



Strasbourg, 2nd December 2022

T-PVS(2022)MISC

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, hybrid meeting, 28 November - 2 December 2022

Opening of the meeting: 2.00 pm CET on Monday, 28th November 2022

**LIST OF DECISIONS
AND ADOPTED TEXTS**

*Document prepared by
the Secretariat of the Bern Convention*

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, AEW 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/ (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/ (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/ (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 (Zhirovnica 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 Studenchishte 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 Studenchishte 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 extra-ordinary 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, Luxemburg, 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 Glavatičevo 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 Amirgulashvili (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 Plesnik (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	
	<ol 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 <ol style="list-style-type: none"> 4.1 Financing of the Bern Convention <ol style="list-style-type: none"> 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
TUESDAY 29th November	
<ol style="list-style-type: none"> 5. MONITORING AND IMPLEMENTATION OF THE LEGAL ASPECTS OF THE CONVENTION <ol 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 <ol 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 	<ol 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 <ol style="list-style-type: none"> 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

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 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 trees 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.

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 farioides*), 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 Glavatičevo 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 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 Þ-H project implementation (including monitoring, mitigation and compensatory plans).

2. Finalise the detailed plan for compensatory measures for the route Þ-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 Þ-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 Þ-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 Þ-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](#) and the Calendar of Meetings 2023 via this link: [T-PVS/Inf\(2022\)38](#)