a-vis* the Republic of Cyprus, as this is verified by gross violations of international law both on the ground and in the sea as well as by daily threats of Turkish officials, the said Turkish statement reaffirms that Turkey's foreign policy fully disrespects international legality. In this vein, instead of honoring its commitments as a UN member state and an EU candidate, Turkey keeps on its aggressive stance by totally disregarding EU and UN calls for refraining from all threats and actions that damage good neighborly relations, normalizing its relations with the Republic of Cyprus and respecting the sovereignty of all EU Member States over their territorial sea and airspace as well as all their sovereign rights, including *inter alia* the right to explore and exploit natural resources, in accordance with EU and international law, including the United Nations Convention on the Law of the Sea (UNCLOS).

The Government of the Republic of Cyprus would like to stress that this pattern which has been excessively used by Turkey shall not be tolerated. Therefore, we call on all our partners to duly react to this unacceptable policy which aims at challenging international rules-based order and poses a threat to safety and security in the Eastern Mediterranean.

Lastly, the Republic of Cyprus kindly asks that this statement is included in the report of the said meeting.

-Statement by Türkiye-

We would like to thank to the secretariat and the experts for organizing the online meetings and to those who participated in them. The document prepared is a labor intensive one and we are hopeful that it will initiate a new action for the protection of sea turtles.

However, with all due respect to what has been done so far, there is an issue which we cannot overlook.

The Republic of Cyprus was founded in 1960 in accordance with the Treaties of Establishment, Alliance and Guarantee, on the basis of equal partnership between Turkish Cypriots and Greek Cypriots.

The 1960 Republic was destroyed following the Greek Cypriot onslaught on the Turkish Cypriot side people in December 1963 when all Turkish Cypriot elements in all the state organs were forcefully ejected at gunpoint.

Since the deliberate destruction, in 1963, of the Republic, there has not been a single constitutional government capable of representing both peoples on the island. Each side has since ruled itself, while the Greek Cypriot administration continued to claim that it is the “Government of Cyprus”.

Greek Cypriot administration of Southern Cyprus has no legal or moral right to claim to represent anyone other than the Greek Cypriot people, and the said administration, under the pretentious and self-assumed title of the “Government of Cyprus” has no legal or moral right to represent or act on behalf of the Turkish Cypriot people, whose sole legitimate representatives are those elected under and by virtue of the Constitution of the Turkish Republic of Northern Cyprus (TRNC).

Having emphasized Türkiye’s approach towards Cyprus, we also see the work on sea turtle habitats in Cyprus has been prepared taking into account Greek Cypriot claims.

In light of these, we appreciate the work done, but we would ask for a separate work concerning only Türkiye.

And we ask the secretariat to include our statement in the meeting report.

Thank you.

-Statement by MEDASSET-

Dear Chair, Dear Delegates and Observers,

MEDASSET fully supports the Bern Convention initiative to explore ways of resolving the marine turtle cases in Cyprus, Greece and Türkiye, which have not been resolved over decades as was mentioned, in spite of the efforts put in place by all stakeholders and by the Bern Convention. We stand behind the full implementation of all Recommendations issued by the Standing Committee, and were happy to hear today from the Standing Committee that this is a prerequisite for the resolution of the cases AND in parallel, we support the development of the Guidance Tool for the Contracting Parties under this Initiative. We hope the Contracting Parties will abide to the Recommendations and this new guidance tool for the protection of the Marine Turtles will prevent new cases, especially as our latest reports to be presented, will clearly show the lack of progress and the increase of the threats faced by these magnificent creatures for their survival. We shall assist in every way possible.

Thank you.

Item 6.5	Pan-European Action Plan for Sturgeons
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-Statement by WWF-

On behalf of WSCS and WWF, we fully support the Chair of the National Focal Points regarding the outcome of the first meeting of the National Focal Points and we emphasize the importance of the outlined tasks in the report as basic requirement to advance the implementation of the Pan European Action Plan for sturgeon (PANEUAP).

The outcome of the IUCN Red List assessment of sturgeon species published this year (July 2022) stresses the urgency and the need for more intensive conservation measures to halt the ongoing dramatic decline of populations in Europe.

Despite its protection under the EU Habitats Directive, *Acipenser nudi* (nudibranch) is now extinct in

the EU territory. The population status of all other European sturgeon species is characterised by infrequent reproduction, rendering them at a very high risk of extinction.

Four Years ago, Bern Convention signatory countries have committed themselves to prevent this extinction by adopting the Pan-European Action Plan for Sturgeon. This commitment needs be followed by action.

The coordination of conservation actors on a national level is a basic but indispensable first step for effective protection of sturgeon in the range states and should result in a coordinated implementation of agreed national plans, following the frame of the PANEUAP.

At the same time regular exchange with states sharing the same populations in rivers or marine waters are needed to ensure coherent approaches.

In addition EU Member States have now an exceptional chance to put their commitments in practice by including sturgeon species and their habitats into the ongoing Pledge Process under the EU Biodiversity Strategy. This is the time to walk the talk!

Lastly we kindly ask parties to consider financial voluntary contributions to help continue the essential coordination of the implementation of the Pan-European Action Plan for Sturgeons through the Bern Convention Secretariat.

Item 6.7 Conservation of Large Carnivores

-Statement by Azerbaijan-

Project on the Restoration of the Leopard Population” in the South Caucasus, which is yielding positive results. The creation and expansion of specially protected natural areas is expected to contribute to the conservation of the leopard and increase awareness of its local populations.

Azerbaijan recognizes the necessity of international cooperation and collaboration in meeting its conservation goals, and in particular the crucial role of the Bern Convention in ensuring that the natural environment is preserved for future generations.

-Statement by Türkiye-

We would like to thank Georgian authorities for holding this meeting. The Range-Wide Strategy for the Conservation of the Persian Leopard which was prepared with the participation of a large number of experts from all over the region, reflected the willingness of states who contributed to protect this very rare and delicate species. Türkiye welcomes and supports the document prepared and will review it in the upcoming year. We already established a team of experts to prepare a national action plan for leopard, which will be based on the information provided by the The Range-Wide Strategy for the Conservation of the Persian Leopard.

Item 6.8.1 Emerald Network of Areas of Special Conservation Interest

-Statement by Azerbaijan-

The Republic of Azerbaijan echoes the concern for the devastation that occupation and armed conflict can cause to the environment. Azerbaijan is part of the Caucasus ecoregion, which is internationally recognized for its biodiversity. The natural environment in our territories of Garabagh and East Zangazur suffered immensely during nearly 30 years of occupation.

During this time, thousands of hectares of forests were destroyed, soil and water were polluted, and the habitats of wild flora and fauna species, including several species specially protected under the Bern Convention, were lost or degraded.

Since liberating its sovereign territory in late 2020, Azerbaijan has been assessing the nature of these impacts and has started to plan for the restoration and identification of new Emerald sites in liberated areas.

The Republic of Azerbaijan is fully committed to the restoration of its conflict-affected territories. Azerbaijan is also committed to ensuring lasting peace in the region, which will contribute to environmental protection and conservation more generally.

-Statement by Belarus-

Dear Madam Chair!
Distinguished colleagues!

First of all, I would like to thank the Secretariat for the presentation. Belarus welcomes its work and initiatives. At the same time, I would like to point out the following.

The Republic of Belarus has sent numerous appeals to the General Directorate for Democracy and the Secretariat of the Berne Convention with information about the increasing negative impact on all ecosystems of Białowieża Forest in connection with the construction of a barrier structure by the Republic of Poland on its territory.

Please note that these appeals were done both by the NGOs and governmental bodies.

I would like to draw your attention that Białowieża Forest is a specially protected natural area, a UNESCO World Heritage Site, an object of the Emerald Network, it received a European diploma of Protected Areas.

We have repeatedly appealed to the Council of Europe with a proposal to send a Bern Convention mission of experts to assess the damage. The group of specialists in their report addressed in February 2022 to the Bureau and the Standing Committee with a proposal to assess the negative impact of the barrier structure erected on the territory of Białowieża Forest. Since then the situation has only worsened.

I strongly believe that the Secretariat of the Berne Convention should be interested in preserving the unique natural complex, Białowieża Forest. The organization of the expert visit to its territory is absolutely within the scope of the Bern convention, this is in line with its aims and object and is within the mandate of the Standing Committee.

I would appreciate it if the Secretariat could explain Belarus why the expert visit was not planned to the territory of the transboundary site "Białowieża Forest".

I would like to ask the secretariat to include my statement in the meeting report of the Standing Committee.
Thank you for your attention.

Item 6.8.2 European Diploma for Protected Areas

-Statement by Poland-

It should be emphasized that the current situation on the Polish-Belarusian border is absolutely unique and requires taking extraordinary measures. At the same time, we would like to assure you that, also in these circumstances, Poland approached the protection of protected species and habitats with full seriousness and commitment, as well as with care to preserve their unique values.

To minimize the possible negative impact on protected species and habitats an environmental supervision was ensured, the works were limited only to relatively small area of the technical road, no barrier was built along water courses and reservoirs, over 70 thousand passages for small animals and 24 passages for large animals were constructed. Moreover, a small number of trees was fallen, outside the bird breeding season and they were left to their natural decomposition.

It should be also underlined that a tight barrier (so called 'systiema') exists already since decades along the entire length of the border on the Belarusian side and unables large and medium-sized animals such as European bison or wolves to cross the systemia, what is confirmed with use of telemetry.

Item 7.1	Files opened
	1995/6 - Cyprus: Akamas peninsula

-Statement by Cyprus-

Thank you, Madame chair,

First of all, we would like to state that our aim is to provide the Standing Committee with facts and progress made with regards to the area of Akamas and Limni and not necessarily counter every point made by the complainant.

Let me start with the golf project in the Limni area:

As was previously stated we consider that this part of the Recommendation has been implemented. The project was appropriately assessed and a safe distance for no light pollution has been set. We have provided the Standing Committee and the complainant with scientific studies regarding impacts and mitigation measures and have included in the permits of the project all necessary elements to ensure that the nesting site of Limni will not be affected by the construction or operation of the project (points 11 &12).

The project has not commenced. Actually, the ownership of the land and permits has changed and the project is not expected to commence in the near future. The current permits expire by the end of 2023 and if there is an application to renew the permits we will ensure that the conditions of the nesting beach have not changed, before renewing them.

With regards to the Polis-Gialia Natura 2000 area:

The Department of Fisheries and Marine Research continues to rigorously and strictly implement the existing legislation for the protection of the marine turtles which is in force since 1989. The nesting beach of Limni is in excellent condition and the conservation status of the marine turtles in Cyprus according to Article 17 Report of the Habitats Directive is Excellent. Two patrol officers have been employed by the Department to patrol the area on a permanent basis and we are also preparing to create a permanent office and small information center near Limni beach to further improve monitoring and awareness.

Also, part of the beach has been restored by removing old remnants of the mining facility that used to operate in the area over 50 years ago. The works resulted in extra nesting area for the turtles and this summer we had nesting on the restored beach.

For the area of Akamas:

Since Recommendation No. 191 was issued in 2016, the progress achieved in the matters of the Akamas peninsula and its protection was quite significant, especially considering the long history and the difficulties the authorities had to face over the years.

At this point, we would like to restate that our goal is to reach the best possible solution in the area of Akamas, to allow for the protection of nature and its co-existence with human activity. Retaining human activity in the area (within a legal framework) is an integral element for the success of the Akamas vision.

As the SC was informed through our Report the Sustainable Development Plan (SDP) of the National Forest Park has been prepared with the participation of international experts and consultation with all stakeholders. The Park is expected to operate as an IUCN Category 6 National Park by 2024.

The major objective of the SDP of the NFP is the improvement of the conservation status of habitats and flora and fauna species in the area. Additionally, the SDP encourages economic development within the communities that are located next to the NFP in order to not only help the local communities but also attract people to stop there and use the facilities thus reducing the pressure within the park. It is important to note that the FP will only be accessible during specific hours of the day with controlled entrances and an entrance fee.

Specifically for the Lara beach, which falls within the FP, the following are included FP Plan:

- All illegal roads leading to the Lara area will be closed off and restored, leaving only one access road for the park shuttles and authorised park personnel.

- A Park ranger team will be patrolling the Lara area to ensure enforcement and management of the measures in the area. Additionally at the entrance of the Lara road, Park rangers will be present during working hours of the park to ensure no access of private vehicles.
- Patrolling will also be done during the night especially in peak periods such as the turtle nesting period.

With regards to the complainant's concern for the Akamas Local (Development) Plan we would like to note that the environmental assessment has been completed and that the final Environmental Opinion imposes strict measures and prohibitions and has restricted many development proposals set in the original Plan. The Plan concentrates development around the communities and restricts scattered development outside build-up areas.

Regarding the claims for insufficient or inadequate management and law enforcement, it is noted that the competent authorities patrol the areas and implement monitoring schemes. It is admitted that illegal activities do take place, but it is the assessment of the authorities that these are dealt with within a reasonable timeframe and the appropriate actions are taken accordingly. Specifically, regarding the illegal restaurants, the operators have been prosecuted and we are expecting the outcome of the judicial procedure, as is foreseen in our constitution.

Taking into account the aforementioned we consider that certain parts of the 2016 recommendation should be identified as "implemented", specifically, points 4 through 8 and points 10 through 12, according to the information submitted to the SC via our Reports.

So, we call for a decision towards this, while remaining open to revisiting the Recommendation.

In closing we would like to assure the SC of the tireless efforts undertaken by the Government of Cyprus to protect these areas and restate our willingness to keep the SC informed on the progress of the efforts.

Thank you.

-Statement by Greece-

Greece would like to support the progress made in the open case-file '1995/6 Cyprus: Akamas peninsula' and to state that the file should be closed.

-Statement by FACE-

FACE wants to highlight that our member, the Cyprus Federation for Hunting and Wildlife Conservation is deeply concerned about the future of the Akamas Peninsula. We strongly believe that if the proposed development plans go forward, they will totally alter the area and create irreversible and serious damages of the designating species and habitats of the area. The Cyprus Federation for Hunting and Wildlife Conservation is publicly advocating to save the Akamas Peninsula and halt any development plans that will create serious and irreversible damages to the natural landscape, the Emerald sites and biodiversity.

Item 7.1	Files opened
	2013/1 - North Macedonia: Hydro power development within the territory of the Mavrovo National Park

-Statement by North Macedonia-

The Ministry of Environment and Spatial Planning (MoEPP) implements activities for the valorization or revaluation of protected areas and the declaration of protected areas in accordance with the Law on Nature Protection, the National Strategy for Nature Protection with Action Plan (2017-2027) and the National Strategy for biodiversity for the period (2018-2023).

The progress of MOEPP in terms of nature protection activities, such as the proclamation of new protected areas and identification of potential areas for Natura 2000 is evident, and it was positively noted in the EU Report on the state's progress towards the EU for 2022 year.

In relation to open case no.2013 for the Development of hydropower facilities on the territory of NP Mavrovo, Republic of the North Macedonia acts on the recommendations of the Berne Convention No. 211 (2021) following key progress was made:

- The MOEPP working on ensuring allocation from the central budget and negotiating with international donors to provide financial resources for the adoption of the Study for the Revalorization of the Mavrovo Protected Area (2012), which would speed up the procedure for declaring Mavrovo as a protected area in category II - national park
- In session Government of the Republic of North Macedonia, adopt a procedure conducted for the amicable termination of seven Concession Agreements for small HPP for the use of water for the production of electricity in National Park Shar Mountain.
- In August 2022 Government established a working group for the Berne Convention which is composed of members from several institutions that will carry out monitoring and implementation of the recommendations of the Bern Convention.
- The adoption procedure of a new Law on Nature is in process, which is approximated by the directive on habitats and birds, and introduces the possibility of implementing a procedure for Adequate Assessment of Nature, which is an obligation from Article 6 of the directive on habitats
- Great progress has been made with the preparation of the National Red List for mammals according to the IUCN methodology, including the RL for Lynx lynx balcanicus.
- The project activity: "Two pilot ecological corridors proposed in the National Ecological Network (MAK - NEN) selected for the promotion and testing of specific measures, involving local stakeholders, for the management and restoration of forests of high natural value and other habitats" are also being worked on the ecological corridors on the Balkan lynx and other mammals
- Activity is being realized for a Transnational exchange platform for the management of large carnivores in the Dinaric region. The main goal of this project is to establish an international platform for the management of large carnivores with representatives from eight countries of the Dinaric region.
- Regional EU LIFE project for the protection and management of brown bears was submitted where MoEPP and NGO MES are a partner of the project.
- Trilateral agreement for the protection and management of brown bears on the procedure for adoption.
- It is established regular communication with the NGO Eko Svest which has submitted a complaint for open case.

-Statement by ProNatura/Friends of the Earth (Switzerland), Eco-svest (NorthMacedonia), Za Zemiata (Bulgaria), Balkani Wildlife Society (Bulgaria), Center for Environment CZZS (Bosnia and Herzegovina), Aarhus Centre (Bosnia and Herzegovina), EcoAlbania (Albania), CEE Bankwatch Network (Czech Republic), Euronatur (Germany), Riverwatch (Austria)-

There is limited progress with implementation of previous recommendations.

- No ban on hydropower has been adopted. No new concessions have been issued.
- 7 concessions have been revoked in the newly proclaimed Shar Mountain NP.
- The concessions issued in Mavrovo NP have not been revoked yet.
- No state funding has been made available to protected areas (with the exception of the newly proclaimed Shar Mountain NP).
- Mavrovo NP has not started the process of revalorisation.

Recommendations to the Standing Committee

Based on the progress achieved and the status of implementation of each recommendation point, we propose to the Standing Committee to adopt the following recommendations:

1. Cancel the remaining three concessions in Mavrovo NP (Zhirovnica 5 and 6 and Ribnicka sHPP).

2. Accelerate the adoption of the new Law on nature which will:
 - a. include the ban on new hydropower projects in protected areas,
 - b. incorporate new international standards on the prohibition of hydropower plants in World Heritage Sites (beech forests in Mavrovo National Park are part of serial Beech Forests World Heritage property) and ensure due diligence for protected areas
 - c. ensure the employment of professional staff in protected areas at all levels and structures.
 - d. guarantees state funding for protected areas and prescribes the mechanisms for funding.
3. Immediately start the process of re-proclamation of Mavrovo NP by initiating public consultations and desktop analysis of existing documentation.
4. Start the process of updating the Balkan Lynx Conservation Action Plan.
5. Start the process of preparation of the methodology for determination of ecological flow in cooperation with civil society organisations.
6. Establish regular coordination and consultation between State authorities and CSO Complainant.

Item 7.1

Files opened

2017/2 - North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments - *on-the-spot appraisal*

-Statement by North Macedonia-

The Ministry of Environment and Spatial Planning (MoEPP) implements activities in continuation for the valorization or revaluation of protected areas and the declaration of protected areas in accordance with the Law on Nature Protection, the National Strategy for Nature Protection with Action Plan (2017-2027) and the National Strategy for biodiversity for the period (2018-2023).

The progress of MOEPP in terms of nature protection activities, such as the proclamation of new protected areas and identification of potential areas for Natura 2000 is evident, it was positively noted in the EU Report on the state's progress towards the EU for 2022 year.

In relation to open case 2017/02: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments Republic of North Macedonia acts on the recommendations of the Bern Convention No. 211 (2021) following key progress was made:

- Regarding the open case about National Park Galicica and Ohrid lake and the Terms of Reference (TOR) about the mission of the Bern convention were agreed in the beginning of the 2023 year. Our country welcomes of Bern convention expert mission on the spot.
- The management body of NP Galichica prepared a Draft Special Plan for the management of the Saint Naum complex
- A draft Strategic Plan for the rehabilitation of the natural and cultural heritage of the Ohrid UNESCO Region was prepared.
- A Law on Studecisko swamp is in parliamentary procedure.
- Study for the valorization of Monument od Nature - Ohrid Lake was prepared by IUCN with the cooperation of national and international experts and scientific institutions
- Draft Management Plan for Lake Ohrid - Monument of Nature was prepared with the cooperation of national and international experts and scientific institutions
- Draft law on re-proclamation of Ohrid lake is in preparation.
- Ohrid Prespa nature fond was extended in Ohrid region.
- In August 2022 Government established a working group for the Berne Convention which is composed of members from several institutions that will carry out monitoring and implementation of the recommendations of the Bern Convention.

- It was established regular communication with the NGO - Front which has submitted complaint for open case.

Item 7.1	Files opened
	2016/5 - Albania: Presumed negative impact of hydro-power plant development on the Vjosa river (OSA)

-Statement by Switzerland-

Nous avons en effet tous réalisé à quel point la situation est alarmante et urgente. Nous voulons nous joindre à la proposition de l'Allemagne pour prendre des mesures de précaution (arrêt de la construction de l'aéroport).

-Statement by ProNatura/Friends of the Earth (Switzerland), Eco-svest (North Macedonia), Za Zemiata (Bulgaria), Balkani Wildlife Society (Bulgaria), Center for Environment CZZS (Bosnia and Herzegovina), Aarhus Centre (Bosnia and Herzegovina), EcoAlbania (Albania), CEE Bankwatch Network (Czech Republic), Euronatur (Germany), Riverwatch (Austria)-

There has been limited progress with implementation of previous recommendations. Positively, the Albanian government committed to establish the Vjosa Wild River National Park. However, two main problems remain at large:

- The Albanian government began construction of the Vlora International Airport in the Vjosa Delta
- The revision of the Environmental Protected Areas removed sections of the Narta Lagoon Protected Area.

The recent revision of the Environmental Protected Areas Network in Albania has been contested by the civil society and academia for being non-transparent, non-inclusive, non-scientifically based and for creating a legally dangerous precedent. Coastal protected areas (PAs) have shrunk and they have severely impacted the PA Vjosa Delta - Narta Lagoon where the Albanian Government removed parts of the PA for the construction of the Vlora International airport. An on-the-spot appraisal was carried out in the Narta Lagoon jointly by the Bern Convention, AEWA and CMS in August/September 2022. The report is yet to be released and its recommendations adopted.

In the meanwhile, the civil society have filed a lawsuit against the revision on the 23rd of November, presenting facts and findings on the violation of several laws like the Protected Areas Law, the Environmental Impact Assessment Law, the Strategic Assessment Law, the Spatial Planning Law, the precontractual concession procedures as well as various implementing regulations of such laws. Moreover, the plaintiffs also draw attention to the authorities' use of irregular processes, lack of transparency, lack of involvement of the interested parties, and bypassing of essential procedures.

We ask the Standing Committee to urge the Albanian Government:

1. To suspend construction of the Vlora Airport within the Protected Area.
2. To revise protected areas in Albania through an inclusive and transparent process.

Item 7.2 Possible Files

-Statement by Belarus-

Dear Madam Chair!
Distinguished colleagues!

The Belarusian delegation with interest followed the discussion of cases on violation of the provisions of the Berne Convention. I am pleased to note the readiness to conduct an open dialogue by all its participants. At the same time, once again, Belarus expresses its misunderstanding of the position of the Bureau regarding the construction of a barrier structure on the territory of the Białowieża Forest.

The delegation has noted the arguments that were made on Tuesday by the secretariat and the bureau. I cannot agree with them.

The reference to the decision of the Council of Europe Committee of Ministers cannot justify the closure of the case concerning the fence constructed by Poland. The Committee of Ministers of the Council of Europe is a political body which makes only political decisions.

Calls are constantly heard from international platforms not to politicize environmental issues, not to stop bilateral and multilateral cooperation in the field of environmental protection under any circumstances.

However, now the Belarusian delegation is faced with the politicization of the issue of the construction of a barrier by Poland on the territory of the Białowieża Forest.

It is strange to hear from the Polish side that negative impact on the ecosystems of the Białowieża Forest is insignificant.

There is no doubt that the fence made of concrete, steel and "concertina" wire, 5 meters high and over 180 kilometers long, causes a significant threat to biological and landscape diversity of the Białowieża Forest.

There are assessments of Belarusian, Polish and international experts regarding the negative impact of the erected barrier structure on the natural ecosystems of the Białowieża Forest. We are ready to provide the Bureau with additional analytical materials on the matter. We are sure that this will become a strong argument for reopening the case concerning the destructive activities of Poland in the protected area.

I'd like to draw attention to the gap in the legal regulation of procedure for consideration of complaints about violations of the Berne Convention. Such gaps allowed to the Bureau to close the case regarding the fence in the Białowieża Forest without proper consultation with the Belarusian authorities, non-governmental organizations and the Białowieża Forest itself. We note that the Belarusian side did not receive a request from the Berne Convention to provide additional information.

This demonstrates the one-sided and biased approach of the bureau, when the position and information provided only by the Polish side are taken into account.

I conclude that the bureau was guided solely by political reasons. However, considering the uniqueness of the Białowieża Forest, I request the Bureau to reopen the case regarding the construction of the fence by Poland. I ask to kindly include my statement into the report of the standing committee meeting.

Thank you for attention!

Item 7.2 Possible Files

2001/4 - Bulgaria: Motorway through the Kresna Gorge

-Statement by Greece-

Greece would like to support the progress made in the possible case-file '2001/4: Bulgaria: Motorway through the Kresna Gorge' and to state that the file should be closed.

-Statement by North Macedonia-

In connection with the 42nd meeting of the Standing Committee of the Berne Convention, we would like to point out that the Ministry of Environment and Spatial Planning of the Republic of North Macedonia expresses support to the Ministry of Environment and Water of the Republic of Bulgaria in connection with the project for the construction of the "Struma" highway in the Kresna Gorge.

We believe that the Republic of Bulgaria, as a member state of the EU, will take all the necessary activities and measures from the national legislation, but also from the EU legislation, the provisions of the Directives on habitats and birds and will ensure maximum protection and preservation of habitats, plants, animals and birds of EU importance, as well as protection of the targeted protected areas with the "Kresna" and "Kresna Ilindenci" projects, which includes the Kresna gorge as well as the protection of the area where the new border crossing "Klepalo" should be built.

On the other hand, the project will have a great contribution for the citizens of the countries of the region in terms of ensuring greater safety and reliability in traffic and more intensive economic development and cooperation. The construction of the highway will be very significant for connecting the citizens of Republic of North Macedonia, especially from the eastern part of the country through the construction and opening of the new border crossing "Klepalo" with Republic of Bulgaria.

We therefore support the meeting of the Standing Committee of the Berne Convention, Republic of Bulgaria to keep the current status in the file of the project for the construction of the highway "Struma" in the Kresna gorge.

-Statement by Za Zemiata-

For the second consecutive year, the majority of delegates is for an opening the file. And there is a minority of votes which block the opening. We would like to call the Bulgarian government to take this signal very seriously by improving radically the communication and take into account the proposals of Complainants, scientific community and local people from Kresna community for the full revision of 2017 EIA according the Recommendation 212 (2021).

The Complainant supports the proposals of Switzerland and Norway for mediation and improvement of the communication.

-Statement by ProNatura/Friends of the Earth (Switzerland), Eco-svest (North Macedonia), Za Zemiata (Bulgaria), Balkani Wildlife Society (Bulgaria), Center for Environment CZZS (Bosnia and Herzegovina), Aarhus Centre (Bosnia and Herzegovina), EcoAlbania (Albania), CEE Bankwatch Network (Czech Republic), Euronatur (Germany), Riverwatch (Austria)-

NGOs are appealing for the opening of the case file because Bulgarian Government failed to implement the Recommendation 212 (2021). The Struma Motorway is almost completely built between Sofia and the Greek border except for the Kresna Gorge section. The government is taking new steps to build one lane of the motorway through the gorge. For 4 years the case has been considered as a "Possible file".

In 2021, the government and the NGOs produced a common report. But in 2022 the protection of the Kresna Gorge is again under imminent threat and the Government has restored the old regime of non-communication and maladministration practices. Bulgarian Government failed to implement the Recommendation 212 (2021):

1. Blocked the engagement mechanisms with the complainants, scientific bodies, NGOs and local communities - at the end of 2022 the three working groups are not functional.
2. Did not approve the Site-Specific Conservation Objectives for the two Natura 2000 sites created by Working Group 1 under Recommendation 212.
3. Approved at a closed meeting in the Ministry of Environment other Objectives, not consulted with complainants or the scientific community.

In October 2022, local people reported construction in the Kresna Gorge. Although the Road Agency pretends that the construction works are preparatory, islands of vegetation were destroyed and ground for asphalt cover and materials are poured in the river bank. Physical changes and damages to habitats were inflicted without Appropriate Assessment.

Bulgaria is in the final stage (referral to Court) of the Infringement procedure (INFR(2018)2352), for failing to protect and manage its Natura 2000 sites, including Kresna-Ilindentsi SCI and Kresna SPA.

After the withdrawal of the EC instruments/mechanisms to influence the project, the Open File of the Convention becomes the only instrument to apply the precautionary principle and take preventive measures for the biodiversity protection in Kresna Gorge. In 2008, an Open File helped to reach a good consensus decision to avoid construction in Kresna Gorge.

Item 7.2 Possible Files

2019/5 - Türkiye: Habitat destruction in Mersin Anamur Beach

-Statement by CEE Bankwatch Network-

We would like to support opening the file. The case is very similar to other marine turtle files we have discussed before that, but there is one additional problem – the area is also habitat of the Nile Softshell Turtle. It is globally vulnerable and lives in the wetlands behind the sand area so it is even more complex to protect the beach than in other cases.

We would also like to stress out that at the Standing Committee we should be discussing conservation and scientifically-based management issues. This is not the place for political statements done by Parties, as in the case of government of Turkey supporting Bulgaria not to open the file of Kresna Gorge and Bulgaria supporting Turkey not to open the Mersin Anamur case. We should discuss the case file substance based on facts.

Item 7.2 Possible Files

2020/9 - Bosnia and Herzegovina: Possible negative impact of hydro-power plant development on the Neretva river (OSA)

-Statement by ProNatura/Friends of the Earth (Switzerland), Eco-svest (North Macedonia), Za Zemiata (Bulgaria), Balkani Wildlife Society (Bulgaria), Center for Environment CZZS (Bosnia and Herzegovina), Aarhus Centre (Bosnia and Herzegovina), EcoAlbania (Albania), CEE Bankwatch Network (Czech Republic), Euronatur (Germany), Riverwatch (Austria)-

NGOs are appealing for the opening of the case file. The Neretva River is probably one of the European rivers with the highest number of endemic species. With about 70 hydropower projects planned in the entire basin, it's also one of the most threatened. Following the decision by the 41st Standing Committee of the Bern Convention in December 2021, an on-the-spot-appraisal (OSA) mission was carried out in October 2022.

Current status:

- HPP Ulog (35 MW) under intensified construction;
- HES Gornja Neretva Phase I (3 SHPPs) has all permits and could start construction;
- Three more huge projects downstream from Ulog are still in the Spatial Plan;
- Neretva Delta in Croatia (Natura 2000 site), Nevesinjsko, Dabarsko, Fatnicko, Popovo polje (four Emerald sites) can be impacted by Upper Horizons project (under construction).
- Previous recommendations by the Bureau (incl. halting construction) have been ignored by the relevant authorities;
- Bosnia and Herzegovina has no progress since 2011 to develop or protect the Emerald Network.

Neretva Science Week proved the uniqueness of Neretva and that there are so many habitats and species still to protect.

We urge the Standing Committee to open the case file and approve the draft recommendations:

- Halt the construction of the hydropower plant Ulog;
- Prohibit implementation of the hydro-electric system Gornja Neretva (Phase I and Phase II), cancel the granted concessions and erase projects from the Spatial plan;

- Prohibit implementation of the currently dormant hydro projects Glavatićevo and Bjelimići due to the profound negative impact and erase them from Spatial Plan;
- Concerning planned hydropower plants along the Neretva and its tributaries, halt all planning projects until all Emerald Network sites are declared.

Item 7.4**Follow-up of previous Complaints and Recommendations**

Recommendation No. 169 (2013) on the Rhone streber (**Zingel asper**) in the Doubs (France) and in the canton of Jura (Switzerland) in the framework of a case-file on stand-by **2011/5 - France / Switzerland**

-Statement by ProNatura/Friends of the Earth (Switzerland), Eco-svest (North Macedonia), Za Zemiata (Bulgaria), Balkani Wildlife Society (Bulgaria), Center for Environment CZZS (Bosnia and Herzegovina), Aarhus Centre (Bosnia and Herzegovina), EcoAlbania (Albania), CEE Bankwatch Network (Czech Republic), Euronatur (Germany), Riverwatch (Austria)-

While we recognize and appreciate the good will and efforts undertaken by the authorities, there is varied progress with implementation of the national action plan and the recommendations.

- (1) The situation of the Rhone streber is very alarming, only 0-1 individuals were found in recent years despite intensive prospections
- (2+CH1) Destruction of barriers: no progress on French side, Implementation in CH pending
- (3 and 4) Hydropower regime: no conclusion how to solve surges between 2 of the three dams, results of the monitoring to establish the effects of the new water regulation will be presented next month, The renewal of the concessions is currently under negotiation. The NGOs wish to be integrated as soon as possible (first half of 2023) in the discussions concerning the planned new bilateral agreement, which should include a major ecological dimension
- (5) Sewage treatment: One of the 2 biggest plants is being modernized. Important delay for the sewage treatment for the city le Locle. New contract for Goumois will allow Swiss sewage to be treated (CH-F).
- (6) Agricultural monitoring/reporting improved, but no additional measures on the ground. Research for chemical pollutants (pyrethroids) intensified.
- (7) A strategic discussion on how to save the apron is in place btw Federal Offices and NGOs
- (8) Pollutant monitoring is in place and shows no surpassing of concentrations beyond legal thresholds. Algal colmatation and decrease of macrozoobenthos continue nevertheless.
- (9) No meeting of the binational working group on water quality for 6 years
- (CH2) National action plan in favor of the Doubs is in place and updated annually. There still is no management plan for the Emerald site.

Recommendations to the Standing Committee

Based on the progress achieved and the status of implementation of each recommendation points, we propose to the Standing Committee to adopt recommendations along the following lines:

“The SC took note of the reports and appreciated the progress that had been made by state authorities and private enterprises. It noted, however, that many of the original recommendations as well as those taken by previous SC meeting had not been fully implemented and encouraged the contracting parties to continue and step up their efforts. In particular, the binational group still has yet to implement the recommendations adopted in 2018 and 2022 to discuss possible measures to address agricultural pollution, and authorities have yet to decide measures related to agriculture which have a direct impact on the ground. It expressed its concern about the imminent extinction of the apron in Switzerland, and welcomed scientific investigations commissioned by the NGOs to further understand the complex causes of decline for the apron and to see if it would be feasible to save the Doubs race of the apron by setting up an ex-situ breeding program. It decided to keep the case file under review and invited parties and complainants to report on the outcomes of their efforts at the 44th SC meeting in 2024.”

Item 10	Draft Programme of Activities and Budget for 2023
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-Statement by the United Kingdom-

UK recognises the significant resource pressures the secretariat is facing and the need to prioritise actions under the work plan for 2023 effectively. The UK's highest priority is the implementation of the amending protocol to the treaty, as only by resolving the significant funding issues can we deliver the high ambitions of the Standing Committee. This means that the meeting of the Group of Experts on Protected Areas and Ecological networks needs to be delayed until September. In the light of this the UK notes, given the complexity of the issue, it is likely this will impact on Parties' ability to adopt, at StC 43, any recommendations concerning the Emerald Network, especially if these concern changes to legal obligations.

-Statement by CEE Bankwatch Network-

We have discussed among NGOs the possible biennial meetings. We fully support what Norway and the UK said before us and we need a very good analysis on any changes in the organisation of Standing Committee meetings.

Anyway, the most important - we think that we should keep the annual live meetings. There are many issues, not only case files, that develop very quickly. Biannual meeting will not allow us to follow them up.

Item 14	Adoption of the main decisions of the meeting
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-Statement by Belarus-

Dear Madam Chair!
Distinguished colleagues!

The Republic of Belarus strongly opposes the wording of the draft decision on item 3 of the agenda of the 42nd meeting of the Standing Committee of the Berne Convention.

The Standing Committee of the Berne Convention violates the fundamental principles of international law, such as the principle of cooperation, the principle of sovereign equality of states, the principle *pacta sunt servanda*, article 26 of the 1969 Vienna Convention on the Law of Treaties.

Moreover, the Standing Committee violates the provisions of the Berne Convention and its own rules of procedures. The Belarusian delegation has already pointed out all the articles and rules that were cynically violated during the 42nd meeting.

Yesterday there were calls from the European Union not to politicize the platform of the Berne Convention. But who, if not the European Union and the Council of Europe, are promoting the adoption of a politicized decision regarding Belarus.

I draw your attention to the fact that each phrase of the draft decision goes beyond the object and goals of the Berne Convention, as well as the competence of the Standing Committee.

Belarus does not accept political manipulations and the supremacy of the highly likely approach to push out from international cooperation of states pursuing an independent and sovereign policy.

Belarus categorically objects to the consideration of this decision by the Permanent Commission of the Berne Convention and its adoption.

The Republic of Belarus declares that the decision regarding the modalities of state participation in the institutional mechanisms of the Berne Convention is not recognized as having legal force if it is adopted.

The Belarusian delegation invites the Standing Committee to answer a direct question: "Does the change in the modality of Belarus' participation in the Berne Convention mean its exclusion from the list of full-fledged participants in an international treaty?" Belarus understands it in this way.

I ask the statement of the Republic of Belarus to be included in the report of the meeting.

Thank you for attention!

Dear Madam Chair!
Distinguished colleagues!

The Republic of Belarus requests that item three on the agenda of the 42nd meeting of the Permanent Committee of the Berne Convention be put to an open vote and its results included in the report of the meeting of the Standing Committee, reflecting the positions of the states participating in the vote.

I ask the statement of the Republic of Belarus to be included in the report of the meeting.

Thank you for attention!

-Statement by Ukraine-

Madame Chair,
Distinguished delegates,

I would like to once again remind you of the role Belarus plays in the Russian war against Ukraine.

As clearly provided by Article 1 of the Bern Convention, the aim of the Convention is to conserve wild flora and fauna and their natural habitats and to promote such cooperation.

The actions of Belarus contravene this idea, rather they undermine the very essence of it.

Belarus indirectly sponsors environmental degradation in Ukraine, and that is a straightforward violation of the Convention.

Environment does not exist on its own. It does not live its own life, independent from human activity. Our ecosystem shares the same habitat with us. Or rather we share the same habitat with the ecosystem.

The war, or as some in this room tried to call it "politics", is indiscriminate. When tanks cross the border of a sovereign state, when artillery shells fall on the villages, forests etc, when Iskander, Kalibr and Kinzhal missiles destroy basically everything, these are not politics. This is about environment too.

Do the names of Iskander, Kalibr and Kinzhal speak anything to you? These names are all well known to Ukrainians.

Let me read you a typical notification you receive when the siren goes off: "2:15am, Baranovichi, Mig-31 took off, potentially carrying Kinzhal."

Does this speak anything to you? Maybe to the Belorussian representative, does it?

I will explain to you what it means: It means that in the middle of the night, no matter if it is the first, second or even the third siren in a single night, everyone, elderly people, mothers with children have to get up and go to the basement, as fast as possible. Not to a shelter. There is even no time to reach shelter. The time is enough to go down to a basement only. Why? Because the attack aircraft Mig-31 is capable of carrying air-ballistic air-to-surface missile "Kinzhal", which reaches Mach 12 speed, and from Baranovichi which is in Belarus it can reach any major city in Ukraine in mere minutes.

Distinguished delegates,

Belarus does commit and act of aggression against Ukraine, by providing its territory for the launch of Russian invasion and firing missiles and artillery shells at Ukraine.

This crime affects all aspects of our life, including the environment.

Since February 24th more than 700 missile or-bomb attacks on Ukraine from the territory of Belarus have been recorded.

Just imagine one of the shellings of Ukraine from the territory of Belarus took place on the Independence Day of Ukraine. This happened after Lukashenko sent greetings to the people of Ukraine with wishes for a "peaceful sky".

Distinguished delegates,

Let me also speak not only about the "detachment" of Belarus in the Russian war against Ukraine and its environmental consequences, but also about its "detachment" from the internal environmental processes.

In the last year hundreds of environmental activists and members of relevant NGOs of Belarus have been illegally imprisoned for their participation in the country's political life. Since 2020, more than 20 environmental NGOs, namely well-known environmental watchdog Ekadom and APB Birdlife Belarus have been closed down. There remains basically no one to deal with environmental challenges, the consequences of the accident at the Chernobyl nuclear power plant, issues of environmental monitoring of the work of the Belarusian nuclear power plant in the city of Ostrovets – most activists and experts were either forced to leave the country or are behind the bars.

With the decision by Belarus to withdraw from Aarhus Convention, an international agreement that implements the human right to a clean, healthy and sustainable environment, no one can now monitor how Belarus fulfills its obligations under a number of conventions, including the Bern Convention.

Distinguished delegates,

I came from Kyiv – the city, which, like many regions of Ukraine, is on the brink of an environmental catastrophe.

Being here in quiet, safe and cozy Strasbourg, as in any other European city, it is difficult to imagine the environmental conditions in which Ukrainians are living.

Russian troops that came from the territory of Belarus and seized the Chernobyl nuclear power plant posed threat of a new nuclear ecological disaster.

Missiles launched from the territory of Belarus blow up oil depots with vast environmental consequences. This I hope is understandable for all the experts present here, I bet to the Belarussian expert too.

Distinguished delegates,

Now at the request of Belarus we are going to have a vote on the decision on its involvement in the Russian war against Ukraine and its environmental consequences.

We appreciate some delegations' readiness to make that statement stronger, we ourselves would like to have it stronger. We understand some delegations are still waiting relevant instructions from their capital to say what is obvious to everyone here.

For the sake of consensus, we agreed to the text as was circulated.

We were loud and clear in June 2019 about the dangers of the return of the Russian Federation to the Parliamentary Assembly of the Council of Europe.

We are loud and clear today – impunity in Belarus will lead to even greater environmental challenges in Ukraine, and in wider Europe. When this becomes a reality, remember the vote you cast here today. Voted "yes" or abstained?

In 1974 Belarus supported the adoption of the UN General Assembly resolution 3314 titled "Definition of aggression", which by definition describes actions of Belarus as an act of aggression against Ukraine.

Therefore, I invite the representative of Belarus to be consistent and to vote in favour of this decision.

I would also like to request the Secretariat to include my statement in the meeting report.

I thank you!

APPENDIX XIV**LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS****CONTRACTING PARTIES / PARTIES CONTRACTANTES**

ALBANIA / ALBANIE	<p>Ms Jona SULI Head of Sector, EIA and SEA sector Ministry of Tourism and Environment</p> <p>Ms Elvana RAMAJ Head of Sector, feasibility of projects for the protection of the natural environment and biodiversity Ministry of Tourism and Environment</p>
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