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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

29th meeting
Bern, Switzerland, 23-26 November 2009

KORNHAUSFORUM
Kornhausplatz 18
CH-3011 BERN, Switzerland

REPORT

*Document prepared by
the Directorate of Culture and Cultural and Natural Heritage*

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PART I – OPENING

1. Opening of the meeting and adoption of the agenda

Relevant documents: T-PVS (2009) 1 rev Draft agenda
T-PVS (2009) 14 Annotated draft agenda

The Chair, Mr. Jón Gunnar Ottósson (Iceland), opened the meeting and welcomed participants (see Appendix 1). He thanked the Swiss authorities for their kind invitation to host the 29th meeting of the Standing Committee in Bern, marking the 30th anniversary of the signature of the Convention.

Mr. Moritz Leuenberger, Head of Switzerland's Federal Department of Environment, Transport, Energy and Communications, addressed the Committee welcoming Parties to Bern. He stressed the role of the Convention in the defence of intrinsic non-economic values and the protection it gives to native species in Europe. Mr. Leuenberger informed the Committee that a group of parliamentarians in Switzerland are asking for the country to withdraw from the Bern Convention due to conflicts with the wolf and lynx. He wished participants a good meeting and a good anniversary to the Convention in the city where it was adopted.

Mr. Andreas Rickenbacher, Director of Public Economy of the canton of Bern, welcomed participants to the meeting on behalf of the cantonal government. He stressed the close relationship between the Convention and the canton of Bern, where it was signed in 1979. Mr. Rickenbacher underlined the linkages between the two most important activities of the canton, agriculture and tourism, with the natural resources protected by the Bern Convention. He stressed the need to balance the three pillars of sustainable development, and promote incentives, public information and participation in order to ensure the conservation of biodiversity for future generations.

Ms Regula Rytz, Municipal councillor of the city of Bern and Director of Public Works, Traffic and Parks, introduced participants to the city of Bern and its links with bears, including the visit to the Bear Park scheduled for Wednesday afternoon. She highlighted the city's commitments to renewable energy and increased efficiency, and called on the 30th anniversary of the Bern Convention as a good opportunity to reflect on its successes. She wished participants a good meeting and a pleasant stay in the city of Bern.

The Secretariat informed that document T-PVS (2009) 15 on "Draft comments of the Standing Committee of the Bern Convention on Recommendation 1883 (2009) of the Parliamentary Assembly of the Council of Europe on "The challenges posed by climate change" would be discussed under "Any other business" on Thursday morning.

The Secretariat informed that two further Recommendations from the Parliamentary Assembly of the Council of Europe (Recommendation 1888 (2009) "Towards a new ocean governance", and Recommendation 1885 (2009) "Drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment" had been transmitted to the Standing Committee for information (document T-PVS/Inf (2009) 20). In addition, Recommendation 271 (2009) of the Congress of Local and Regional Authorities of the Council of Europe, on "The global challenge of climate change: Local responses", had also been sent for information (document T-PVS/Inf (2009) 21).

The agenda was adopted as set out in Appendix 2 to this report.

2. Chairman's report and communications from the delegations and from the Secretariat

Relevant documents: T-PVS (2009) 7 and 12 Reports of the Bureau meetings in March and September 2009

The Chair informed that the work programme for 2009 had been completed in conformity with the decisions taken the previous year, except for the activity on the preparation of European Charter on Angling and Biodiversity, which has been postponed for 2010 for reasons of availability of the consultant. He thanked the Secretariat for the work done in 2009 and informed the Committee of the new Contracting Party at this year's Committee meeting: Bosnia and Herzegovina, and about the two recent ratifications of Montenegro and Georgia, which have taken the total number of Parties to 50. The Chair underlined the importance of co-operation and synergies with other biodiversity

conventions and partner organisations, such as the Convention on Biological Diversity (CBD), and the Memorandum of Co-operation agreed with the Secretariat of the Convention on Migratory Species of Wild Animals (CMS) and which would be signed at the end of the meeting on 23rd November. The Chair informed the Committee that a new Memorandum of Co-operation had been agreed with the IUCN, to replace an Agreement signed with the Council of Europe in 1962. Mr. Ottósson also mentioned the important co-operation with the European Environment Agency and ongoing discussions on further joint work for the establishment of the Emerald Network. He thanked the European Commission for their financial support of a 3-year project to develop the Emerald Network in seven countries of Central and Eastern Europe and the South Caucasus. The Chair highlighted the participation of the Bern Convention to ongoing debates on the post-2010 targets and the contribution to a Conference hosted by the Spanish EU presidency in Madrid in January 2010, on “Post-2010 Biodiversity Vision and Target - The Role of Protected Areas and Ecological Networks in Europe”. The full version of the Chairman’s Report can be found in the addendum to this report.

Mr. Robert Palmer, Director of Culture and Cultural and Natural Heritage at the Council of Europe, welcomed participants and thanked the Swiss authorities for the hosting of the meeting. He stressed the continuing difficult budgetary context in the Council of Europe, and called on Parties to liaise with their colleagues in the Ministry of Foreign Affairs to get support for this activity. Mr. Palmer thanked Contracting Parties which have made substantial contributions in 2009, and called for increased support from Parties in the coming years. He summarised the main contents of the agenda of the Standing Committee meeting and welcomed the presence of representatives of other Conventions reflecting the institutional and co-operation links other relevant treaties as well as with the European Commission, and NGOs. The Director referred to the important coming years to celebrate biodiversity and address its continuous loss in Europe and beyond. He wished participants a good anniversary of the Convention and a successful meeting.

Mr. Eladio Fernández-Galiano, Head of the Biological Diversity Unit, thanked all participants and collaborators in the work of the Convention throughout its 30 years of existence, including NGOs and the important role that they play. He stressed the need to look ahead and focus efforts on the future of the Bern Convention, as Europe and the Council of Europe have changed since the Convention was adopted. He regarded changes as opportunities and raise the need to reflect on the future success of the Convention in a context of reduced resources. Mr. Fernández-Galiano underlined the innovative role played by the Bern Convention as a “laboratory of ideas” and a network of governments, experts, NGOs and scientists.

The delegate of Sweden, on behalf of the European Union, welcomed the invitation of the Swiss government to host this meeting and recalled the important role of the Bern Convention as the first legally binding instrument for the conservation of wildlife and habitats in the European region. He further mentioned the good work carried out through tools such as expert reports, case-files, recommendations, and action plans for threatened species. The need to co-operate closely with other conventions, treaties and institutions was also raised, in a context of priorities to avoid duplication with activities carried out by other bodies at the European level. In addition, a call was made for the continuous support of the Council of Europe and Contracting Parties to ensure the effective application of the Convention in the future.

The delegate of Serbia expressed her country’s support for the Bern Convention and ongoing activities at the national level concerning biodiversity laws and policies.

The representative of the Federation of Associations for Hunting and Conservation of the European Union (FACE) congratulated the Bern Convention and stressed FACE’s support over the years. He presented a short publication on the 30th anniversary of the Convention reflecting the 12 principles of the European Charter on Hunting and Biodiversity, as a good example of good co-operation and joint work.

The Committee took note of the informations presented by the Chair and the Secretariat on the work carried out in 2009.

PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

3. Monitoring of the implementation of the legal aspects of the Convention

3.1 Introductory reports: Bosnia and Herzegovina

Relevant document: T-PVS/Inf (2009) 23 Introductory report from Bosnia and Herzegovina

The delegate of Bosnia and Herzegovina presented an introductory report summarising the country's main administrative and institutional framework concerning nature protection, including the political structure of Bosnia and Herzegovina, the country's biodiversity richness, the threats faced, and ongoing activities to improve nature conservation.

The Committee welcomed the introductory report by Bosnia and Herzegovina.

3.2 Implementation of the Convention in Slovenia

Relevant document: T-PVS/Inf (2009) 14 Report on the implementation of the Bern Convention in Slovenia

The consultant, Ms Aleksandra Majić Skrbinšek, presented her report, including the legal and institutional framework of biodiversity conservation in Slovenia, as well as the role of civil society. She stressed the challenge of integrating biodiversity concerns into other economic sectors. Some of the major issues identified were the need to strengthen institutional capacity to implement nature conservation policies; strengthen species-based policies; improve cross-sectoral collaboration, in particular with the agriculture and water management sectors; develop a national strategy on invasive alien species; and continue developing protected areas system.

The delegate of Slovenia thanked the expert for her report. He shared the consultant's concerns about the need to apply the principle of integration into other policies, as well as the need to improve communication between authorities and with NGOs. He further agreed that limited capacity to implement international conventions and biodiversity policies was a critical issue. The delegate encouraged the Secretariat to continue this approach of country reports as a very valuable activity.

The Committee thanked the consultant and took note of the report on the implementation of the Bern Convention in Slovenia, which will be published in 2010.

3.3 Biennial reports 2005-2006 and 2007-2008 concerning exceptions made to Articles 4, 5, 6, 7 and 8, and quadrennial reports 2001-2004

Relevant documents: T-PVS/Inf (2009) 17 Biennial Reports 2005-2006
T-PVS/Inf (2009) 18 Biennial Reports 2007-2008
T-PVS/Inf (2009) 19 General reports 2001-2004

In conformity with Article 9, paragraph 2, of the Convention, all Parties having made exceptions to Articles 4, 5, 6, 7 or 8 must present these exceptions in writing.

The Secretariat presented the biennial reports received.

The Committee took note of the reports submitted and invited the Contracting Parties which have not yet fulfilled this obligation to do so as soon as possible.

The Secretariat informed the Committee that it had also received general reports prepared on a voluntary basis.

The delegate of Sweden informed about their report, which will soon reach the secretariat.

The delegate of Monaco asked the Secretariat to amend the table to reflect the status of his country as a member State of the Council of Europe.

PART III - INSTITUTIONAL MATTERS

4. Amendment of the Rules of Procedure of the Standing Committee: Size of the Bureau and elections of its members

Relevant documents: T-PVS/Inf (2009) 5 rev. Amendment of the Rules of Procedure of the Standing Committee: Size of the Bureau and elections - Proposals from the Bureau -

The Secretariat outlined the procedure followed on this issue since last year's meeting, and presented the document with the proposals from the Bureau regarding the size of the Bureau and the procedure for the election of its members.

The Chair stressed that increased transparency and active participation of Committee members were the key objectives behind the proposed changes.

After an exchange of views among delegates, the Committee agreed to amend the Rules of Procedure of the Standing Committee to enlarge the Bureau to five full members; include the procedure for the nomination of candidates; add a provision covering the possible unavailability of the previous Chair to serve in the Bureau, in which case the Committee will elect three additional members, instead of two; and review the language of the Rules of Procedure to make it gender-neutral.

The amended version of the Rules of Procedure of the Standing Committee is included in Appendix 10.

PART IV –MONITORING OF SPECIES AND HABITATS

5. Monitoring of Species and Habitats

5.1 Invasive alien species

Relevant documents: T-PVS (2009) 8 Meeting report of the Group of Experts on IAS (Brijuni, Croatia, 5-7 May 2009)
T-PVS (2009) 9 Meeting report EPPO / Council of Europe Workshop on the 'Code of conduct on horticulture and invasive alien plants', Ski (Norway), 4-5 June 2009
T-PVS (2009) 11 Draft Recommendations on the control of the Raccoon dog (*Nyctereutes procyonoides*) in Europe; the control of the small Indian mongoose (*Herpestes auro-punctatus*) in Southeast Europe; on potentially invasive alien plants being used as biofuel crops; and on interpreting the CBD definition of invasive alien species to take into account climate change
T-PVS/Inf (2009) 5 National reports on the implementation of Recommendations on IAS
T-PVS/Inf (2009) 2 European Commission Communication "Towards an EU strategy on invasive species" (COM(2008) 789 final, of 3 December 2008)

The Group of Experts held its 8th meeting to pursue its task to monitor change on IAS and the implementation by Contracting Parties of the Convention's European Strategy on Invasive Alien Species.

The Chair of the Group, Mr Huw Thomas presented the results of the meeting. Reports had been presented by a number of Parties and organisations on their work on IAS – indicating good and varied progress. Reports were presented by consultants, including on IAS used as biofuels (a growing concern) and on IAS. It was noted that climate change was likely to influence IAS arriving and spreading in Europe, threatening native biodiversity, but its precise influence on invasive behaviour would be difficult to predict amongst other factors.

The Secretariat presented the result of a workshop, held by EPPO and the Council of Europe, on the implementation of their common "Code of Conduct on Horticulture and IAS". The workshop had made a number of recommendations both to governments and the industry inviting them to adopt clear IAS policies and the drafting and use of codes of conduct. Governments were invited to examine and implement recommendation of the workshop.

The Committee took note of the report of the meeting of the Group of experts, including the activities proposed for 2010 and 2011, thanking the Croatian nature protection authorities for the extremely efficient preparation of the meeting and the excellent hospitality.

The Committee further took note of the conclusions of the EPPO/CoE workshop on “The Code of Conduct on Horticulture and Invasive Alien Plants”, thanking Norwegian authorities for the excellent preparation of the meeting . It invited governments to examine and follow the recommendations from the workshop.

The Committee adopted the following four recommendations:

- Recommendation No. 139 (2009) on the control of the Raccoon dog (*Nyctereutes procyonoides*) in Europe (see appendix 3 to the report);
- Recommendation No. 140 (2009) on the control of the small Indian mongoose (*Herpestes auropunctatus*) in Southeast Europe (see appendix 4 to the report);
- Recommendation No. 141 (2009) on potentially invasive alien plants being used as biofuel crops (see appendix 5 to the report);
- Recommendation No. 142 (2009) on interpreting the CBD definition of invasive alien species to take into account climate change (see appendix 6 to the report).

5.2 Group of Experts on Biodiversity and Climate Change

Relevant documents: T-PVS (2009) 4 Report of the meeting of the Group of Experts on Biodiversity and Climate Change
 T-PVS (2009) 11 Draft Recommendation on further guidance for Parties on Biodiversity and Climate Change
 T-PVS/Inf (2009) 7 Compendium of national reports on activities related to biodiversity and climate change
 T-PVS/Inf (2009) 8 The impacts of climate change on European invertebrates, with reference to the vulnerability of Bern convention species, by R. Wilson.
 T-PVS/Inf (2009) 9 The impacts of climate change on plant species in Europe, by V. Heywood.
 T-PVS/Inf (2009) 10 Protected areas and climate change in Europe, by M. Araujo.

The Chair of the Group of Experts on Biodiversity and Climate Change, Mr Snorri Baldursson (Iceland), presented the report of the meeting held in Strasbourg on 2-3 July 2009. He thanked the previous Chair, Ms Caroline Cowan (UK) for her guidance of the work of this Group of Experts leading to the adoption of Recommendation No.135 (2008) on addressing the impacts of climate change on biodiversity. Mr Baldursson informed about the 4th meeting of the Group of Experts, including discussions on the three draft reports presented, and proposals for its future work such as the impacts of climate change on mountain biodiversity, island biodiversity, and the Mediterranean, among others. He further informed the Standing Committee of the invitation to hold the next meeting of the Group of Experts in Iceland.

The Secretariat presented the draft recommendation on further guidance for Parties on biodiversity and climate change, including actions to address the impacts of climate change and related adaptation needs for plants, invertebrates and protected areas in Europe.

The representative of the Regional Activity Centre for Specially Protected Areas (RAC-SPA), under the Barcelona Convention, welcomed the work of this Group of Experts to which they have contributed, and informed the Committee that climate change is one of the priority issues of UNEP’s Mediterranean Action Plan. He added that they have carried out a preliminary assessment of the species and habitats of the Mediterranean in relation to climate change.

The Committee took note of the report of the meeting of the Group of Experts; examined, amended and adopted Recommendation No. 143 (2009) on further guidance for Parties on biodiversity and climate change (see Appendix 7); took note of the proposals for its future work; and thanked the government of Iceland for the invitation to host the next meeting in June 2010.

5.3 Group of Experts on Island Biodiversity in Europe

Relevant documents: T-PVS (2009) 13 Report of the meeting of the Group of Experts on Island Biodiversity in Europe (Tenerife, Spain, 1-2 October 2009)
T-PVS/Inf (2009) 12 Compilation of national reports on activities related to biological diversity on European islands
T-PVS/Inf (2009) 1 International efforts to conserve biological diversity in islands, by J. Orueta
T-PVS/Inf (2009) 13 Towards a European information system on invasive alien species in European islands

The Chair of the Group, Mr. Oystein Storkersen (Norway) made a presentation of the first meeting of the Group. The Group, that will work also on marine species, examined a review of European and global work on island biodiversity where both states and organisation explained in some detail the scientific and conservation activities being carried out at present. The Group agreed that gaps in knowledge was still a problem, as well as invasive alien species. Reports were presented on IAS in the Canary Islands, on biosecurity on islands and on climate change effects on island biodiversity. A report was presented on the update for Europe of a database on IAS for European islands.

The Group identified a number of activities which could be developed in the next years, in particular the preparation of a Charter on European Islands; the identification of knowledge gaps in European threatened island biodiversity; the identification of knowledge gaps on Invasive Alien Species on European islands; and the drafting of manual of best practice of island biodiversity conservation.

The Committee took note of the report of the meeting, thanking the conservation authorities of the Canary Islands for the very efficient preparation of the meeting and the excellent hospitality. The Committee took note of the proposals by the Group for its future work and welcomed the invitation of the government of Norway to host the next meeting of this Group of Experts, in 2010.

5.4 Wind energy and nature conservation: Progress report

The Secretariat informed the Committee that the final version of the EU guidance was not yet available.

The representative of the European Commission informed the Committee that the draft guidelines on wind energy and nature conservation are about to be finalised as other services of the European Commission need to review them. It is expected that the final text will be sent for a final check to the members of the Commission's Ad Hoc group on wind energy and nature conservation, as well as to the members of the Co-ordination Group on Biodiversity & Nature. The Guidelines would then be available in early 2010. The European Commission is also planning an additional tool/methodology to assess the impacts of plans and programmes (including strategies or plans for wind farms) not only on Natura 2000 sites but concerning the coherence of a whole network. This further guidance is expected by June 2010.

The Committee took note of the information provided by the European Commission on the finalisation of the guidelines on wind energy and nature conservation.

5.5 Habitats:

- Setting up of ecological networks: Progress on the Emerald Network

Relevant documents: T-PVS/PA (2009) 15 Report of the meeting of the Group of Experts on Protected Areas and Ecological Networks
T-PVS/PA (2009) 14 First progress report of the CoE/ EU joint programme: "Support for the implementation of the CBD's Programme of Work on Protected Areas in Armenia, Azerbaijan, Belarus, Georgia, Moldova, the Russian Federation and the Ukraine

The Secretariat informed the Committee about the work undertaken in 2009, including progress on the EU-funded project "Support for the implementation of the CBD's Programme of Work on Protected Areas in seven countries of Central and Eastern Europe and the South Caucasus"; a national workshop for the setting-up of the Emerald Network in Morocco, held in November 2009; and ongoing discussions with the European Environment Agency on further co-operation.

The former Chair of the Group of Experts on Protected Areas and Ecological Networks, Mr. Jan Plesnik (Czech Republic), presented the results of the first meeting of this Group held in Strasbourg in September 2009.

The Secretariat informed the Standing Committee about Switzerland's delivery of a complete file concerning 37 proposed Emerald sites, identified through a participative procedure. The follow-up of this issue is included in the current discussions with the European Environment Agency for future work. The Secretariat brought to the attention of delegates the request by Morocco to be associated to other neighbouring countries in the Maghreb region, in order to follow-up the pilot project's achievements and foster the setting-up of the Emerald Network by using a common biogeographical region's map. Finally, the delegates were informed that among the conclusions of the first implementation phase of the ongoing programme to develop the Emerald Network in Central and Eastern Europe and the South Caucasus, there is a need to update the Bern Convention Resolutions n° 4 and 6 to include a number of species of high conservation interest for the countries targeted by this project, as well as for other Contracting Parties like Morocco and Norway.

The delegate of The Netherlands expressed its appreciation for the progress accomplished in the development of the Emerald Network, as one of the cornerstones of the Bern Convention.

The delegate of Monaco praised the interim results achieved through the pilot project launched in Morocco, and confirmed Monaco's readiness to continue supporting these type of actions, with a view to the possible extension of the Bern Convention to other North-African States.

The Standing Committee:

- Recognised the positive results achieved in 2009 for the development of the Emerald Network;
- Took note of the report of the meeting of the Group of Experts;
- Took note of the final report of the CARDS/Emerald Programme, implemented in six South-Eastern European countries, in co-operation and with the financial support of the European Environment Agency;
- Took note of the progress made in the implementation of the joint CoE/EU programme "Support for the implementation of the CBD's Programme of Work on Protected Areas", targeting seven countries of Central and Eastern Europe and the South Caucasus;
- Welcomed the offer of co-operation made by the EEA, on the basis of a 5-year implementation plan and in a mid-term perspective;
- Endorsed the programme of activities of the Group of Experts for 2010.

- **European Diploma of Protected Areas: Progress report**

Relevant documents: T-PVS/DE (2009) 21 Report of the meeting of the Group of Specialists of the European Diploma of Protected Areas (Strasbourg, 2-3 March 2009)
T-PVS/Inf (2009) 22 European Diploma of Protected Areas – Adopted Resolutions

The Chair of the Group of Specialists, Mr. Olivier Biber (Switzerland), presented the results of the meeting focusing on the following issues :

- the importance of annual reports for the monitoring of European Diploma sites: the Chair invited managers to send them every year;
- the new collaborative platform aimed at facilitating communication between the Secretariat and the award winning areas;
- the low participation of members of the Group of Specialists, as only 50% attended the meeting;
- the Group recommended the award of the European Diploma to the Central Balkan National Park in Bulgaria and the renewal of the European Diploma to ten areas for ten years;
- Concerning the two non-renewals still pending, the Chair informed of progress by the relevant authorities in the fulfillment of the requirements: The management plan of the Belovezhskaya

Pushcha National Park (Belarus) has been drawn up and the peer review is underway; and the management plan of the Bialowieza National Park (Poland) will be finalised next year;

The delegate of Poland informed the Committee that the procedure should be completed by the end of 2010, and that the protection of the old-growth forests in the Bialowieza Forest is a priority for her Ministry highlighting the fact that the agreement of the local authorities is needed for enlarging the park. She also mentioned others activities undertaken, such as the establishment of management plans for nature reserves situated outside current boundaries, and the change of the status of several nature reserves (10690 ha) outside of the park in order to give them a strict protection regime. She expressed the hope that all the efforts will be recognised.

The Secretariat informed the Committee that the Resolutions on the award and renewal of the European Diploma in 2009 were adopted by the Committee of Ministers on 21 October 2009.

The Standing Committee :

- ✓ Took note of the report of the Group of Specialists ;
- ✓ Asked the Group to re-discuss the two non-renewals of the Diploma ;
- ✓ Elected three new members of the Group (Mr Nikolay Sobolev, The Russian Federation; Mr Henry Jaffeux, France; and Mr Michael Usher, United Kingdom).

- **Information on the European Conference on Protected Areas and Ecological Networks (Madrid, 26-27 January 2010)**

Relevant document: T-PVS/PA (2009) 02 Draft programme of the conference "Post-2010 Biodiversity Vision and Target - The role of Protected Areas and Ecological Networks in Europe"

The Secretariat informed the Committee that there were two main objectives in the Conference. The first was to analyse and discuss new post-2010 targets and vision for biodiversity. Those targets will be presented during the Spanish Presidency of the Union and Swiss Presidency of the Committee of Ministers of the Council of Europe. They intend to be a fundamental reference for the global process. It is expected that the European Commission presents a political paper ("EC Communication") on the topic. The second refers to the networks of protected areas in which appropriate development and management are vital to address biodiversity conservation in the framework of the Programme of Work on Protected Areas of the CBD. The event will also serve as a European Launch of the International Year of Biodiversity 2010.

The delegate of Spain presented the programme of the Conference, which includes five workshops and is to be an important moment in the preparations of the 10th Conference of the Parties to the CBD, as it will permit to work for European consensus on the ambitious tasks that governments want for biodiversity in the period 2010-2030

The Committee took note of the information presented by the Secretariat and the delegate of Spain, and the Chair encouraged Parties to attend the Conference.

PART V – MONITORING OF SPECIFIC SITES AND POPULATIONS

6. Specific sites and populations

6.1 Files opened

- **Ukraine: Building of a navigable waterway in the Bystroe Estuary (Danube delta)**

Relevant documents: T-PVS (2009) 6 rev Summary of case files
T-PVS/Files (2009) 3 Report by the Government
T-PVS/Files (2009) 20 Joint Statement by IGOs

This case concerns the excavation of a shipping canal in Bystroe estuary of the Danube delta in Ukraine, which is likely to affect adversely both the Ukrainian Danube Biosphere Reserve – the most

important of Ukraine's wetlands – and the whole Danube delta dynamics. A first phase of the project was conducted in 2004.

In 2004, the Standing Committee adopted Recommendation No.111 (2004) on the proposed navigable waterway through the Bystroe estuary (Danube Delta), inviting Ukraine to suspend works, except for the completion of phase 1, and not to proceed with phase 2 of the project until certain conditions were met.

In April 2005, Ukrainian authorities organised a workshop on the ecological monitoring of phase 1 of the project, held in Odessa. At the Standing Committee's meeting in 2005, the Ukrainian delegate reported that the dredging of the delta had been stopped and the environmental impact assessment was being reviewed to make it more comprehensive.

In 2006, the Ukrainian government informed the Secretariat that all work carried out was part of phase 1 and that the extent of the work under phase 2 would be adjusted on the basis of a new plan and environmental monitoring data. An international meeting concerning the sustainable development and management of the Danube delta was held in Odessa in February 2006, with the participation of ICPDR, UNESCO, the Ramsar Convention, the Bern Convention Secretariat and the European Commission. A follow-up meeting to be held in Tulcea (Romania), was announced but no further information has been received.

In 2007, the Standing Committee agreed to request all the documentation mentioned by the delegate of Ukraine, including the EIA and compensatory measures. It further decided to keep the file open and carry out an on-the-spot visit in 2008. The Ukrainian delegation agreed to the on-the-spot visit.

The main conclusion of the visit was that there had been no major changes on the ground since 2004 and that the monitoring had not been as performing as required and that there were still important concerns in respect to the possible environmental impacts of phase I of the project. A full EIA was not yet available.

In 2008, an on-the-spot appraisal visit was carried out, including the participation of representatives from the Secretariats of the Espoo and Ramsar Conventions, the European Commission, and UNESCO. The Standing Committee decided to keep the file open, as there were still reasons for concern, urging Ukraine to fully implement Recommendation No. 111 (2004).

In March 2009, the Ukrainian authorities reported to the Secretariat confirming the repeal of the Final Decision regarding Phase II of the Project, in line with Recommendation 111 (2004) of Bern Convention. The report also confirmed that “the works on the Phase II never started and are not going to start until the appropriate procedures are being implemented”

The Ukrainian authorities were asked for the EIA documentation for this project and an updated report, including information on the building of a dam at the mouth of the Bystroe channel, as well as the results of the public hearing organised in Tulcea in June 2009.

The Secretariat introduced this issue, including the document with the outcome of the second informal consultation meeting among international conventions dealing with the Bystroe Canal, when they agreed on a “joint statement” expressing concern for the recent developments related to the construction of the Bystroe Canal, and agreeing to continue the exchange of information and co-operation among convention secretariats and international organisations.

The delegate of Ukraine presented a report to the Standing Committee, thanking the Council of Europe for the 3-year project to develop the Emerald Network in Ukraine. He outlined the measures taken by the government of Ukraine, highlighting their openness and willingness to have a dialogue and fruitful co-operation with the Romanian authorities regarding this project. He further informed the Committee of the initiative to collaborate with the International Commission on the Protection of the Danube River regarding research and monitoring of the transboundary part of the Danube Delta. He asked the Committee to close the case file and let Ukrainian, Romanian and other experts continue with the scientific monitoring activities.

The delegate of Romania expressed serious concerns regarding the status of implementation of Recommendation No. 111 (2004) by Ukraine, particularly with the continuation of works on the Bystroe, under Phase II of the project, in violation of the Recommendations of the Bern Convention

and other international treaties such as the Espoo Convention. She acknowledged that certain steps were developed by Ukraine for participation in meetings with Romanian experts and a good collaboration at the technical level. However, she advised against the closing of the file and asked the Secretariat to continue co-operating with other Conventions in the monitoring of this issue.

The representative of the Espoo Convention's Secretariat informed about the recent meeting of their Implementation Committee, where the Bystroe project continues to be discussed. This Committee considered that works under phase II of the project represents a further breach of Ukraine's obligations under the Espoo Convention, and expressed concerns about the EIA documentation submitted. The Implementation Committee of the Espoo Convention will communicate its recommendations on Ukraine to the next meeting of the Parties, in 2011.

The delegate of Azerbaijan stressed the importance of co-operation among Conventions regarding transfrontier areas. He asked for a strong role of the Bern Convention and the Council of Europe to solve this issue, and welcomed the new monitoring mechanism to be set up next year.

The delegate of the European Commission informed that this issue would be raised at the next meeting of the EU-Ukraine Co-operation Committee, and possibly also during the EU-Ukraine Summit.

The representative of EEB asked Parties not to close this case file as Recommendation No. 111 (2004) has not been respected, nor other relevant Conventions. She stressed the need to continue to monitor this issue. She also requested the European Commission to pay attention in order not to support financially potentially damaging projects in the frame of TEN-T with regards to the Danube in Romania and Ukraine.

The Committee thanked the Ukrainian delegation for its updated report and welcomed the positive co-operation underway between Ukraine and Romania. However, and as concerns on this project remain, it agreed to keep the case file open and asked Ukraine to continue to report to the next meeting of the Standing Committee in 2010. The Committee thanked the representative of the Espoo Convention's Secretariat for his report and encouraged the continuation of co-operation among relevant conventions on this issue, as well as with the European Commission.

- Cyprus: Akamas Peninsula

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 21 Report by the NGOs

This case concerns plans for tourism development in the Peninsula of Akamas and the Limni area, with detrimental effects on an ecologically value area with marine turtles and other rare plant, animal species protected under the Convention.

This case was first discussed by the Committee in 1996 and since two appraisals were carried out (1997 and 2002) and a recommendation adopted in 1997 (Recommendation No. 63). In 2008, the Committee asked Cyprus to send the proposed management plan for the area and wished that the Limni area get adequate protection and Recommendation No. 63 be fully implemented.

The delegate of Cyprus informed that there had been no great changes since 2009. A scientific committee had proposed some boundaries for areas targeted for protection, but the public consultation procedure received five hundred objectives that were being examined. The Committee of Ministers is expected to approve boundaries for the areas under protection, which had than to be sent to the Commission to be examined in the light of Cyprus obligations under the Habitats Directive. The Limni Management Plan had been finalised. Town planning provisions for the Akamas region were being revised aiming to complete the protection of the area.

The representative of Terra Cypria said that the Management Plan for Limni was not satisfactory, as it did not address important issues (photo-pollution, golf construction, etc.). As for Akamas, she reminded the Committee that their proposal was to create a National Park. This required that, due to its biodiversity and landscape qualities, the whole Peninsula be given Natura status, including the villages, and that the core area be the national park, while the rest forms the buffer zone. Thus, the EU guideline for up to 60% coverage of important habitats could be met. The pressure to build is very great, and, since the proposed Natura 2000 site excluded most private land, she feared that all the land

excluded would be developed. In fact, construction has already started, including in areas of importance for birds for which no site has yet been proposed or designated under the Birds' Directive.

The representative of MEDASSET fully supported Terra Cypria's position regarding the conservation of the Akamas Peninsula and Limni area, and requested that the file remain open.

The delegate of Monaco asked that the principles of integrated management of coastal areas be applied.

The representative of the European Commission confirmed that the infringement procedure is moving ahead against Cyprus due to the insufficient classification of areas under the EU Birds Directive (RO issued on 20/11/2009). Upon expected formal notification and submission of the relevant data, the Commission will assess the sufficiency of the designation under both Nature Directives, including the boundaries of the site, on the basis of appropriate scientific criteria.

The Committee took note of the observations and reports from the government and NGOs and decided to keep the file open, asking Cyprus to present a report for its next meeting, to send to the Secretariat as soon as possible the management plan for Limni and the revised town planning provisions for the area as they are produced. The Committee asked Cyprus to fully implement its Recommendation No. 63 (1997) and ensure that obligations under the Convention are fulfilled.

- Bulgaria: Project to build a motorway through the Kresna Gorge

Relevant documents: T-PVS (2009) 6 rev. Summary of case files

This case concerns a motorway crossing an area of high biological diversity. It was examined by the Standing Committee in 2002, when it adopted Recommendation 98 (2002) "on the project to build a motorway through the Kresna Gorge (Bulgaria)", inviting the Bulgarian government to abandon the plans to enlarge the current road and look for more suitable alternatives, compatible with Bern Convention obligations.

In 2004, the Standing Committee decided to open a file in order to stimulate the Bulgarian government to further implement Recommendation No. 98 (2002).

In 2005, a decision was taken by the Ministry of Regional Development and Public Works (MRDPW) to prepare a new detailed EIA report. A decree of the Ministry of the Environment and Water (MoEW) was approved on 14 November 2005, prohibiting certain activities which could have adverse consequences for the site, such as the building of hydro-electric power stations. In 2005, the Standing Committee welcomed the adoption of this decree and decided to keep the file open.

In 2006, the Bulgarian delegation informed the Standing Committee that a new EIA had been initiated, in consultation with all the partners concerned. All variants would be studied, including the proposal from NGOs, and specific requirements had been formulated. The European Commission delegation informed the Standing Committee that a complaint had been lodged with the Commission concerning this project. The Standing Committee decided to keep this file open.

In 2007, the Bulgarian authorities informed that the EIA report was being prepared and would be publicly discussed, including consideration by Bulgaria's High Ecological Expert Council. The Standing Committee welcomed the forthcoming finalisation of the EIA and agreed to keep the file open until the final decision on this project is taken, with positive encouragements for the Bulgarian government.

At the 2008 meeting of the Standing Committee, the delegate of Bulgaria informed that the EIA Decision for the construction of the Struma Motorway had been issued after intensive consultations. He added that the Bulgarian government considered that parts of Recommendation 98 (2002), concerning the stages of preparation and the quality of the EIA Report, had been fulfilled, as well as the determination of the motorway route in the Kresna gorge, which was carried out with the collaboration of relevant institutions, NGOs and scientists. He further informed the Committee that the decision to avoid the Gorge had been taken, including measures to mitigate the negative impacts in Natura 2000 sites.

The delegate of Bulgaria informed that the decision to avoid the Kresna Gorge had been taken, although the final technical project for the actual road bed has not been prepared yet. He stressed the good co-operation with NGOs and their hope to safeguard this important area.

The Committee welcomed the positive news on the announced decision to avoid the Kresna Gorge. It agreed to close this case file but asked the Government of Bulgaria to inform the Standing Committee at its next meeting.

- Bulgaria: Wind farms in Balchik and Kaliakra – Via Pontica

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 5 Government report
T-PVS/Files (2009) 4 NGO Report

This case concerns the building of the first windfarms in Bulgaria, at Balchik and Kaliakra, on the Black Sea coast. The NGO is challenging the chosen sites located on the Via Pontica which is one of the main migratory routes in Europe especially for soaring birds.

An on-the-spot visit was carried out in September 2005, on the basis of which the Committee adopted Recommendation No. 117 (2005), asking the Bulgarian government to reconsider its decision to approve the proposed wind farm in Balchik in view of its potential negative impact on wildlife and taking account of Bulgaria's obligations under the Convention.

At its 26th meeting, the Standing Committee decided to open a new case file and organise an on-the-spot appraisal, with the approval of the Bulgarian government.

An on-the-spot visit was carried out in 2007, stressing the importance of Via Pontica as the most important flyway in Europe and the need to apply the precautionary principle and address the cumulative impacts of the increasing number of windfarm projects in this area. On the basis of the expert's conclusions, the Standing Committee adopted Recommendation No. 130 (2007) "on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria)".

In 2008, the Bulgarian delegation reported about the number of wind turbines approved since 2005, inside and outside Natura 2000 sites, which includes 136 approved with EIA and 633 without EIA, as this assessment is not required for single installations. The Bulgarian delegation confirmed that a one-year moratorium on new wind farm constructions in the Kaliakra site had just been agreed, and that the Ministry would survey and map the breeding colonies of high conservation status, and assess the cumulative impacts of construction projects.

On 27 November 2008, the European Commission sent a first written warning to Bulgaria for failing to properly apply the Directive on wild birds, and expressing concerns about several projects for the construction of large wind turbine developments, as well as other sports, tourism and road infrastructure construction projects which may have cumulative impacts on the environment without proper assessment.

The delegate of Bulgaria informed the Committee that an Strategic Environmental Assessment (SEA) of Bulgaria's Energy Strategy and National Plan for Renewable Energy Sources had been initiated in spring 2009, with meetings at expert level. They aim to identify hot spots with expert help and provide the necessary recommendations so that future projects for renewable energy take into account existing Recommendations of the Standing Committee. They are further consideration the option of a moratorium and they have issued an Order to prohibit building new wind farms in protected Important Bird Areas. In addition, they are conducting an EU-funded project to map Natura 2000 habitats and species. Bulgaria's Ministry of Environment and Water expressed their readiness and intention to co-operate with civil society and business representatives to achieve the necessary results and fulfil the country's obligations for the protection of its nature and biodiversity.

The delegate of the European Commission informed the Committee about a fact-finding mission carried out in the region in June 2009. The area concerned was designated as an SPA in August 2009, including measures for site management, but many development projects had already been authorised before the designation. The European Commission is also assessing the impacts of other windfarm projects in the region outside Natura 2000 sites, apparently without proper EIAs nor assessment of

cumulative impacts. They have reviewed 23 EIA screening decisions concerning 34 wind farm projects (including 21 decisions to install 219 generators). Finally, the Committee was informed that a letter of formal notice had been sent to the Bulgarian government in October 2009 for systematic failure to protect bird sites due to urbanisation, tourism and development projects (such as wind farms).

The representative of EEB explained that Bulgarian NGOs wished to be at the meeting but did not have the necessary resources. They recognise that the Ministry of Environment tries to implement the existing nature protection legislation and they have the recognition and support of NGOs. However, the NGOs assess the enforcement as insufficient and regret the numerous violations, committed in national parks, reserves and protection zones, mainly with respect to the construction of windfarms, ski lifts, ski-runs and residential complexes. It has to be noted that because of the volume of global investments in Bulgaria, NGOs are in difficulty to fight all damaging projects.

The Committee thanked the delegate of Bulgaria for its update report and asked for the written version to be sent to the Secretariat. The Committee decided to keep the case file open and continue to follow it up in close co-operation with the European Commission.

- France: Habitats for the survival of the Common Hamster (*Cricetus cricetus*) in Alsace (France)

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 6 Government report
T-PVS/Files (2009) 25 NGO Report

In 2006, the Secretariat of the Bern Convention received a complaint from the Association “*Sauvegarde Faune Sauvage*” expressing its concern over the insufficient measures aimed at ensuring the maintenance of the habitats needed for the survival of the Common Hamster.

In 2007, the French authorities provided the Secretariat with information on the Action Plan for the Common hamster in Alsace (2007-2011); the preparation of the second rescue plan for the Common hamster for 2007-2013; the planned agri-environment measures for the protection of the Common hamster; and the modalities of compensation measures for farmers.

In 2008, the French delegation reported on the concerted approach taken with the involvement of national and local authorities, NGOs and farmers, to safeguard the Common hamster of Alsace. They further reported on the progress made in population levels and gave information on the three main measures taken: the strengthening of populations (including captive breeding and releases); the restoration of suitable habitats (including agri-environment measures and favorable crops); and the control of urban development in priority areas, in collaboration with local stakeholders.

The delegate of France reported on the recent results of the measures taken within the framework of the restoration plan:

- An increase in the resources means devoted to improve knowledge: the results of the counting made by the *Office national de la chasse et de la faune sauvage* reached 670 burrows (the data will be published);
- The strengthening of wild populations: a third captive breeding is now operational;
- The project of setting up of a European scientific committee;
- The positive attitude of the farmers who want to be involved at 100% in the proposals of contracts;
- The control of infringements, with the launching of a specific plan;
- Actions undertaken to give a statutory value to the whole mechanism.

He pointed out that the phase of regression is over but that the situation remains precarious.

The delegate of the European Commission informed the Committee about the conclusions of the meeting held in June with the French authorities. The agri-environmental schemes remain insufficient

despite the progress made, and populations are threatened. Therefore the Commission decided to bring the case to the European Court of Justice last June. A judgment is awaited.

The representative of the Association *Sauvegarde Faune Sauvage* felt that the situation is still very worrying. In 2009, 387 burrows are not covered by biotope protection agreements. He claimed that the Prefect does not carry out the instructions of the Ministry. He asked for the file to remain open.

The representative of the EEB drew the attention of the Committee to the dangers resulting from several road infrastructures supported by the government on the Common Hamster territory.

The delegate of Germany proposed to consider the Common Hamster as a flagship species of the international year of biodiversity 2010 and recalled that the Standing Committee in 2008 already considered a workshop on the hamster, which might take place in early autumn 2010 in either Germany or Hungary.

The Committee decided to keep the case file open and continue to follow it up in close co-operation with the European Commission.

- Italy: Limiting the dispersal of the American Grey squirrel (*Sciurus carolinensis*)

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 2 Government report

This case concerns the presence of the American Grey squirrel in Italy, which is a serious threat for the survival of the native Red squirrels. The Grey squirrel is moving North and will reach the Alps if not controlled. After Recommendations No. 78 (1999) and No. 114 (2005) had no effect, the Committee adopted a new recommendation on the issue, Recommendation No. 123 (2007), carried out an on-the-appraisal in 2008, and urged Italy to be active.

Italy announced that the Ministry of Environment was fully committed to implementing Recommendation No. 123 and concluded in August 2009 a Memorandum of Understanding with the three regions involved and two research institutions. A number of activities have been planned, including control of the species, monitoring Grey and Red squirrels, and awareness campaigns. The Ministry is preparing a decree to prohibit the trading and keeping of the Grey squirrel.

The delegate of Switzerland welcomed the news but said that good intentions needed yet to be translated into action, through the prohibition of trade and the implementation of controls.

The Committee took note of the information presented by Italy and welcomed progress in the conclusion of a Memorandum of Understanding among all the actors involved in the control of the species and the plans to pass legislation banning the trade on the species. Yet the Committee understood that there had been no action on the ground or legislation approved, so it decided to keep the file open and asked Italy to fully implement Recommendation No. 123 (2007) and inform the Committee and Bureau of progress.

6.2 Possible file and on-the-spot appraisal

- Norway: Windfarms in the Smøla Archipelago

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 17 Report of the on-the-spot appraisal
T-PVS/Files (2009) 32 Government report

This case concerns the establishment of two wind farm complexes in the Archipelago of Smøla, in an area of importance for the nesting of White-tailed Eagles and other species. The government recognised the international importance of the area but found that the impact of the development on the White-tailed Eagle would be relatively moderate.

At its 21st meeting, the Standing Committee decided not to open a file on this case but asked Norway not to authorise the second phase of the wind farm project before assessing the results of the first one. The case was raised again during discussions on wind energy and nature conservation at the 26th Standing Committee meeting in 2006.

In 2007, the Norwegian government reported on actions undertaken after the licence to build the windmills in the Smøla Archipelago was issued on 20th December 2000, including a review by the Norwegian Institute for Nature Research (NINA) addressing the following long-term effects of the windmills on the White-tailed eagle: reduced breeding population; increased adult mortality; reduced breeding success; and increased juvenile mortality.

The Norwegian delegation informed the Standing Committee that a new research project would be conducted until 2010-2011 in order to improve information on wind turbines and their impacts on birds and coastal birds population dynamics concerning both pre- and post-construction phases. The Committee decided to keep this issue as a possible case file and asked Norway to submit annual reports to the Standing Committee, with the possibility of undertaking an on-the-spot appraisal in 2009, which had the agreement of the Norwegian delegation.

In 2008, the Norwegian delegation informed about the project being carried out by NINA, as well as about several mortality surveys. They indicated that there were over 2400 pairs of breeding White-tailed Eagles, that trends were positive, and that they awaited for the final project results to address mitigation issues. The Committee agreed to organise the on-the-spot appraisal in 2009 and asked Norway to prepare an annual report to next year's Standing Committee meeting.

The on-the-spot appraisal was carried out on 15-17 June 2009 by the independent expert Mr. Eckhart Kuijken. He presented his report to the Committee, thanking the Norwegian authorities for the good organisation of the meetings and visits. He stressed that works on Phase 2 of the project were carried out against the recommendation of the Standing Committee and he highlighted the important natural values of Smøla and the direct and indirect habitat and species losses caused by the windpark. Mr. Kuijken underlined the need to apply the precautionary approach and assess the cumulative impacts of the windfarms planned in the West coast of Norway. His recommendations included the opening of case file and ten specific measures, such as an SEA for future wind farm development in Norway; mitigation measures to reduce impacts on birds (especially White-tailed Eagles); a moratorium for further wind farms in sites of scientific interest and high nature values; among others.

The delegate of Norway made some precisions on the dates of the two phases of the project as well as on the nature values of the part of Smøla where the windfarm was constructed, which at the time of the project was not considered of the highest value. She further explained that the decisions for the licenses had been based on solid foundations and taken into account all complaints and statements from NGOs and others. She stressed the importance of the ongoing research and monitoring project carried out by NINA, to be completed in 2011. She informed that the wind park had led to 28 White-tailed sea eagle mortalities in the last four years, but the population trend in Norway, as well as on Smøla, was positive. The delegate further informed about the designation of 10 nature conservation areas on Smøla in 2009, and about current procedures and measures to ensure that nature values are taken into proper consideration when dealing with wind power projects. She offered to present the results of the NINA project at future meeting of the Standing Committee. The Norwegian delegation could agree with some of the recommendations from the expert, and had concerns about others.

The delegate of Sweden noted that the licensing process had not looked into the environmental aspects of the wind farms in depth and that the number of casualties and reduced breeding success was alarming. He recalled the recommendation from 2001 to assess phase 1 before conducting phase 2 and considered that, as the wind park was in operation, it would be better to focus on formulating solid recommendations to follow-up.

The representative of Birdlife International expressed the concern of their Norwegian partner about the effects on birds of the powerlines at the windfarms. He stressed the lack of information on how birds relate to windfarms, and supported a strong recommendation as well as the expert's proposal to open a case file.

The Committee agreed not to open a case file on this issue. It adopted the Recommendation No. 144 (2009) on the wind park in Smøla (Norway) and other wind farm developments in Norway (Appendix 8) and asked the government of Norway to report on its implementation at the next meeting of the Standing Committee.

6.3 Complaints in stand-by

- France: Protection of the European Green Toad (*Bufo viridis*) in Alsace

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 26 Government report

A complaint was lodged in 2006 by the Association BUFO (*Association pour l'étude et la protection des amphibiens et reptiles d'Alsace*) focusing on threats to the Green toad's few remaining habitats in Alsace. It specifically targeted shortcomings in the impact studies carried out for a major bypass and urban development projects, and a project for the construction of a leisure complex.

In 2008, the French government reported that a restoration plan for the Common Spadefoot (*Pelobates fuscus*) and the Green toad (*Bufo viridis*) was under development, at the initiative of the regional authorities (DIREN Lorraine), and would be operational in 2009. This plan would associate the regions of Centre, Corsica and Alsace, and would be co-ordinated by the regional authorities of DIREN Lorraine. The provisional timetable indicated that the plan would be completed at the end of 2009, with specific actions starting in 2010. The DIREN Alsace would carry out consultations in 2009. Further information was received concerning preservation measures to be taken regarding projects that may damage the Green toad and its habitat in Wittenheim and Staffelfelden (Alsace).

The Committee agreed to keep this file as a complaint in stand-by and asked the French government to report next year on the restoration plan and other measures taken.

The delegate of France informed the Committee about the National Action Plan, as 2009 has been the year of its preparation, while 2010 will be the year of concertation. Special attention will be paid to awareness raising. In addition, further information was provided regarding the following two projects:

- the revision of the POS of Entzheim in order to facilitate the installation of economic activities
- the construction of a new road connecting Ostwald/Illkirch-Graffenstaden which is in a very early stage.

The representative of the Association *Sauvegarde Faune Sauvage* stressed that the situation is highly critical for the Green toad, as out of seven sites of reproduction in the Haut-Rhin only one remains, showing that the viable population has been decimated. He asked for the opening of a file.

The Committee took note of the informations presented by the delegate of France and by the NGO, and considering the very limited progress achieved, decided to treat this complaint in stand-by as a "possible case file" at its next meeting in 2010.

- France: Impacts on the Hermann tortoise (*Testudo hermanni*) of: (1) a waste management plant in Cabasse; and (2) a housing project in Ramatuelle (Var)

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 27 Government report
T-PVS/Files (2009) 19 and 24 NGO reports

(1) This case concerns a complaint received in May 2008 from Dr. Marcel Barbero, president of the Regional Scientific Committee for Natural Heritage, about the construction of a waste management plant in the Var region. The project would affect the population of Hermann tortoise in the commune of Cabasse, some 20 kms. away from the Massif des Maures, where lie few core places for the species. Dr. Barbero informed that this area covers the only viable western population of Hermann tortoise on calcareous and calcareous-dolomite substrate, which has been decreasing for 40 years. The Regional Scientific Committee for Natural Heritage has stated that the impact study did not sampled this population correctly and that data is insufficient. The effects that the construction of this waste plant could have on the population would be devastating as it would split up its habitat, affecting breeding, feeding and nesting areas and causing the total extinction of the species in this particular area.

(2) This case concerns a complaint received in July 2008 from the association "*Les amis de Ramatuelle*" against a housing project (of 120 units) over 10 ha in the town of Ramatuelle (Var department) in a forested area known as "Combes Jauffret", situated less than 2 kms away from a Natura 2000 site (the "3 Caps"), and where around 30 individuals of Hermann tortoises have been

recorded (with an estimated population of 41 and a population density of 8.2 individuals per hectare) and which is also a site of reproduction (three independent inventories have been carried out recently).

The report on both complaints is included under agenda item 6.4, together with the follow-up of Recommendation No. 118.

The Standing Committee decided to organise an on-the-spot appraisal in 2010, which was agreed by France.

- Sweden: Natterjack (*Bufo calamita*) population on the coastal island of Smögen

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 28 Government report
T-PVS/Files (2009) 1 NGO report

In December 2007, the Secretariat received information from the Chair of the Bern Convention's Group of Experts on Amphibians and Reptiles concerning the threat presented by a residential housing project in Hasselösund Väster, Smögen, to the northernmost population of the worldwide distribution of the Natterjack toad (*Bufo calamita*), a species listed in Appendix II of the Bern Convention.

The Swedish government reported that after reviewing the available documents, the Swedish Environmental Protection Agency considered that appropriate measures have been taken to secure the survival of the Natterjack population and that the residential housing project, as presented in the final plan, will not have a negative effect on the population.

At the 2008 meeting of the Standing Committee, the Swedish delegation informed that the decision regarding the plan for the residential housing project had been appealed to the County Administrative Board of Västra Götaland and that, in the meantime, the plan had come to a halt pending the outcome of the decision by that County Administrative Board. There is a national action plan for the species, whose revised version was to be published in 2009, and a 10-year monitoring programme was initiated in 2006.

In March 2009, the Chair of the Group of Experts on Amphibians and Reptiles reported the situation he had observed on site, including the bad conservation status of that population of Natterjack; and the unsatisfactory situation concerning the housing project, which would destroy an estimated loss of between ¼ and a 1/3 of the Natterjack habitat. Regarding the suggested compensatory and restoration measures included in the final plan, his advice was that they were no guarantee for the long-term survival of the population and that the partial habitat destruction and loss of the local Hasselösunds Natterjack population was not acceptable, especially given the overall "bad and deteriorating" conservation status for this species in the "boreal biogeographical region", as provided by the Swedish authorities in a national report to the EC.

In September 2009, the Swedish government reported that the County Administrative Board rejected the appeals of the Municipality's decision, as it considered that the habitats for the Natterjack toad had been taken into account in a satisfactory manner. However, the County Administrative Board's decision has now been appealed to the Swedish Government and the Swedish Environmental Protection Agency awaits the decision of the Swedish Government on this issue. There is no set timeframe for the Swedish government to take a decision on the appeal. In the meantime, the plan has come to a halt and, according to the County Administration Board, no exploitation has yet been started.

The delegate of Sweden confirmed that the decision of the government on the appeal was pending and the project had been stopped in the meantime. The decision is expected in early 2010. Regarding the conservation status of the species, it was considered an "endangered species" in 2005. There is a national action programme on this species and the region affected by the project is included in the annual monitoring programme, showing increased numbers with preliminary estimations of over 150,000 individuals.

The Committee took note of the information presented by the delegation of Sweden and asked them to inform the Secretariat when the decision on the appeal will be available. It agreed to review this case in 2010 as a "possible case file".

- Turkey: Capture of Bottlenose dolphins (*Tursiops truncatus*)

Relevant documents: T-PVS (2009) 6 rev. Summary of case files
T-PVS/Files (2009) 18 Government report

At the 26th Standing Committee meeting, the delegate of Monaco informed of a complaint received from the Whale and Dolphin Conservation Society (WDCS) about a project envisaged by Turkey whereby 30 bottlenose dolphins would be captured in the Black and Mediterranean Seas. Bottlenose dolphins are protected not only by the Bern Convention, but also by the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention), the Habitats Directive and the ACCOBAMS Agreement.

In 2007, the Secretariat contacted the Turkish authorities and received a brief note on the general situation about the bottlenose dolphin in Turkey in March 2007, confirming that the catching of dolphins in Turkey has been “totally prohibited” since 1983 but “in the last years there have been major investments in our country for using dolphins in the therapy of mentally or physically handicapped or in marina parks”.

The Bureau expressed their concern about the status of the population in the Mediterranean and the impact of the authorised captures, conditions established in Article 9.1 of the Convention.

In 2007, the delegate of Turkey informed that 23 dolphins had been captured out of a population estimated in many thousands; that no more dolphins would be captured, and that none of them were intended for export but to therapy with children. The Standing Committee regretted the exception and requested Turkey to produce population data very fast so the Bureau could re-examine the case.

In 2008, the Turkish authorities informed WDCS that a project would be initiated later in the year to “monitor the effects of catching 23 individuals of the main population”, in collaboration with experts from Istanbul University – Dpt. of Fisheries.

In March 2009, the Turkish authorities informed the Secretariat that a “pre-evaluation study was carried out by Istanbul University – Dpt. of Fisheries, under the coordination of the Ministry of Agriculture and Rural Affairs”.

In May 2009, the Secretariat received information from the Chair of the Scientific Committee of ACCOBAMS, indicating that the most relevant type of information needed (including the concerned population size estimate, and basic demographic parameters including mortality levels) is not available in the published literature. However, the entire Mediterranean sub-population of bottlenose dolphins was proposed as ‘Vulnerable’ by the joint ACCOBAMS-IUCN Workshop for the Red List assessment of cetaceans in the Mediterranean and Black Seas (Monaco, March 2006) and therefore his main conclusion was that, given the insufficient available information and that vulnerable condition, “based on a simple precautionary approach such condition should strongly discourage captures before accurate population assessments are made, even in the case (purely hypothetical) that such captures be considered acceptable under the provisions of international conventions and agreements”.

The delegate of Turkey provided information on the sightings of the species in 2008 (12) and in the summer of 2009 (11) but recognised that there is a lack of complete information. Additional information was gathered in the population survey conducted in 2006 by Istanbul University.

The delegate of Monaco expressed his strong disappointment at this capture, in contravention of several international conventions, as cetaceans are one of the most protected groups in the Mediterranean and for which no deliberate captures are carried out. He questioned the merits of the therapy using dolphins and considered that it has little credibility. He further underlined the conditions to use the exceptions of Article 9.1 of the Convention, which requires a lack of alternatives, and asked the Turkish authorities for the basis on which they estimate population numbers. He proposed the opening of a case file or a on-the-spot appraisal to verify the motivation behind this capture, and raised the moral and ecological arguments on this issue.

The representative of the Holy See highlighted the relationships between humans and wildlife and propose to discuss this issue further.

The delegate of Switzerland supported Monaco on the need to review the interpretation of Article 9 and asked the Bureau to take this issue up at its next meeting, including the consideration of the interpretation of the condition that there is “no other satisfactory solution”. He further asked Turkey to report at next year’s meeting on the conditions for applying Article 9.1 and the use given to the capture dolphins.

The Committee asked Turkey to report in 2010 on the specific use given to the captured animals. It further asked the Bureau to discuss the application of Article 9.1 of the Convention.

6.4 Follow-up of selected recommendations from previous meetings:

Relevant documents: T-PVS/Files (2009) 11 Government report on the follow-up of Recommendation No. 95 (2002)
 T-PVS/Files (2009) 14 Government report on the follow-up of Recommendation No. 96 (2002)
 T-PVS/Files (2009) 12 NGO report on the follow-up of Recommendation No. 96 (2002)
 T-PVS/Files (2009) 10 NGO reports on the follow-up of Recommendation No. 108 (2003)
 T-PVS/Files (2009) 16 Government report on the follow-up of Recommendation No. 112 (2004)
 T-PVS/Files (2009) 9 Government report on the follow-up of Recommendation No. 113 (2004)
 T-PVS/Files (2009) 22 NGO report on the follow-up of Recommendation No. 113 (2004)
 T-PVS/Files (2009) 29 Government report on the follow-up of Recommendation No. 118 (2005)
 T-PVS/Files (2009) 7 Government report on the follow-up of Recommendation No. 110 (2004)
 T-PVS/Files (2009) 15 NGO report on the follow-up of Recommendation No. 110 (2004)

- Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)

The delegate of Turkey presented their report, informing the Committee that greenhouses were being removed, chemical waste discharge monitored and an awareness campaign launched. Lights are also screened and beach erosion monitored. The removal of the chemical toxic wastes was to start soon, as an investment of over nine million US dollars had been spent in a neutralisation plant. The works to remove waste will take eight or ten years, while turtle nesting goes on successfully.

The representative of MEDASSET said that coastal erosion has taken its toll on the nesting beach, and therefore the removal of greenhouses was now irrelevant. The real problem was the ‘time-bomb’ of the toxic waste. There are still several matters pending for which the NGO will keep updating the Secretariat.

The Committee took note of the information presented.

- Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, specially birds, in afforestation of lowland (Iceland)

The Committee took note of the reports submitted by the government of Iceland and Birdlife international

- Recommendation No. 108 (2003) on the proposed construction of the “Via Baltica” (Poland)

The delegate of Poland presented the government report on this Recommendation, informing that the SEA of the I Pan-European Transport Corridor “Via Baltica” had been concluded and its results adopted, in line with the Recommendation. The “alternative no. 42” has been selected as the best one. It is expected that the construction works will start in 2016 and will be completed by 2018. Regulation of the Council of Ministers changing the road network was adopted on 20th October 2009, including the following points, in line with the SEA results:

- *Via Baltica* will connect Warsaw and Budzisko via Łomża – Ełk – Suwałki;
- The express road no. S8 will connect Warsaw with Białystok;
- The express road no. S19 will create the big by-pass of Białystok; it will run around Knyszyńska Forest (Siemiatycze Choroszcz – Dobrzyniewo Duże – Knyszyn – Korycin – Sokółka – Kuźnica Białostocka),
- The existing national road no. 8 will become a local road

She further explained that the proposed solution will have positive influence on the integrity and cohesion of Knyszyńska Forest (a Natura 2000 site) through the decrease of traffic volume on the

national roads cross-cutting the complex. She considered that there is no further need to continue monitoring this Recommendation.

- **Recommendation No.113 (2004) on military antenna in the Sovereign Base Area of Akrotiri (Cyprus)**

The representative of Terra Cypria, speaking also on behalf of BirdLife Cyprus, confirmed that there had been good developments on some aspects of Recommendation 113 (2004), mostly with reference to environmental education and increased NGO involvement, but pointed out that despite the production of a very good policy statement by the Bases, this had not been reflected in recent projects and initiatives, including the removal of tonnes of sand from dunes for a community football ground, and proposals to tarmac the road between the east coast of the Akrotiri peninsula and the Salt lake. She called upon the British delegate to encourage the Sovereign Base Authority (SBA) to proceed without delay to nominate the area as the equivalent of a Natura site and to ensure that the designation is in place before further interventions occur. In addition, the NGO mentioned the recently reported turtle deaths on the Akrotiri/Episcopi coasts, resulting from drowning by net entanglement or, in some cases, from deliberate clubbing by fishermen. She explained that regulations regarding fishing nets are less restrictive on the Bases than in the Republic of Cyprus and she urged the British representative to persuade the SBA authorities of the need to take appropriate measures before the next breeding season (April 2010). The representative of Terra Cypria invited the Committee to keep the situation under review with the possibility of opening a file if progress is insufficient.

The delegate of UK valued the NGO comments and announced that next year there will be a representative of the SBA at the Standing Committee meeting. She shared concerns for the high rates of turtle deaths this year and expressed her interest to work with fishermen to improve the situation for the next breeding season, as it is not possible to bring in new legislation on this issue.

The representative of MEDASSET explained that the seasonal depth restriction for fishing nets that has been lowered by the SBA from 10m to 5m, which is critical for turtle interaction with fisheries. She expressed her concerns for the lack of positive action to address this very serious situation in the area, and will continue updating the Secretariat.

The representative of Birdlife International supported Terra Cypria in the need to take measures to improve the situation. They suggested to open a case file on this issue.

- **Recommendation No. 118 (2005) on the protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var), France**

The delegate of France reported on the setting up the national nature reserve which covers 5276 ha and represents a significant step in the protection of the species. Some other habitat protection decrees (*arrêtés préfectoraux de biotopes*) have been or will be made for the Hermann tortoise. The national restoration plan which will cover Corsica, the Var and later the Pyrenees, will be published in the second half of December. Priority actions will be financed through a EU LIFE Programme.

The Secretariat informed the Committee of the Decision of the Bureau to discuss under this item the two complaints mentioned under agenda item 6.3 and related to the creation of a waste management plant in the commune of Cabasse and to a housing project in the commune of Ramatuelle.

Regarding the first complaint, the delegate of France considered that it has a direct link with the Recommendation adopted in 2005 inviting the French authorities to find a feasible alternative solution to the waste storage center of Balançon, located in the heart of the *Plaine des Maures*. He declared that Cabasse represents a possible step for alternative solutions. The project manager has decided to reshape and reduce the size of the project and the choice of the site has been made after an impact study and significant compensatory measures have been foreseen. In the end, the *Conseil national pour la protection de la nature* has given a positive opinion. He stressed the Committee of his government's genuine commitment on this matter.

Regarding the second complaint, he said that on the basis of the results of the diagnosis fauna-flora-habitats, the initial version of the project had been modified in order to delete, reduce or compensate the effects on the Hermann Tortoise. He referred to the *SRU* law (on urban solidarity and

renewal) which imposes the obligation for the municipalities to build 20% of social housing, but at the moment no decision has been taken..

The representative of the *Association Vivre dans la Presqu'île de Saint Tropez* presented some pictures of the affected site in Ramatuelle, emphasising the importance of this area for the Hermann tortoise and listing the many threats faced by the species. He claimed that the initial project has not been modified and denounced the use of the “public interest” argument to justify this project when as much as 40% of the project concerns private accommodation. He expressed his hope that the French government will take the good decision.

The representative of the NGO *Société nationale de protection de la nature* (SNPN) welcomed the creation of the nature reserve but underlined the limited effect of this protection if some projects having a cutting effect are authorised.

The Committee welcomed the announcement by the delegate of France concerning the setting-up by Decree of a national natural reserve in the *Plaine des Maures*. It took note of the informations received on the two above-mentioned complaints linked to Recommendation No. 118.

The Standing Committee decided to organise an on-the-spot appraisal in 2010, which was agreed by France.

- **Recommendation No. 112 (2004) on hydroelectric dams at Kárahnjúkar and Nordlingalda (Iceland)**

The delegate of Iceland informed that a Master Plan for geothermal energy is now under development and expected for early 2010. The Master Plan should then be submitted to SEA depending on how and when it will be accepted by the *Althingi* of Iceland (Icelandic parliament). Another positive element is the enlargement of the Thjórsárver nature reserve that is now in progress and that Eyjabakkar is now a part of Vatnajökull National Park, as indicated in their report to the Standing Committee.

- **Recommendation No. 110 (2004) on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds**

Mr. Bernd Schuerenberg presented the report prepared by him and other two authors, on behalf of Birdlife International, showing limited progress on the implementation of this Recommendation and alerting about some critical issues. Mr. Schuerenberg stressed the problem of electrocution of birds on medium-tension power lines using dangerous power pole and insulator configurations, as there is a legacy of several millions of dangerous power poles in Europe. The priority needs to be the ban of the most dangerous types of poles, in order to make new power poles safe for birds. He also presented the current status of technical solutions and ornithological research from several European countries. The Annex of the report includes a review of progress in European countries and the author regretted the lack of cross-border and trans-national exchange of information and experience on this issue. He presented eight recommendations to the Standing Committee, as included in the report.

Several delegations took the floor to thank the author for the presentation of the report and recognised that this is an important issue which requires further follow-up. The Committee agreed to include this issue in next year's meeting and prepare a draft recommendation on the basis of the informations and assessments received.

* * *

The Committee took note of the informations presented on the follow-up of previous Recommendations, and welcomed the comments made.

6.5 Illegal killing of birds in Mediterranean Parties

Relevant Documents: T-PVS/Files (2009) 23 Report by the NGO on illegal trapping, killing and trade of birds in Cyprus
T-PVS/Inf (2008) 25 Information note from the Secretariat on the issue of illegal killing of birds in Mediterranean Parties

The issue of the illegal killing of birds in Cyprus and more widely, the illegal capture of birds in Mediterranean Parties, was discussed at the Standing Committee meeting in 2007 and 2008, at the initiative of some Contracting Parties. The Standing Committee considered that trapping should be

examined on a pan-Mediterranean basis, and decided to revisit its Recommendation No. 5 (1986) “on the prosecution of persons illegally catching, killing or trading in protected birds”.

In 2008, the Secretariat informed the Standing Committee that there had not been a good response from Parties to report on this issue, and therefore no conclusions could be drawn, except that the illegal killing of birds is still carried out in some parts of the Mediterranean where implementation of national legislation is weak. The Committee took note of information presented and expressed its concern of the apparent lack of progress in Cyprus and many other Mediterranean states.

The Bureau discussed the lack of progress in getting more information from Parties on this issue, and the need for new approaches. They stressed the need for increased awareness for the new generation of hunters, and agreed to ask Parties to disseminate widely and follow the principles of the European Charter on Hunting and Biodiversity, endorsed by the Standing Committee in 2007.

Mr. Joe Sultana (Malta) gave a presentation on this issue reporting that the illegal killing of birds still takes place in numerous European countries, including Malta, Italy, Cyprus, UK, the Czech Republic, France, Romania, Greece, The Netherlands, and Spain, and in some countries this illegal activity has increased enormously.

The delegates of Slovenia, Serbia, Sweden, France, Croatia, Norway, Germany, Albania, Slovakia, the Czech Republic and Ukraine all took the floor to share this concern and support action by the Bern Convention on this issue, which is not limited to the Mediterranean. Some delegates referred not only to illegal killing activities but to the transit of the killed and captured birds through other countries between the country of origin of the authors of the illegal activity and the country where they carried it out, which requires stronger border controls. Other related issues raised were the difficulty to identify the illegally killed species in many cases; the capture of endangered species; the need for countries to co-operate and to work with NGOs; as well as the need for strong laws and good enforcement to decrease such demands for bird killing.

The representative of the International Association for Falconry & Conservation of Birds of Prey, speaking on behalf of the Federation of Associations for Hunting and Conservation of the European Union (FACE), expressed FACE’s strong condemnation to non-sustainable taking of wild species and even more so when such taking is illegal under the applicable legislation, even in case of so-called “socio-cultural motives”. FACE regrets the discredit that these activities bring to hunting when they are performed by licensed hunters, who should be penalised with the most severe measure for them: the loss of their hunting permit or licence. They called for proper enforcement with appropriate penalties at all levels, including traders of such birds, and restaurants. FACE stressed the need for good information and awareness raising campaigns, targeting all stakeholders (the general public, politicians, police authorities, hunters, etc.). For hunters, the 2007 “European Charter on Hunting and Biodiversity” is a suitable tool or instrument, and FACE and its members promote the Charter actively.

The delegate of Germany informed the Committee of a successful project of the German NGO ‘NABU’ and the Italian NGO ‘LIPU’ to protect honey buzzards and other migratory birds in South-Italy. He suggested to invite representatives of this project to give a presentation about it at the next Standing Committee meeting followed possibly by a respective workshop in 2011.

The representative of the RAC-SPA under the Barcelona Convention informed about the action plan for the conservation of marine and coastal birds, and guidelines for the conservation of marine and coastal birds to be protected. They asked to be involved in any further action by the Bern Convention on this issue.

The Committee expressed its concerns for the continuation of such practices in Europe, and especially in the Mediterranean. It requested the Bureau to organise a discussion on this issue and make proposals at its next meeting.

PART VI – STRATEGIC DEVELOPMENT OF THE CONVENTION

7. Strategic development of the Convention

7.1 Implementation of the Memorandum of Co-operation with the CBD Secretariat

The Secretariat stated that an information note on relevant co-operation activities with the CBD carried out in 2009 would be made available in the meeting's website (document T-PVS/Inf (2009) 24).

The Committee welcomed the ongoing co-operation with the CBD and the information document from the Secretariat, which will be update before next year's meeting.

7.2 New Memoranda of Co-operation with CMS and IUCN

Relevant documents: T-PVS (2009) 3 rev Memorandum of Co-operation between the Secretariat of the Bern Convention and the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS)
T-PVS (2009) 2 rev Memorandum of Co-operation between the Council of Europe and the International Union for Conservation of Nature and Natural Resources (IUCN)

The Secretariat informed about the texts of both MoCs submitted to the Standing Committee.

The Committee welcomed the two MoCs agreed with the CMS and IUCN, and took note that a suitable date will be looked for the signature of the MoC with IUCN in 2010.

7.3 Draft Bern Declaration on the conservation and sustainable use of biodiversity in Europe: 2010 and beyond

Relevant document: T-PVS (2009) 11 Document containing all draft recommendations and the Bern Declaration presented to the Standing Committee for possible adoption

The Secretariat presented the draft Bern Declaration, following on previous Declarations adopted in Monaco (1999) and Strasbourg (2005).

The delegates welcomed the draft text, exchanged views and made proposals to strengthen the text.

The Committee examined, amended and adopted the Bern Declaration on the conservation and sustainable use of biodiversity in Europe: 2010 and beyond (see Appendix 9).

7.4 Draft Programme of Activities for 2010

Relevant document: T-PVS (2009) 10 Draft Programme of Activities for 2010

The Secretariat presented a proposal of activities for the year 2010, prepared following discussions by the Bureau.

The Committee examined, amended and agreed the Programme of Activities for 2010 (Appendix 11).

7.5 States to be invited as observers to the 30th meeting

The Committee decided unanimously to invite the following States to attend its 30th meeting: The Russian Federation, San Marino, Algeria, Belarus, Cape Verde, Holy See, Kazakhstan, Kyrgyzstan, Mauritania, Tajikistan, Turkmenistan, and Uzbekistan.

PART VII- OTHER ITEMS

8. Election of Chairman and Vice-Chairman

A set of transitional arrangements were agreed by the Committee for the election of Bureau members at this meeting, as the amended Rules of Procedure will be valid from next year. The Secretariat made a call for candidates for Bureau members to be put forward up until the end of the second day of the meeting.

The previous Chair, Ms Veronique Herrenschmidt (France), informed the Committee of her wish to step down from the Bureau as she no longer works for the French Ministry of Ecology, so an additional Bureau member would need to be elected for 2010.

The Committee re-elected Mr. Jón Gunnar Ottósson (Iceland) as Chair.

The Committee re-elected Mr. Jan Plesnik (Czech Republic) as Vice-Chair.

The Committee elected Mr. Olivier Biber (Switzerland); Mr. Silviu Megan (Romania); and Ms. Snezana Prokic (Serbia) as Bureau members.

9. Date and place of the 30th meeting

The Committee decided on the date and place of its 30th meeting: 29 November – 2 December 2010, in Strasbourg.

10. Adoption of the main decisions of the meeting

The Chair presented the draft documents with the list of decisions from this meeting, including the draft recommendations and the Bern Declaration

The Committee adopted the main decisions of the meeting.

The Secretariat informed the Committee that the report of the meeting would be prepared the following week and sent to all participants for comments. After a week, the report will be finalised and sent to be translated into French.

In accordance with Article 15 of the Convention, the meeting report including adopted texts will be forwarded to the Committee of Ministers of the Council of Europe.

11. Any other business (items for information only)

The Committee adopted the draft comments on Recommendation 1883 (2009) of the Parliamentary Assembly of the Council of Europe on “The challenges posed by climate change” (see Appendix 12).

It took note of two Recommendations of the Parliamentary Assembly of the Council of Europe:

- Recommendation 1888 (2009) “Towards a new ocean governance
- Recommendation 1885 (2009) on “Drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment”

It further took note of Recommendation 271 (2009) of the Congress of Local and Regional Authorities of the Council of Europe on “The global challenge of climate change: Local responses”.

The delegate of the Holy See informed the Committee of the planned activities on biodiversity envisaged by the Sustainable Territorial Development Committee of the Conference of NGOs at the Council of Europe, to contribute to the International Year on Biodiversity in 2010. In particular, they plan an event in Strasbourg on 28th April 2010 including a scientific workshop and they will send the invitations shortly, especially to make links with those NGOs active in the Bern Convention.

The delegate of Norway stated that there had not been enough time for in-depth discussion on many issues as the agenda was very charged. He suggested that the Bureau discuss the possibility to go back to a 5-day meeting of the Standing Committee.

The delegate of Sweden, on behalf of the EU, supported the proposal made by Norway.

The Committee agreed to ask the Bureau to discuss this issue in 2010 and report back to the Standing Committee.

On a question by the delegate of Monaco, the Secretariat explained that the Recommendations from the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe had been received shortly before the meeting and that is why they had been included under "Any other business".

The Secretariat informed the Committee about the Conference "Biodiversity in Europe" held in Liège (Belgium) in September 2009, in the framework of the Pan-European Biological and Landscape Diversity Strategy (PEBLDS). He further informed the Committee that the Council of Europe was no longer involved in the PEBLDS Secretariat and that the follow-up of the Pan-European Ecological Network (PEEN) would be undertaken by the Group of Experts on Protected Areas and Ecological Networks.

Ms Evelyne Marendaz, Head of the Species Management Division at Switzerland's Federal Office for the Environment (OFEV) addressed the Committee to thank all participants for their flexibility and good work shown throughout the meeting. She highlighted the numerous events planned for 2010 and the important contribution of the Bern Convention to biodiversity conservation action. She warmly thanked the interpreters, the Secretariat and the whole team behind the organisation of the Standing Committee meeting in Bern, with a special reference to Ms Annina Zollinger. She wished all participants a good trip back home.

APPENDICES TO THE REPORT

- Appendix 1 List of participants
 - Appendix 2 Agenda
 - Appendix 3 Recommendation No. 139 on the control of the Raccoon dog *Nyctereutes procyonoides* in Europe
 - Appendix 4 Recommendation No. 140 on the control of the small Indian mongoose (*Herpestes auropunctatus*) in Southeast Europe
 - Appendix 5 Recommendation No. 141 on potentially invasive alien plants being used as biofuel crops
 - Appendix 6 Recommendation No. 142 on interpreting the CBD definition of invasive alien species to take into account climate change
 - Appendix 7 Recommendation No. 143 on further guidance for Parties on biodiversity and climate change
 - Appendix 8 Recommendation No. 144 on the wind park in Smøla (Norway) and other wind farm developments in Norway
 - Appendix 9 Bern Declaration on the conservation and sustainable use of biodiversity in Europe: 2010 and beyond
 - Appendix 10 Amended Rules of Procedures of the Standing Committee
 - Appendix 11 Programme of activities for 2010
 - Appendix 12 Comments of the Standing Committee of the Bern Convention on Recommendation 1883 (2009) of the Parliamentary Assembly of the Council of Europe on “The challenges posed by climate change”
 - Appendix 13 List of Parties and Observers having made voluntary contributions to the 2009 activities
- Addendum to the report

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Appendix 2**AGENDA****PART I – OPENING**

- 1. Opening of the meeting and adoption of the agenda**
- 2. Chairman's report and communications from the delegations and from the Secretariat**

PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

- 3. Monitoring of the implementation of the legal aspects of the Convention**
 - 3.1 Introductory report from Bosnia and Herzegovina
 - 3.2 Implementation of the Convention in Slovenia
 - 3.3 Biennial reports **2007-2008** concerning exceptions made to Articles 4, 5, 6, 7 or 8 and quadrennial reports 2005 2008

*** Items for information:**

- T-PVS/Inf (2009) ... Introductory report from Bosnia and Herzegovina
- T-PVS/Inf (2009) ... Implementation of the Bern Convention in Slovenia
- T-PVS (2009) 7 and ... Bureau Reports
- T-PVS/Inf (2009) ..., ... Biennial and General Reports

PART III - INSTITUTIONAL MATTERS

- 4. Amendment of the Rules of Procedure of the Standing Committee: Size of the Bureau and elections of its members**

PART IV – MONITORING OF SPECIES AND HABITATS

- 5. Monitoring of Species and Habitats**
 - 5.1 Group of Experts on Invasive Alien Species (5-6 May 2009, Brijuni, Croatia) and EPPO/CoE Workshop on awareness on the European Code of Conduct on IAS and Horticulture (4-5 June 2009, Oslo, Norway) – Draft Recommendations
 - 5.2 Group of Experts on Biodiversity and Climate Change – Draft Recommendation
 - 5.3 Group of Experts on Island Biodiversity in Europe
 - 5.4 Wind energy and nature conservation: Progress report
 - 5.5 Habitats
 - Setting up of ecological networks: Progress on the Emerald Network
 - European Diploma of Protected Areas
 - Information on the European Conference on Protected Areas and Ecological Networks (Madrid, 25-27 January 2010)

*** Items for information:**

- T-PVS/DE (2009) 21 Report of the meeting of the Group of Specialists on the European Diploma (2-3 March 2009)
- T/PVS/Inf (2009) CM (2009) 137 Draft resolutions on the award and the renewal of the European Diploma of Protected Areas

PART V – MONITORING OF SPECIFIC SITES AND POPULATIONS

6. Specific sites and populations

6.1 Files opened:

- Ukraine: building of a navigable waterway in the Bystroe Estuary (Danube delta)
- Cyprus: Akamas Peninsula
- Bulgaria: Project to build a motorway through the Kresna Gorge
- Bulgaria: Windfarms in the Balchik and Kaliakra areas (Via Pontica)
- France: Habitats necessary for the survival of the common hamster (*Cricetus cricetus*)
- Italy: Limiting the dispersal of the American Grey squirrel (*Sciurus carolinensis*)

6.2 Possible file and on-the-spot appraisal:

- Norway: Windfarms in Smøla Archipelago – Draft Recommendation

6.3 Complaints on stand-by:

- France: Conservation of the European Green Toad (*Bufo viridis*) in Alsace
- France: Impacts on the Hermann tortoise (*Testudo hermanni*) of: (1) a waste management plant in Cabasse; and (2) a housing project in Ramatuelle (Var) [Note: this item will be addressed under Recommendation No.118 (2005)]
- Sweden : Natterjack (*Bufo calamita*) population on the coastal island of Smögen
- Turkey: Capture of Bottlenose dolphins (*Tursiops truncatus*)

6.4 Follow-up of selected recommendations from previous meetings:

- Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)
- Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, specially birds, in afforestation of lowland (Iceland)
- Recommendation No. 108 (2003) on the proposed construction of the “Via Baltica” (Poland)
- Recommendation No.113 (2004) on military antenna in the Sovereign Base Area of Akrotiri (Cyprus)
- Recommendation No. 118 (2005) on the protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var), France
- Recommendation No. 112 (2004) on hydroelectric dams at Kárahnjúkar and Nordlingaalda (Iceland)
- Recommendation No. 110 (2004) on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds

6.5 Illegal killing of birds

PART VI – STRATEGIC DEVELOPMENT OF THE CONVENTION

7. Strategic development of the Convention

- 7.1 Implementation of the enhanced MoC with the CBD Secretariat
- 7.2 New Memoranda of Co-operation with IUCN and CMS
- 7.3 Draft Bern Declaration on the conservation and sustainable use of biodiversity in Europe on 2010 and beyond
- 7.4 Draft Programme of Activities for 2010
- 7.5 States to be invited as observers to the 30th meeting

PART VII - OTHER ITEMS

- 8. Election of Chairman and Vice-Chairman**
- 9. Date and place of the 30th meeting, adoption of the report**
- 10. Adoption of the main decisions of the meeting**
- 11. Other business (items for information only)**

Appendix 3



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 139 (2009) of the Standing Committee, adopted on 26 November 2009, on the control of the raccoon dog (*Nyctereutes procyonoides*) in Europe

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

Recalling that under Article 11, paragraph 2.b of the Convention, each Contracting Party undertakes to strictly control the introduction of non-native species;

Recalling Recommendation No. 99 (2003) of the Standing Committee on the European Strategy on Invasive Alien Species (IAS);

Aware that the raccoon dog *Nyctereutes procyonoides* is a serious threat to the biodiversity of Europe and is spreading to new areas and habitats;

Recognising that the raccoon dog impacts biodiversity in a number of habitats and especially in wetlands and riparian zones and is a predator of threatened species, including amphibians, crayfish and ground nesting birds;

Noting that the raccoon dog is also a significant vector for spreading disease and parasites i.e. rabies, which is accentuated by the raccoon dog's potential to establish very dense populations;

Recommends Contracting Parties to the Convention and invites Observer States to:

1. Address the impacts of the raccoon dog on biological diversity;
2. Take measures to monitor the distribution and spread of the raccoon dog;
3. Take measures to contain and control the raccoon dog where the species is already established so as to lower its densities and prevent its spread;
4. Take precautionary measures to endeavour to eradicate the raccoon dog dispersal in areas where it is not yet established;
5. Take measures to control or eradicate the raccoon dog where appropriate in protected and sensitive areas.

Appendix 4

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 140 (2009) of the Standing Committee, adopted on 26 November 2009, on the control of the small Indian mongoose (*Herpestes auropunctatus*) in Southeast Europe

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

Recalling that under Article 11, paragraph 2.b of the Convention, each Contracting Party undertakes to strictly control the introduction of non-native species;

Recalling Recommendation No. 99 (2003) of the Standing Committee on the European Strategy on Invasive Alien Species (IAS);

Aware that the small Indian mongoose (*Herpestes auropunctatus*) is a serious threat to native biological diversity for its predation of birds and reptiles;

Noting that measures to contain the present populations of the Indian mongoose would delay its possible spread to the whole of the European continent;

Recommends that the Contracting Parties concerned and invites the appropriate Observer States to:

1. Identify the range size and trend of the small Indian mongoose population in their territories;
2. Assess the impact of the small Indian mongoose on native biological diversity;
3. Take appropriate measures to decrease or eradicate the population of the small Indian mongoose in their territories.

Appendix 5



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No 141 (2009) of the Standing Committee, adopted on 26 November 2009, on potentially invasive alien plants being used as biofuel crops

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

Recalling that under Article 11, paragraph 2.b of the Convention, each Contracting Party undertakes to strictly control the introduction of non-native species;

Recalling Recommendation No. 99 (2003) of the Standing Committee on the European Strategy on Invasive Alien Species (IAS);

Noting that the surface of agricultural land used for biofuel crops is likely to increase in the next years and worried that the increase in the number of species used as biofuel crops may lead to some of them escaping cultivation and becoming invasive alien species, with negative effects on native biological diversity;

Aware that some rural development plans contemplate the use of species which are already invasive in different regions of Europe;

Recommends Contracting Parties to the Convention and invites Observer States to:

1. Avoid the use as biofuel crops of species which are already recognised as invasive in the proposed planting region ;
2. Screen for invasiveness new species and genotypes to be used as biofuel crops, carrying out the necessary risk assessments, including risk analysis of cross-pollination with wild relatives and habitat vulnerability;
3. Monitor for possible spread of biofuel crops into natural habitats and their effects on species and habitats protected under the Convention;
4. Wherever the species used as biofuel crop is proved to escape cultivation and have an effect on the natural environment, introduce appropriate mitigation measures to minimise its spread and impact on native biological diversity.

Appendix 6



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 142 (2009) of the Standing Committee, adopted on 26 November 2009, interpreting the CBD definition of invasive alien species to take into account climate change

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

Recalling that under Article 11, paragraph 2.b of the Convention, each Contracting Party undertakes to strictly control the introduction of non-native species;

Recalling Recommendation No. 99 (2003) of the Standing Committee on the European Strategy on Invasive Alien Species (IAS);

Recalling that the European Strategy on Invasive Alien Species (IAS) used definitions on alien species, invasive alien species and introduction as used in CBD decision VI/23 (Guiding principles for the Prevention, Introduction and Mitigation of Impacts of Alien Species that Threaten Ecosystems, Habitats or Species);

Recalling the following terms:

- *alien species*: a species, subspecies or lower taxon, introduced outside its natural past or present distribution; includes any part, gametes, seeds, eggs, or propagules of such species that might survive and subsequently reproduce.
- *invasive alien species*: an alien species whose introduction and/or spread threaten biological diversity.
- *introduction*: the movement by human agency, indirect or direct, of an alien species outside of its natural range (past or present). This movement can be either within a country or between countries or areas beyond national jurisdiction

Worried that native species moving to neighbouring areas may be considered as alien due to the fact that climate change is the result of human action and that such species may be unnecessarily controlled;

Recommends Contracting Parties to the Convention and invites Observer States to:

1. Interpret the term “alien species” for the purpose of the implementation of the European Strategy on Invasive Alien Species as not including native species naturally extending their range in response to climate change.

Appendix 7



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 143 (2009) of the Standing Committee, adopted on 26 November 2009, on further guidance for Parties on biodiversity and climate change

The Standing Committee of 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;

Recognising that wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations;

Recalling that Article 2 of the Convention requires Parties to take requisite measures to maintain the populations of wild flora and fauna at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic requirements;

Recalling that Article 3 of the Convention requires Parties to undertake to have regard to the conservation of wild fauna and flora in their planning and development policies, and in their measures against pollution;

Recalling that Article 4 of the Convention requires Parties to take appropriate measures to ensure the conservation of the habitats of wild flora and fauna species as well as of endangered natural habitats; and give particular attention to the protection of areas of importance for migratory species;

Recognising also that climate change affects biological diversity in the territory covered by the Convention, including species, habitats and the Areas of Special Conservation Interest of the Emerald Network;

Recognising the need to adapt conservation work to the challenges of climate change so as to minimise its impacts on the species and natural habitats protected under the Convention;

Bearing in mind that climate change mitigation has a key role in reducing the impacts of climate change on biodiversity and the need for further adaptation measures;

Bearing in mind that uncertainties surrounding the precise nature of future climate change and its impacts on biodiversity should not delay practical conservation action;

Recalling the European Strategy for Plant Conservation (2008-2014); and the 2006 European Strategy for the Conservation of Invertebrates;

Having regard to other relevant Council of Europe's legal and policy frameworks such as the European Landscape Convention, the European Conference of Ministers responsible for regional planning (CEMAT), and the EUR-OPA Major Hazards Agreement;

Having regard also to Recommendation 1883 (2009) of the Council of Europe's Parliamentary Assembly on "The challenges posed by climate change" and to Recommendation 271 (2009) of the Congress of Local and Regional Authorities of the Council of Europe on "The global challenges of climate change: Local responses";

Recalling also CBD COP Decision IX/16, which urges Parties to enhance the integration of climate change considerations related to biodiversity in their implementation of the Convention;

Recalling further CBD COP Decision IX/18 on the role that protected areas and their connectivity play in addressing climate change;

Recalling the “Main messages” from the CBD Ad Hoc Technical Expert Group on Biodiversity and Climate Change, of June 2009, related to the vital role that biodiversity has to play in adaptations to the adverse impacts of climate change, and including the important contribution of adaptation activities that make use of biodiversity and associated ecosystem services;

Recognising the need to co-operate with the UN Framework Convention on Climate Change (UNFCCC) and to take account of the five-year Nairobi work programme (2005-2010) on impacts, vulnerability and adaptation to climate change;

Recognising the need to co-operate with the Convention on Biological Diversity, the Convention on Migratory Species and its related agreements (Resolution 9.7 on ‘The impacts of climate change on migratory species’), and the Ramsar Convention on Wetlands (Resolution X.24 on ‘Climate change and wetlands’);

Recognising the ongoing work on vulnerability and impacts of climate change on the biodiversity of the Mediterranean sea, carried out under the Barcelona Convention;

Recalling the “*Carta di Siracusa*” on biodiversity, agreed by the G-8 Environment Ministers in April 2009, which includes seven actions on biodiversity and climate, such as to put in place measures “for climate change adaptation of natural and managed ecosystems since spontaneous adaptation is not expected to be sufficient to reduce the impacts on biodiversity at all levels, or on vulnerable ecosystems, or for long-term human well-being”.

Recalling the EC White Paper “*Adapting to climate change: Towards a European framework for action*”, of April 2009, which includes actions to address biodiversity loss and climate change in an integrated manner to fully exploit co-benefits, as well as the preparation of guidelines to deal with the impacts of climate change on the management of Natura 2000 sites;

Recalling the “*Message from Athens*” issued at the European Commission conference on 27-28 April 2009, with the main issues raised by stakeholders and a number of priorities for future EU action, including the recognition that climate policy needs to be fully complementary with biodiversity policy and these two policy areas must be developed in an integrated manner;

Recognising the work of the EU Ad Hoc Expert Working Group on Biodiversity and Climate Change, and recalling the Discussion Paper “*Towards a Strategy on Climate Change, Ecosystem Services and Biodiversity*”;

Recognising the importance of the work of the European Environment Agency on biodiversity and climate change indicators, and the launch of the European Ecosystem Assessment (EURECA);

Recognising the importance of improved governance and increased synergies among global and regional conventions and organisations dealing with biodiversity and climate change in Europe;

Recalling Recommendation No. 122 (2006) of the Standing Committee, on the conservation of biological diversity in the context of climate change, adopted on 30 November 2006;

Recalling Recommendation No. 135 (2008) of the Standing Committee, on addressing the impacts of climate change on biodiversity, adopted on 27 November 2008;

Welcoming and bearing in mind the following expert reports “*Impacts of climate change on European invertebrates*”, by R. Wilson [doc.T-PVS/Inf (2009) 8 rev]; “*The impacts of climate change on plant species in Europe*” by V. Heywood [doc.T-PVS/Inf (2009) 9 rev]; and “*Protected areas and climate change in Europe*” by M. B. Araújo [doc.T-PVS/Inf (2009) 10 rev].

Recommends Contracting Parties to the Convention and invites Observer States to:

1. Increase efforts to improve understanding of the linkages between biodiversity and climate change (according to Recommendation 135 (2008));

2. Make full use of the large potential for synergies and co-benefits between biodiversity conservation and climate change mitigation and adaptation, including ecosystem-based approaches¹;
3. Ensure that biodiversity considerations, including potential negative impacts, are taken fully into account in climate change adaptation and mitigation policies and measures;
4. Develop climate change adaptation activities for biodiversity, taking due account of the proposed guidance set out in the Appendix to the present Recommendation; and
5. Continue to engage in the development and application of further guidance to implement the Convention.

¹ Ecosystem-based adaptation uses biodiversity and ecosystem services in an overall adaptation strategy. It includes the sustainable management, conservation and restoration of ecosystems to provide services that help people adapt to the adverse effects of climate change. This is different from the ecosystem approach, which includes twelve steps for the integrated management of land, water and living resources to promote conservation and sustainable use in an equitable way. Source: Report of the Second Ad Hoc Technical Expert Group on Biodiversity and Climate Change «Connecting Biodiversity and Climate Change Mitigation and Adaptation» (CBD Technical Series No. 41, published in 2009).

APPENDIX

Guidance

This guidance draws on the expert reports commissioned by the Council of Europe and discussed by the Group of Experts on Biodiversity and Climate Change at its meeting in 2009. The conclusions and recommended actions provided below stem from three separate expert reports and the discussions in the Group of Experts. This guidance complements the suggested actions endorsed by the Standing Committee in 2008 (Recommendation No. 135), which in turn should be further completed and updated in the future, including a potential revision of the proposed recommendations.

Measures that may be considered as appropriate for addressing the impacts of climate change on biodiversity, for the purposes of the application of the Convention, are listed for consideration by Contracting Parties. These measures are offered as examples of action that may be taken by authorities at all levels of governance to address this issue. Other complementary measures may be identified by governments as equally appropriate to their particular circumstances and concerns. Notwithstanding these adaptation measures, there is an urgent need for climate change mitigation actions at local, regional, country and global levels. Effective mitigation is crucial to contain climate change to levels within which we may have a reasonable chance of achieving effective adaptation. However, addressing mitigation lies outside the scope of these recommendations.

The effects of climate change on ecosystems and their biological communities are complex. The impacts of a changing climate on the species and habitats protected by the Bern Convention may differ widely, depending on the species and the interactions with other species and/or their habitats, as well as according to location. The effects that climate change mitigation and adaptation measures, taken in other sectors, can have on species and habitats should also be considered in order to avoid negative impacts.

I. Invertebrates and climate change

Changes to the life history, population dynamics, distributions and diversity of invertebrates have been observed in response to recent climate change. To minimise losses in invertebrate biodiversity resulting from these changes, there is a need for conservation policy and practice to increase the adaptive capacity of natural and managed systems.

Narrow range endemics are particularly vulnerable to climate change and may have little opportunity to shift their distributions naturally to track suitable climate space. Documenting and conserving the current distributions and habitats for these species is vital if they are to have any chance of surviving climate change. Regions which support populations of many narrow range endemic species and species which are unlikely to be able to shift their distributions naturally in response to climate change include Atlantic and Mediterranean islands, and southern and central European mountain ranges.

PROPOSED ACTIONS²:

Conserve, and where possible expand, heterogeneity

I.1. Maintain and, where possible and ecologically appropriate, add large areas and networks of heterogeneous habitat, in order to: (i) protect large invertebrate populations with low risk of local extinction; (ii) be prepared for changes to the habitat associations of species in a changing climate; and (iii) provide buffering capacity against the impacts of extreme climatic or climate-related events (e.g. fire).

Conserve existing populations

I.2. Conserve existing populations of threatened invertebrate species in a range of habitats and locations across their geographic ranges. Focus efforts to conserve existing populations of species within existing high biodiversity areas and protected area networks, such as Emerald and Natura 2000 sites across Europe.

² These recommended actions are based on the report by R. Wilson "Impacts of climate change on European invertebrates, document T-PVS/Inf (2009) 8.

I.2 bis Develop understanding and practical application of the management of micro-habitat and micro-climate conditions for the conservation of invertebrates at current locations, in order to increase resilience against climate change.

Minimise threats to invertebrate biodiversity

I.3. Minimise threats which interact with climate change to threaten invertebrate biodiversity, including land-use intensification, abandonment of traditional farming and forestry, wetland drainage, urbanisation, pollution, and the spread of alien invasive species. As a priority, minimise these threats in systems which support the most vulnerable invertebrates, including:

- Mountains, natural and semi-natural grasslands, old growth forests, the Mediterranean biome, wetlands (including peatlands, freshwater lakes, ponds and rivers) and marine benthic systems.
- Atlantic and Mediterranean Islands, and southern and central European mountain ranges.

Facilitate range shifts

I.4. Establish or maintain landscape-scale networks of natural and semi-natural habitat in order to increase the chances that species can shift their distributions naturally, because many invertebrates will need to expand their distributions to higher latitudes or elevations in order to survive climate change.

I.5. Achieve landscape-scale ecological networks through measures including protection and active management of existing habitats, restoration of degraded habitats, and sustainable management of areas separating existing protected areas.

I.6. Consider assisted colonisation by planned conservation interventions for the conservation of species whose current distributions are unlikely to support them in the long term, and which are unlikely to reach identifiably suitable habitat and climatic conditions outside their current ranges, taking due account of potential impacts of translocation activities on species and habitats in the target area.

Monitor and research

I.7. Undertake increased monitoring and research into the responses of invertebrates and ecological systems to climate change, which is crucial to provide an evidence base for making decisions about policy and management, and include the following key areas:

- Document species distributions, habitat requirements, and climate associations for poorly known invertebrate species and regions as baseline data to predict likely responses to climate change and other environmental drivers, and to permit recommendations to be made regarding their conservation.
- Test the independent and interacting roles of climate change and other threats in driving observed changes to the population dynamics and distributions of invertebrate species, which will help to identify underlying causes, project future ecological responses, and prioritise systems and approaches for adaptive management.
- Monitor responses of invertebrates to climate change in order to detect changes to the relative vulnerability of different species, and to ensure that resources are focused towards priority species and systems.

II. Plants and climate change

All available evidence points to the high probability that plant diversity in Europe, both at the landscape and ecosystem level, and at the species and population level will be severely impacted by climate change over the course of this century, interacting with other forms of global change such as population growth and movement and changes in disturbance regimes.

The impacts will not be uniform. Some regions will experience moderate changes and turnover of species, while others may expect serious disruption of existing ecosystems and their replacement with

novel assemblages of species and the loss of considerable numbers of currently rare and endangered species in specialised habitats, such as high mountains.

Many species that are not currently threatened or on national Red Lists may be put at risk by climate change or threatened with extinction through lack of suitable niches into which to migrate. While we have developed increasingly sophisticated tools and modelling procedures, very considerable uncertainty remains about species migrations and habitat change at the local scale. It is very likely that there will be a substantial rise in the number of invasive species with serious effects on particular habitats.

While recognising that the Bern Convention, the Habitats Directive and individual countries have made major progress in determining which species require priority action through habitat conservation and the creation of ecological networks, implementation is not yet complete, especially in terms of area management and species-level conservation.

Given that baseline data are still far from complete, it is difficult to determine appropriate targets for action. There is a need for a major expansion of monitoring systems to keep the effectiveness of the Emerald and Natura 2000 networks, and the threat status of listed species, under constant observation and review. The European Strategy for Plant Conservation (ESPC), as a comprehensive tool for plant conservation, constitutes a relevant framework to address the issue of plant conservation in the face of climate change.

PROPOSED ACTIONS³:

In situ species conservation

- II.1. Undertake an urgent review of the *in situ* conservation needs of all threatened European species, not just those listed in the Bern Convention/ Habitats Directive.
- II.1 bis Incorporate the likely impacts of climate change into the assessment of threatened status of species in national Red Books or Lists.
- II.2. Prepare a conservation statement for all threatened species and take steps to accelerate the preparation and implementation of species action, management or recovery plans, as appropriate.
- II.3. Review the state of country recovery planning for listed species and formulate management or recovery plans for those that are not so far covered.
- II. 3 bis Put in place a supra-national monitoring scheme in order to follow the evolution of species chorology across borders.
- II.4. Consider management interventions to facilitate species dispersal into suitable areas e.g. for species restricted to specific microhabitats such as cliff and rupicolous plants.
- II.5. Assess the need, within the global context of conservation strategies, for population reinforcement, *inter situs* and human assisted translocation of species that are threatened with extinction and not likely to survive in their current distribution in the face of climate change, and prepare a list of candidate species after careful weighing of potential risks and benefits.
- II.6. Assess the effectiveness and sustainability of Plant Micro-reserves (PMR) over the medium to long term.
- II.7. Explore conservation outside protected areas, notably in important areas for plant conservation as defined in the GSPC, and consider a significant expansion of off-site arrangements such as easements, set-aside, incentive-based schemes, local conservation strategies and public and private collaboration for conservation.

³ These recommended actions are based on the report by V. Heywood "The impacts of climate change on plant species in Europe", document T-PVS/Inf (2009) 9.

Ex situ species conservation

- II.8. Assess the coverage and quality of existing seed banks and botanic garden collections so as to fit conservation purposes, take steps to strengthen and improve their networks, and ensure sufficient genetic diversity within available seed and plant collections.
- II.9. Take urgent action to collect and store propagules of the majority of Bern Convention and most threatened European species that are not at present covered by such collections, either as living collections or as seed, and enhance the quality of sampling of those that already exist.

Predicting the impacts of climate change

- II.10. Apply bioclimatic modelling at least to all Bern Convention listed species and countries, and consolidate the information obtained from published modelling studies so that the results can be easily searched on a species by species basis.
- II.11. Supplement bioclimatic modelling by the application of other criteria for identifying taxa vulnerable to climate change

Invasive species

- II.12. Make important efforts to prevent the introduction and establishment of new invasives, through understanding vectors and pathways responsible for invasive species establishment, risk assessment, risk analysis, horizon scanning for potential new invasives, early warning systems, codes of conduct and control strategies.
- II.13. Encourage the wide adoption of the 2008 Bern Convention *Code of Conduct on Horticulture and Invasive Alien Species*, given that horticulture is identified as the main pathway for invasion.

III. Protected areas and climate change

European protected areas and European-wide networks of conservation areas are severely threatened by climate change. Up to 52%±12.1 of European vertebrates and plants are forecasted to lose suitable climate within existing protected areas by 2080.

Conventional views on protected-areas planning assume that successful conservation is achieved by safeguarding protected areas from the processes that threaten their existence. However, it is evident that conservation strategies, in order to be effective, need to mitigate impacts of climate change in addition to providing sustainable management of habitats and ecosystems.

Classification of Emerald and Natura 2000 networks is based on the presence of species and habitats of European concern. With climate change, species may move away from these areas but more fundamentally, changes in species priorities are expected. Both changes in the distribution of species and the changes in the identities of the species of European concern, require iterative, evidence-based and integrated approaches.

PROPOSED ACTIONS⁴:

- III.1. Ensure that existing protected areas are adequately managed and monitored so that they are in as healthy a state as possible before climatic and other change intensifies.
- III.2. Implement protected areas management to increase their resilience to climate change. This may include both on-site actions and management of the wider landscape to maintain ecosystem processes and functions.
- III.3. Take a long-term view in protected-areas management plans, and include actions for climate change adaptation (for periods up to 20 to 50 years, depending on the speed with which ecosystem changes are expected). Use adaptive management strategies and prevent the maintenance of ill-adapted habitats.

⁴ These recommended actions are based on the report by M. Araújo "Protected areas and climate change in Europe", document T-PVS/Inf (2009) 10, and on the report by V. Heywood "The impacts of climate change on plant species in Europe", document T-PVS/Inf (2009) 9.

- III.4. Ensure the development of a sufficiently representative and connected network of protected areas so as to allow for species dispersal and settlement in new suitable sites as a consequence of climate change. In a context of great uncertainty, such a network would constitute an insurance policy to provide protection for most endangered species and habitats.
- Improve protected area networks on the basis of further continuous research and monitoring to take account of climate-related changes in species distribution and habitat quality and consequential changes in community composition.
- III.5. Connect protected areas into functional ecological networks to allow the movement of species between them. Techniques include, as appropriate, buffer zones, stepping stones, corridors, and measures to reduce habitat fragmentation.
- III.6. Carry out integrated management of the wider countryside to alleviate the overall pressure on biodiversity and facilitate movement of species between conservation areas, as species dispersal is likely to be the most important mechanism of species adaptation to climate change.
- III.7. Consider the following possible mechanisms for implementation of off-protected-areas management:
- regulatory prohibitions and requirements,
 - direct incentives for conservation on private land,
 - market creation and improvement, and
 - information and education instruments.
- III.8. Develop and implement effective monitoring of climate change impacts on protected areas, at both site and network levels. Research and monitoring should also be implemented to develop and assess effective adaptation action for the biological interest of protected areas and networks.
- III.9. Follow closely the experience of countries, within and outside Europe, where specific adaptation measures for biodiversity are being taken.

Appendix 8



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 144 (2009) of the Standing Committee, adopted on 26 November 2009, on the wind park in Smøla (Norway) and other wind farm developments in Norway

The Standing Committee of 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;

Pointing out that Article 1, paragraph 2, of the Convention calls on the Parties to give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species;

Pointing out that, in pursuance of Article 3, paragraph 2, of the Convention, “Each Contracting Party undertakes, in its planning and development policies and in its measures against pollution, to have regard to the conservation of wild flora and fauna”;

Recalling that Article 4 of the Convention stipulates that “Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats”;

Recalling that Article 4 of the Convention also stipulates that “The 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 minimize as far as possible any deterioration of such areas”;

Recalling that Article 4 of the Convention further stipulates 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”;

Referring to the other provisions of the Convention relating to the protection of habitats and the conservation of species;

Recalling its Recommendation No. 130 (2007), adopted on 29 November 2007, on the wind farms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria);

Recalling its Recommendation No. 117 (2005), adopted on 1st December 2005, on the plan to set up a wind farm near the town of Balchik and other wind farm developments, on the Via Pontica route (Bulgaria);

Drawing attention to its Recommendation No 109 (2004) on minimising adverse effects of wind power generation on wildlife;

Referring to Birdlife International’s report: “Wind farms and Birds: an analysis of the effects of wind farms on birds, and guidance on environmental assessment criteria and site selection issues” [document T-PVS/Inf (2003) 12];

Recognising the value of wind power and other renewable sources of energy in the fight against climate change;

Recognising the value of SEA/EIA and policy guidance to provide certainty to investors and industry, and protection for the environment, including biodiversity;

Emphasizing the need, before any decision related to the SEA and EIA processes is taken, to carry out sufficiently thorough and detailed studies to inform the selection of wind farm sites;

Recognising the international importance of the Norwegian islands for the White-tailed Eagle, as this archipelago hosts the most dense colony of the species at global level;

Aware of the precedent value that this wind park can set for future developments;

Referring to Mr Eckhart Kuijken's report (document T-PVS/Files (2009) 17) on wind farms at the Smøla Archipelago (Norway), drawn up after meetings with the Norwegian authorities and interested stakeholders and a site visit in June 2009; and his concern about impacts on migratory species;

Noting with concern that the report found that decisions on the setting up of the wind farm seem to have been based upon incomplete or partial information included in the EIAs that minimise the effects of wind farms on core breeding areas for White-tailed Eagles and other species;

Aware that information from NGOs and investors was available for consideration as part of the analysis of this case;

Considering that the sites in the Smøla Archipelago may be relevant for the implementation of the Emerald Network;

Recommends the Norwegian Government to:

1. Continue to develop regional plans which are subject to Strategic Environmental Assessment (SEA), in line with the national guidelines, taking into account cumulative effects on a wider scale, as well as carrying out the conflict assessments required for each project;
2. Before licensing a wind farm ensure the quality, independency and completeness of the Environmental Impact Assessments (EIAs) including the interpretation and the follow-up of recommendations and complaints through a transparent procedure; the results of the current NINA-project at the Smøla wind power plant must enhance the fundamental knowledge needed for improved EIA processes;
3. Accept the need for imposing mitigation measures in order to reduce the detrimental impact of the existing Smøla wind farm on birds (especially White-tailed Eagles), such as shutting down (some of) the turbines in crucial periods of the annual bird cycle (pair formation, reproduction, fledging, migration) or in periods of adverse weather conditions, taking into account the recommendations of the NINA research programme on Smøla; also envisage further reduction of mortality caused by power-lines;
4. When considering wind farm projects which have not yet been licensed, take into account the experiences and knowledge gained from the ongoing research at Smøla and other relevant projects including off-shore locations;
5. EIAs must take into account the duly formulated NINA recommendations, follow qualitative guidelines, investigate alternative sites and, to the extent possible, predict cumulative effects of wind farms;
6. The environmental authorities shall seek to strengthen investigation and mitigation measures related to wind farm licensing. The advice and comments from the environmental authorities or the complaints from NGOs are to be publicly addressed in the final decisions by the Norwegian Water Resources and Energy Directorate (NVE), in case they are not followed by the licensing authority, specifying the justification why the arguments were not taken into account;
7. Take measures to improve pre- and post-construction studies of impacts of wind farm development;

8. The priority of designating internationally important sites may not be influenced or delayed by the potential suitability for wind farm development in those areas;
9. Investigate the possibilities and consequences of non-renewal of the license for exploiting the Smøla wind farm concession by the year 2026 or consider a reduced period, and create the possibilities for due ecological restoration of the site if and when the site is abandoned;
10. Compensate the loss of natural area with ecological functions by designation of new conservation areas and by designating selected habitat types at appropriate sites or regions, taking into account the ongoing gap analysis, in order to safeguard landscape and biological diversity as two of Norway's most important assets.

Appendix 9



Convention on the Conservation of European Wildlife and Natural Habitats

Standing Committee

Bern Declaration on the conservation and sustainable use of biodiversity in Europe: 2010 and beyond

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats,

Meeting in Bern from 23 to 26 November 2009, at the invitation of the government of Switzerland, at its 29th meeting marking and celebrating the 30th anniversary of the signature of the Convention in the federal city of Bern;

Recognising the unique role of the Bern Convention in providing a co-ordinated and co-operative approach through legislative and administrative measures aimed at the conservation and sustainable use of wild fauna and flora, and natural habitats, in Europe;

Alarmed that the biodiversity target of halting biodiversity loss in the pan-European region by 2010 will not be achieved, while pressures, *inter alia* from climate change and invasive alien species, are increasing;

Recalling the 1995 Monaco Declaration on the role of the Bern Convention in the implementation of worldwide international instruments for the protection of biodiversity;

Recalling Resolution No. 7 (2000) of the Standing Committee on the medium-term strategic development of the Convention on the Conservation of European Wildlife and Natural Habitats;

Recalling the 2004 Strasbourg Declaration on the role of the Bern Convention in the preservation of biological diversity;

Acknowledging the important progress made in the application of the three instruments listed above;

Recalling the 2007 Belgrade Statement on Biodiversity adopted at the 6th Ministerial Conference "Environment for Europe";

Recalling and sharing the concern expressed in Belgrade that important drivers of biodiversity loss worldwide include governance failures, as well as the failure of conventional economics to recognise the economic values of natural capital and ecosystem services;

Welcoming in that context the pioneering work of The Economics of Ecosystems and Biodiversity (TEEB) project in drawing attention to the importance of biodiversity for economic prosperity and the need to maintain and restore our natural capital;

Recalling the commitments adopted at the Ministerial Conferences on the Protection of Forests in Europe (MCPFE), as the European policy process for the sustainable use of biodiversity in the continent's forest ecosystem;

Conscious that we are more than halfway to the 2015 deadline to achieve the Millennium Development Goals (MDGs), and recognising that greater priority must be given to preserving our natural resource base, on which we all depend, as recognised in the 2009 Report on the MDGs;

Considering the close interdependence between human rights and environmental quality, and recalling Recommendation 1885 (2009) of the Parliamentary Assembly of the Council of Europe, on drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment;

Recalling the Chair's Conclusions from the 5th Conference "Biodiversity in Europe" held in Liège (Belgium) on 22-24 September 2009;

Welcoming the momentum that the International Year of Biodiversity and the 10th Conference of the Parties to the Convention on Biological Diversity (COP-10) will bring to local, national and international efforts on biodiversity conservation in 2010;

Recalling the G-8 Declaration ("Responsible leadership for a sustainable future"), of July 2009, which underlines the need for a vision and an ambitious common framework for biodiversity beyond 2010, and endorses the "*Carta di Siracusa*" on Biodiversity;

Recalling the progress made in the process of establishing an International Platform for Biodiversity and Ecosystem Services (IPBES) in 2010;

Sharing the views expressed at the Athens biodiversity conference, that a post-2010 target should be ambitious, measurable and clear; emphasise the value of healthy and resilient ecosystems and the services they provide, and recognise the intrinsic value of biodiversity;

1. Recognises the valuable conservation work carried out under the Bern Convention for thirty years, its strong expertise and potential to continue making an important contribution to the conservation and sustainable use of biological diversity in Europe in the years to come.
2. Reaffirms the critical role played by the Bern Convention to facilitate the co-ordinated implementation of global biodiversity obligations in Europe, including relevant parts of the Convention on Biological Diversity; the Convention on Migratory Species and related agreements; and the Ramsar Convention on Wetlands.
3. Stresses the need to keep the existing strong links and co-operation with the European Commission and the European Environment Agency in order to increase efficiency and avoid duplication of efforts, in particular in the fields of invasive alien species; climate change and biodiversity; protected areas and ecological networks.
4. Calls upon Parties, observers and partners to focus efforts and resources on the implementation of the Convention and its monitoring, to promote the conservation and sustainable use of European wildlife, including migratory species, and European island biodiversity.
5. Recognises the role of the Bern Convention to promote coherence in biodiversity policies across the Pan-European region and the African countries involved.
6. Urges Parties to pursue the setting up of the Emerald Network of Areas of Special Conservation Interest, in order that it can be completed in Europe by 2020, at the latest, and developed in other regions with Contracting Parties of the Convention, and recalls the positive implications for local development that may be derived.
7. Recalls the need to improve connectivity and coherence in protected area systems and ecological networks, in order to integrate existing ecological functional systems, reduce habitat fragmentation and loss, and apply the CBD's ecosystem approach.
8. Recognises that climate policy needs to be fully complementary with biodiversity policy and that both must be developed in an integrated manner, given that there is a large potential for synergies and co-benefits between biodiversity conservation and climate change mitigation and adaptation, including ecosystem-based approaches⁵. In addition, potential risks resulting from mitigation and adaptation should be addressed.

⁵ Ecosystem-based adaptation uses biodiversity and ecosystem services in an overall adaptation strategy. It includes the sustainable management, conservation and restoration of ecosystems to provide services that help people adapt to the adverse effects of climate change. This is different from the ecosystem approach, which includes twelve steps for the integrated management of land, water and living resources to promote conservation and sustainable use in an equitable way. Source: Report of the Second Ad Hoc Technical Expert Group on Biodiversity and Climate Change «Connecting Biodiversity and Climate Change Mitigation and Adaptation» (CBD Technical Series No. 41, published in 2009).

9. Calls on European governments to provide the necessary political and financial support to address the threat of invasive alien species by focusing on its prevention, control and eradication by fully implementing the Convention's European Strategy on Invasive Alien Species, through restrictive legislation, early warning and rapid response systems.
10. Reiterates the need to devote more efforts to improving the integration of biodiversity concerns into sectoral policies, which is crucial for the long-term conservation of biodiversity and its sustainable use, and therefore notes the need to urgently engage with all economic sectors.
11. Welcomes and values the important contribution and involvement of relevant non-governmental organisations and experts, as key elements for the past and future success of the Convention.
12. Urges Contracting Parties, and invites Observer States, to use the Bern Convention as a fundamental instrument to implement the global post-2010 targets.
13. Celebrates that the Bern Convention has reached 50 Contracting Parties at its 30th anniversary; urges the two remainder members of the Council of Europe that have not yet joined the Convention to do so; and invites Belarus to consider ratification of the Bern Convention.
14. Calls Upon Parties to engage their relevant authorities to ensure that activities related to natural heritage, including biodiversity and landscape, continue to be a priority for the Council of Europe.

Appendix 10



Strasbourg, 2 December 2009
[tpvs16e_2009.doc]

T-PVS (2009) 16

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

29th meeting
Bern, Switzerland, 23-26 November 2009

**AMENDED
RULES OF PROCEDURE
OF THE STANDING COMMITTEE**

*Document prepared by
the Directorate of Culture and Cultural and Natural Heritage*

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

Standing Committee

RULES OF PROCEDURE OF THE STANDING COMMITTEE

The Standing Committee,

Having regard to the entry into force on 1 June 1982 of the Convention on the Conservation of European Wildlife and Natural Habitats,

Pursuant to Article 13, paragraph 6 of the Convention,

Adopts the present rules of procedure.

Rule 1 - Meetings

- a.* The Committee shall fix the date of its meeting in consultation with the Secretary General of the Council of Europe (hereafter called the "Secretary General").
- b.* Whenever a majority of the Contracting Parties requests a meeting, the Secretary General shall fix the date of the meeting in consultation with the Chair of the Committee.
- c.* Meetings shall be held in private.

Rule 2 - Convocation

The convocation of the meetings of the Committee shall be addressed by the Secretary General to the Contracting Parties at least two months 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 Secretary General 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 Secretary General of their agreement at least 15 days before the date previously fixed.

Rule 4 - Agenda

- a.* The Secretary General 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 he must himself 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

Subject to contrary provisions in the Convention, meeting documents shall be sent by the Secretary General 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.

Rule 7 - Quorum

A majority of the Contracting Parties shall constitute a quorum for holding a meeting of the Committee.

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, decisions of the Committee are taken by a two-thirds majority of the votes cast.
- c.* Procedural matters shall be settled by a majority of the votes cast.
- d.* 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.
- e.* 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.

Article 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 enquiries

- 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 enquiries and report back to the Committee.
- b.* Such inspections 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 Secretary General on his 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 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 6 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 can be accompanied by a *curriculum vitae* (CV) of the candidate not exceeding 600 words and may include supporting material;
 - iv. The Secretariat shall distribute the nominations and the CVs together with any supporting material in accordance with Rule 6 of these Rules of Procedure.
- b. The Chair shall conduct proceedings and sum up the conclusions whenever he thinks necessary. He may call to order a speaker who departs from the subject under discussion or from the Committee's terms of reference. He shall retain the right to speak and to vote in his 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 and a simple majority of the votes cast at the second 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 meeting. They shall execute their respective terms of office from their election onwards until the end of the 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. It shall be responsible for taking administrative and organisational decisions between meetings. The Secretariat will distribute the report of those meetings 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 his representative 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 - Amendment of the rules of procedure

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

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APPENDIX TO THE RULES OF PROCEDURE

Rules applicable to on-the-spot enquiries

1. The decision to organise a visit to a natural habitat shall lie with the Standing Committee which shall reach the relevant decision in accordance with Rule 8.b of its Rules of Procedure, subject to the agreement of the delegation of the Party within whose territory the habitat under consideration is situated.
2. In urgent cases, the Chair may authorise the Secretariat to consult the Standing Committee by post in order that a decision may be reached in accordance with the foregoing paragraph.
3. The expert detailed to carry out the visit of inspection shall be appointed by the Secretary General of the Council of Europe. He cannot be a person who represents or has represented a State on the Standing Committee, or a national of the Party in whose territory the natural habitat to be visited is situated. His appointment must be agreed by the Party concerned.
4. At the request of the Standing Committee or its Chair, the expert shall be accompanied during his visit by a member of the Secretariat and by a representative of the Party concerned.
5. The Standing Committee shall draw up precise terms of reference to be conveyed to the expert.
6. After completing his visit of inspection, 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 his report in person to the Standing Committee at one of its meetings.
7. In order to ensure that the said expert may carry out his assignment in full independence, the travel and subsistence expenses pertaining to his visit and those arising out of the presentation of his report to the Standing Committee shall be b

Appendix 11

Programme of activities and budget of the Bern Convention for the year 2010

Outline of activities

1. Monitoring of the legal application of the Convention

Long-term aim

To harmonise the legislation of Contracting Parties on biodiversity conservation and to ensure that Bern Convention obligations are converted to national legislation and applied. Monitor the implementation of Article 9 of the Convention.

Medium-term aim

To monitor case law on the Convention, to make proposals whenever the implementation of the Convention meets legal obstacles, to monitor appropriate application of obligations, to help new contracting Parties adapt their legislation to the Convention.

Short-term aim

To examine new nature conservation legislation of Contracting Parties. To elaborate reports on the implementation of the Convention in one or two states, to follow up the implementation of recommendations made to some states, to check biennial reports for possible abusive use of Article 9 of the Convention to assist new Contracting Parties in adapting their legislation to the provisions of the Convention.

Funding

Council of Europe and voluntary contributions.

Political interest

The harmonisation of biodiversity-related legislation in Europe is a necessary step in the implementation of the Convention. For states from the Caucasus and some states of South East Europe which have joined the Convention in recent years, the adoption of Bern Convention obligations permits a “modernisation” of their nature conservation legislation in accordance with “European standards” in this field.

2. Conservation of natural habitats

Long-term aim

Conservation of natural habitats and implementation of Article 4 of the Convention, as well as Resolutions (89) 1, (96) 3, (96) 4, (98) 5, (98) 6 and Recommendations (89) 14, (89) 15 and (89) 16 of the Standing Committee.

Medium-term aim

Setting up of the Emerald Network of Areas of Special Conservation Interest (ASCI) in Europe.

Short-term aim

After having carried out 30 pilot projects from 1999 to 2009, efforts are now focussed in completing the building of the network in supporting states in providing a complete description of sites in a more substantial number of areas, with a view to designating them as ASCI. In 2010 and 2011, efforts will focus on the Caucasus, Ukraine, Moldova, Russian Federation and Belarus.

Funding

Council of Europe and voluntary contributions. A project financed by the European Commission.

Methods

Evaluation of pilot projects; technical meetings at national/regional level; groups of experts and/or consultants.

As foreseen in Resolution (98) 5, this exercise is to be carried out in co-operation with the European Union. The European Union is responsible for sites in EU member states and the Council of Europe for the building of this ecological network outside EU. The European Environment Agency is a common partner for both organisations in this exercise.

Political interest

For states candidates to the EU accession, the setting up of the Emerald Network is largely perceived as an “approximation” exercise, which permits to better adapt their systems of protected areas to EU requirements. For other states non member of the EU, the Emerald Network permits a homogeneous system of protected areas at the regional level.

European Diploma of Protected Areas

Long-term aims

Use the European Diploma of Protected Areas to reward and encourage natural and semi-natural areas and landscapes that are of special European importance for the preservation of biological, geological and landscape diversity and are managed in an exemplary way. Establish a series of areas that can serve as reference points for heritage conservation and for promoting sustainable development models.

Medium-term aims

Regularly monitor Diploma areas, particularly as regards implementation of the recommendations made when European Diplomas are awarded or renewed. Organise, every five or ten years, a fresh on-the-spot appraisal by an independent expert, whose main duties will be to ensure that the conditions imposed when the Diploma was awarded or last renewed are still being satisfied and to produce a new expert appraisal reporting on any progress made or any deterioration likely to affect the area.

Short-term aims

Examine applications for the European Diploma sent in by the member state governments and submitted to a group of specialists. Examine the reports sent every year to the secretariat by each Diploma area manager, describing developments on site. Organisation of a Seminar of managers of areas holding the European Diploma to exchange experiences, examining both good and bad practices in the protection and management of the awarded areas.

Funding

Council of Europe and voluntary contributions.

Methods

Group of specialists. Expert appraisals. Annual reports. Resolutions presented to the Committee of Ministers concerning the award, renewal or non-renewal of Diplomas to areas.

Political interest

The European Diploma of Protected Areas is a prestigious international award granted to areas with suitable conservation schemes. These areas comprise a full cross-section of the extraordinary variety of natural and cultural heritage in Europe and offer encouragement to the nature conservation work of all the countries in which they are located, as well as affording a practical opportunity for their managers to exchange views and experience.

3. Monitoring species and encouraging conservation action

Long-term aim

To record the conservation status of the populations of species in the appendices of the Convention and detect problem populations, so as to reverse negative trends. To propose common

management standards through action plans. Monitoring of the implementation of Articles 5, 6, 7 and 8 of the Convention. Implementation of numerous Recommendations of the Standing Committee on species protection.

Medium-term aim

Drawing-up and follow-up the implementation of Action Plans for threatened species, establishment of strategies for the protection of some groups of species, elaboration of red lists, identification of threats to biological diversity in different ecosystems, prevention of effects of invasive alien species. Identifying and promoting conservation work on biodiversity hot-spots.

Short-term aim

Input into the Conference of the Parties to the Convention on Biological Diversity (CBD COP-10) and its subsidiary technical body (SBSTTA-14). Implementation of the European Plant Conservation Strategy, monitoring of implementation by Parties of species action plans for birds and large carnivores, elaboration and implementation of action plans for threatened amphibians and reptiles, implementation of the European Strategy on Invasive Alien Species, implementation of the European Strategy on Conservation of Invertebrates.

Funding

Council of Europe, voluntary contributions, budgets of partner organisations.

Methods

Working groups, workshops, studies.

This activity is to be largely implemented in co-operation with the European Environment Agency and through collaboration with special partners with particular knowledge in the groups of species concerned (Secretariats of agreements under the Bonn Convention, Barcelona Convention, IUCN, Large Carnivore Initiative for Europe, Large Herbivore Initiative, BirdLife, Societas Europea Herpetologica, Planta Europa, European Invertebrate Survey and others).

Political interest

These set of activities permits to take a pro-active approach to species conservation and to implement Articles 5, 6 and 7 of the Convention, as well as to contribute to the implementation, at European level, to many of the obligations of the United Nations Convention on Biological Diversity (Rio de Janeiro, 1992). Such work is also necessary for harmonisation at European level on data collection and to set a common European approach to species conservation.

4. Sectoral policies and biodiversity conservation

Long-term aim

To preserve wild species and natural habitats in coastal marine ecosystems, in agricultural systems and valuable semi-natural agricultural habitats and forests. Implementation of Recommendation (91) 25 of the Standing Committee. Implement obligations of Article 2 and of relevant obligations of the Convention on Biological Diversity. Introduction of biological diversity considerations into sectoral policies is an important permanent activity as success in conservation of biological diversity relies in a great part in how it is integrated in other policies.

Medium-term aim

Identification of processes affecting loss of wild biological diversity, identification of species and habitat-types at risk by intensification or neglect. Setting-up of models to monitor change in wildlife outside protected areas. Preparation of meetings of the Convention on Biological Diversity and of its technical body. Monitoring of effects on biodiversity of sectoral policies (energy, transport, agriculture, forestry, hunting, etc.).

Short-term aim

Identification of main threats and proposal on a strategy to monitor wildlife outside protected areas or areas of high biological value. Study of effects on biodiversity of wind energy. Preparation of a

European Charter on Angling and Biodiversity, in a complementary way to the European Charter on Hunting and Biodiversity, adopted in 2007.

Funding

Council of Europe and voluntary contributions.

Methods

Consultant/Groups of experts.

Political interest

The over-exploitation of marine resources, the urbanisation and degradation of coastal areas and the rapid change of farming and forestry practices and livestock raising are having a serious effect on wildlife and natural habitats. The public is worried about the changes in landscapes and the loss of biological diversity. This is also one of the main priorities of the Convention on Biological Diversity.

5. Monitoring of sites and populations at risk and emergencies

Long-term aim

Monitoring of the implementation of the obligations of the Convention by Parties by examination of cases and eventual opening of files.

For emergencies: development of a task force of experts that may have the possibility to act rapidly in a situation of grave ecological damage as a result of a catastrophe, an accident or a conflict situation.

Medium-term aim

Follow up of files already opened and examination of the positive effect the Convention has had in their resolution.

For emergencies: identify experts relevant in different environment sectors in relation to the issues dealt with at the Bern Convention.

Short-term aim

Evaluate the file system and suggest improvements, to cover cases in which a “brokerage” action is needed but are not necessarily connected to potential branch of the Convention.

For emergencies: contact potential experts and donors.

Funding

Council of Europe and voluntary contributions.

Methods

Reports, on the spot appraisals, groups of experts, training.

Political interest

The case file system is regarded by non-governmental organisations as the most effective instrument to monitor the implementation of the Convention. It is a very effective way to open a debate on problem areas and threatened populations of species and permits a certain “brokerage” action by the Standing Committee, which helps to solve many problems. Contracting Parties have shown great interest to reach solutions that can be acceptable to the Standing Committee, which reinforces the interest of the Convention for Parties.

For emergencies: the establishment of a task force would permit the Convention to be rapidly present in areas that receive high attention by the media and governments alike, improving visibility of the Convention.

6. Awareness and visibility

Long-term aim

Promote and disseminate general information on the need to conserve species of wild flora and fauna and their habitats (Article 3, paragraph 3). Keep the public informed about the activities undertaken within the framework of the Convention (Article 14, paragraph 1).

Medium-term aim

Make the Convention better known in Contracting Parties and decision makers more aware of the interest of European biological diversity.

Short-term aim

To guide present Council of Europe awareness instruments to take greater interest in the Convention. Maintenance of Web page. Continuation of traditional paperback technical publications. Preparation of outreach materials informing about the Convention, its importance and role.

Funding

Council of Europe and voluntary contributions.

Methods

Publications/Website/oral presentations.

Political interest

Visibility of the action of the Council of Europe has been set as one of the priorities for its Committee of Ministers, so a greater information on Bern Convention activities can only help re-enforce the political support of concerned governments.

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Note:

This programme of activities is implemented with the help and in collaboration with a number of conventions, organisation and initiatives. Memoranda of co-operation have been concluded with the European Environment Agency and the Convention on Biological Diversity. Privilege partners in the implementation of the programme of activities are, *inter alia*, the European and Mediterranean Plant Protection Organisation (EPPO), Planta Europa, BirdLife International, IUCN, WWF, Large Carnivore Initiative for Europe (LCIE), Large Herbivore Initiative (WWF-LHI), Societas Europea Herpetologica (SEH), and the European Invertebrate Survey (EIS).

Activities for 2010

in Euros

1. Monitoring of the legal application of the Convention		
<p>1.1 Reports of the implementation of the Convention in at least one Contracting Party and legal assistance to new Contracting Parties</p> <p>Reports providing a legal analysis of the implementation of the Convention in two Contracting Parties, suggesting ways to improve such implementation and adapt it to the provisions of the Convention (for new Parties)</p> <p><i>Fixed appropriation for consultants</i></p>		6,000
2. Conservation of natural habitats		
<p>2.1 Group of experts on protected areas and ecological networks</p> <p><i>Terms of reference</i> To do the necessary work to implement Recommendation No. 16 (1989) on areas of special conservation interest. The group will review the technical documents prepared by the experts and make proposals to build up the Emerald Network.</p> <p><i>Travel and subsistence expenses for one expert from each of the following 22 states:</i> ALBANIA, ARMENIA, AZERBAIJAN, BOSNIA AND HERZEGOVINA, BULGARIA, CROATIA, CZECH REPUBLIC, ESTONIA, GEORGIA, LATVIA, LITHUANIA, MOLDOVA, MONACO, MOROCCO, ROMANIA, RUSSIA, SERBIA, MONTENEGRO, SLOVAKIA, "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA", TURKEY, UKRAINE</p> <p><i>Travel and subsistence expenses for 1 consultant.</i></p>	Strasbourg, 2 days	19,000
<p>2.2 European conference on protected areas and ecological networks</p> <p><i>Travel and subsistence expenses for ten delegates</i></p>	Madrid, 3 days	25,000
<p>2.3 Pilot projects for the setting-up of the Emerald Network at national level in some states</p> <p>Financial contribution for the setting-up of the Network in 2 States (tbc)</p>		20,000
<p>2.4 Group of Specialists on the European Diploma of Protected Areas</p> <p><i>Travel and subsistence expenses for eight delegates</i></p>		8,000
<p>2.5 Consultants</p> <p>Consultants will be hired to manage the setting-up of the Emerald Network and to do the necessary technical work required, included software, lists, handling of data, etc.</p>		10,000
3. Monitoring of species and encouraging conservation action		
<p>3.1 Biodiversity and Climate Change</p> <p>- Group of Experts on Biodiversity and Climate Change</p> <p><i>Terms of reference:</i> Recognising the need to adapt conservation work to the challenges of climate change so as to minimise its impact on the species and natural habitats protected under the Convention, the Group of Experts will provide guidance to Parties on understanding climate change impacts and threats, and developing appropriate measures in national policies regarding the species and habitats protected under the Bern Convention.</p>	Iceland, 3 days	

<p><i>Travel and subsistence expenses for 1 expert from each of the following 18 states:</i> <i>ALBANIA, BOSNIA AND HERZEGOVINA, BULGARIA, DENMARK, FRANCE, GERMANY, ICELAND, LATVIA, NETHERLANDS, MOROCCO, NORWAY, PORTUGAL, SERBIA, SPAIN, SWEDEN, TURKEY, UKRAINE, UNITED KINGDOM</i></p> <p>Participants: All Contracting Parties Observers: All observer states and qualified organisations active in this field.</p> <p><i>Travel and subsistence expenses of consultants</i></p> <p><i>Consultants to prepare draft reports for consideration by the Group of Experts</i></p>		<p>24,000</p> <p>6,000</p> <p>18,000</p>
<p>3.2 Conservation of Large Carnivores</p>		
<p>These activities are carried out in co-operation with the Large Carnivore Initiative for Europe (LCIE), a number of regional working groups have been established to monitor implementation of European action plans.</p>		
<p>Workshop on Large Carnivores in Turkey: <i>Travel and subsistence expenses of six experts</i></p>	<p>(Ankara), 3 days</p>	<p>5,000</p>
<p>Workshop on Large Carnivores in the Caucasus: <i>Travel and subsistence expenses of ten experts</i></p>	<p>(Tbilisi), 2 days</p>	<p>15,000</p>
<p>3.3 Invasive Alien Species</p>		
<p>- Working Group of IAS</p> <p>Meeting of consultants preparing reports and studies to follow-up on the meeting of the Group of Experts held in Croatia in May 2009.</p>	<p>(Rome), 1 day</p>	
<p><i>Travel and subsistence for five consultants</i></p>		<p>6,000</p>
<p>- Conference on invasive plants in the Mediterranean region</p> <p><i>Travel and subsistence grants for 12 participants</i></p>	<p>(Trabzon, Turkey) 1 day</p>	<p>6,000</p>
<p>- National workshop on IAS in Armenia (tbc)</p>	<p>Yerevan, 2 days</p>	<p>8,000</p>
<p>3.4 Island Biodiversity</p>		
<p>- Group of Experts on Island Biodiversity</p>		
<p><i>Terms of reference:</i> Identify specific conservation problems of biological diversity in European islands, registering threatened endemics, identifying island species and habitat-types at risk from global change, networking regional experts and contributing to the CBD's programme of work on island biodiversity, proposing special conservation solutions for European islands, liaising with the Group of Experts on Biodiversity and Climate Change regarding the impacts of climate change on island biodiversity in Europe.</p>		
<p><i>Travel and subsistence expenses for one expert from each of the following 14 States:</i> <i>CROATIA, CYPRUS, FRANCE, GREECE, ICELAND, IRELAND, ITALY, MALTA, NORWAY, PORTUGAL, SPAIN, TUNISIA, TURKEY, UNITED KINGDOM</i></p>		<p>20,000</p>

	<i>Travel and subsistence for three consultants</i>		3,000
	<i>Consultants</i>		12,000
3.5	European workshop on hamster conservation (to be confirmed)	Germany/Hungary (tbc) 2 days	
	<i>Travel and subsistence grants for 8 participants</i>		6,000
4 Sectorial policies and biodiversity conservation			
4.1	European Charter on Angling and Biodiversity	1 meeting, Strasbourg, 1 day	
	Preparation of a Charter complementary to the 2007 European Charter on Hunting and Biodiversity, providing Parties with principles and guidelines for sustainable angling activities.		
	- Consultant and Working group		20,000
	Terms of reference: To prepare a draft Charter on Angling and Biodiversity for submission to the Standing Committee		
5. Monitoring of sites and populations at risk and Emergencies			
5.1	On-the-spot visits		
	On-the-spot visits, by independent experts designated by the Secretary General to examine threatened habitats and travel and subsistence expenses incurred by such experts to inform the Standing Committee or its groups of experts		8,000
5.2	Sites at risk as a result of an emergency		
	Fixed appropriation to cover expenses for reports, travelling of experts or Secretariat to areas under a particular environmental stress as a result of natural catastrophes or accidents caused by man. It includes assistance to areas under political or military conflict. It may cover training of specialists, aid to establish environmental monitoring. This chapter will only be used under instruction of the Bureau and will be paid for both from the Council of Europe or by voluntary contributions.		
	<i>Fixed appropriation for consultant</i>		p.m.
6. Awareness and visibility			
	Funds for the conception, the translation, the photocomposition and publication of technical documents, posters, brochures, stickers, postcards, making of buttons, and other documents. It includes publication on Internet and conception and update of a Website.		20,000
7. Operational expenditure of the Standing Committee's Secretariat			
7.1	Chair's expenses		
	Fixed appropriation to cover travel expenses to attend the meetings of the Standing Committee and of the Bureau		
	Fixed appropriation to cover travel and/or subsistence expenses incurred by the Chairman or delegate T-PVS after consultation with the Secretary General. Expenses of the Chair to attend the meetings of the Standing Committee		4,000

7.2 Delegates of African states and some delegates of Central and Eastern Europe		
Travel and subsistence expenses incurred by the delegates of African states to attend the Standing Committee meeting or other meetings organised under its responsibility		7,500
Travel and subsistence expenses incurred by some delegates from Contracting Parties of Central and Eastern Europe (on a temporary basis and after decision of the Bureau) to attend the Standing Committee meeting.		8,000
7.3 Travel of experts and Secretariat		
Travel and subsistence expenses incurred by experts to attend meetings of special relevance under instruction from the Committee of the Chair, and Secretariat official journeys.		18,000
7.4 Meetings of the Bureau		
Travel and subsistence expenses incurred by the members of the Bureau to attend the Bureau meetings		15,000
Secretariat: Staff and office costs		
7.5 Permanent staff (provided by the CoE): Part-time Head of Unit, Administrator, Principal Administrative Assistant, Administrative Assistant		268,373
7.6 Temporary staff		66,875
7.7 Office costs for temporary staff		32,000
7.8 Overheads (interpretation, translation and printing of documents)		80,700
TOTAL		764,448

The Bern Convention Special Account will be used to cover expenses that cannot be covered by the ordinary budget of the Council of Europe.

The Council of Europe is expected to provide around €547.573 in 2010 (€279,200 for financing the programme of activities, and €268,373 for staff costs). Parties are expected to provide new voluntary contributions in 2010. A detailed report on 2009 expenditure and a list of voluntary contributions was presented to the Committee for information.

Bern Convention Programme of Activities and Budget for 2010 (Summary)

in Euros

1. Monitoring of the legal application of the Convention		
1.1	Reports on the implementation of the Convention in one Contracting Party	6,000
2. Conservation of natural habitats		
2.1	Group of experts on protected areas and ecological networks	20,000
2.2	European conference on protected areas and ecological networks	25,000
2.3	Pilot projects for the setting-up of the Emerald Network at national level in some States	20,000
2.4	Group of Specialists on the European Diploma of Protected Areas	8,000
2.5	Consultants	10,000
3. Monitoring of species and encouraging conservation action		
3.1	Biodiversity and Climate Change	48,000
3.2	Large Carnivores	20,000
3.3	Invasive Alien Species	20,000
3.4	Island biodiversity	35,000
3.5	Hamster conservation	6,000
4. Sectorial policies and biodiversity conservation		
4.1	European Charter on Angling and Biodiversity	20,000
5. Monitoring of sites and populations at risk and emergencies		
5.1	On-the-spot visits	8,000
5.2	Sites at risk as a result of an emergency	p.m.
6. Awareness and visibility		
		20,000
7. Operational expenditure of the Standing Committee's Secretariat		
7.1	Chair's expenses	5,000
7.2	Delegates of African states and of some delegates of Central and Eastern Europe	15,500
7.3	Travel of experts and Secretariat	18,000
7.4	Meetings of the Bureau	15,000
	Secretariat: Staff and office costs	
7.5	Permanent staff (provided by the CoE)	268,373
7.6	Temporary staff	66,875
7.7	Office costs for temporary staff	32,000
7.8	Overheads (interpretation, translation and printing of documents)	80,700
TOTAL		764,448

Appendix 12



Strasbourg, 4 December 2009
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T-PVS (2009) 15 rev.

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

29th meeting
Bern, 23-26 November 2009

**Comments of the Standing Committee of the Bern
Convention on Recommendation 1883 (2009) of the
Parliamentary Assembly of the Council of Europe
on “The challenges posed by climate change”**

*Secretariat Memorandum
prepared by
the Directorate of Culture and Cultural and Natural Heritage*

CONTENTS

Appendix 1

Recommendation 1883 (2009) of the Parliamentary Assembly of the Council of Europe,
on “The challenges posed by climate change”

Appendix 2

Comments of the Standing Committee

1. On 29 September 2009, the Plenary of the Parliamentary Assembly of the Council of Europe adopted Recommendation 1883 (2009) on “The challenges posed by climate change” (Appendix 1).
2. At its 1068th meeting, on 21 October 2009, the Committee of Ministers of the Council of Europe examined Recommendation 1883 and decided to communicate it to the Standing Committee of the Bern Convention for information and possible comments by 31st December 2009.
3. The Secretariat prepared draft comments to Recommendation 1883 (2009).
4. The Standing Committee of the Bern Convention took note of the draft comments presented and adopted them at its 29th meeting, on 26th November 2009. The comments are included in Appendix 2



Appendix 1

Parliamentary Assembly
Assemblée parlementaire**Recommendation 1883 (2009)****The challenges posed by climate change**

1. The Parliamentary Assembly, referring to its Resolution 1682 (2009) on The challenges posed by climate change, asks the Committee of Ministers to ensure that it is applied by member states and observer countries.
2. The Assembly recalls its other relevant texts which should be taken into consideration when applying Resolution 1682 (2009), namely Recommendation 1823 (2008) on global warming and ecological disasters; Resolution 1655 (2009) and Recommendation 1862 (2009) on environmentally induced migration and displacement: a 21st century challenge; Recommendation 1879 (2009) on renewable energies and the environment; Resolution 1679 (2009) on nuclear energy and sustainable development; Resolution 1588 (2007) on radioactive waste and protection of the environment; Resolution 1552 (2007) on capture of carbon dioxide as a means of fighting climate change; Recommendation 1653 (2004) on environmental accounting as a sustainable development tool; Resolution 1449 (2005) on the environment and the Millennium Development Goals, and Resolution 1596 (2008) on protection of the environment in the Arctic Region.
3. The Assembly also recalls Recommendation No. 135 (2008) “Addressing the impacts of climate change on biodiversity” adopted by the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and relevant texts of the Congress of Local and Regional Authorities of the Council of Europe, in particular, Recommendation 243 (2008) and Resolution 262 (2008) on public, local and regional action: for a new energy culture; Resolution 247 and Recommendation 230 (2008) on local and regional authorities committed to sustainable consumption; Resolution 248 and Recommendation 231 (2008) on climate change: building adaptive capacity of local and regional authorities.
4. The Assembly invites the Committee of Ministers to adopt climate change as one of its core priorities and to instruct the relevant bodies of the Council of Europe to consider addressing this vital issue in their respective activities and therefore:
 - 4.1. strengthen co-ordination of existing activities related to climate change across different bodies and through the different managing structures of the Council of Europe intergovernmental programmes, including the Bern Convention and the Pan-European Biological and Landscape Diversity Strategy (PEBLDS), the European Conference of Ministers responsible for regional/spatial planning (CEMAT), the European and Mediterranean Major Hazards Agreement (EUR-OPA), the European Committee on Migration (CDMG) and other services in the Directorate of Culture, Cultural and Natural Heritage, and invite other relevant sectors to join;
 - 4.2. explore the linkages between climate change and human rights in Europe, including the implications of climate change-related impacts on the effective

enjoyment of human rights, and the role that human rights obligations can play in strengthening international policy making in the field of climate change;

4.3. communicate widely current Council of Europe activities related to climate change.

5. In view of the preceding, the Assembly draws attention to its Recommendation 1885 (2009) on drafting an additional protocol to the European Convention on Human Rights, concerning the right to a healthy environment and Recommendation 1862 (2009) on environmentally induced migration and displacement: a 21st century challenge and reiterates its request to the Committee of Ministers to instruct the relevant expert committee to draft a new Protocol to the European Convention on Human Rights enshrining the right to a healthy and viable environment as a human right.

6. The Assembly also invites the Congress of Local and Regional Authorities of the Council of Europe to urge local and regional authorities to take the necessary action to reduce greenhouse gas emissions and to deal with the effects of climate change.

Appendix 2

**COMMENTS OF THE STANDING COMMITTEE OF THE BERN CONVENTION CONCERNING
RECOMMENDATION 1883 (2009) OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF
EUROPE ON “THE CHALLENGES POSED BY CLIMATE CHANGE”**

The Bern Convention’s Standing Committee:

1. Welcomes Recommendation 1883 (2009) of the Parliamentary Assembly and its invitation to adopt climate change as one of the core priorities of the Council of Europe, instructing the relevant bodies of the CoE to consider addressing this vital issue in their respective activities;
2. Values the good ongoing co-ordination with the Parliamentary Assembly on this issue;
3. Welcomes the specific reference made in the second paragraph of Recommendation 1883 (2009) of Recommendation No. 135 (2008) of the Standing Committee of the Bern Convention on “Addressing the impacts of climate change on biodiversity”, adopted in November 2008;
4. Shares the views of the Assembly as to the need to strengthen co-ordination of existing activities related to climate change across different bodies and through the different managing structures of the Council of Europe intergovernmental programmes;
5. Agrees with the Parliamentary Assembly about the need to explore the linkages between climate change and human rights in Europe, and recalls the report on ‘Human rights and climate change’ (ref. T-PVS/Inf (2009) 4) submitted for information to the meeting of the Group of Experts on Biodiversity and Climate Change held in July 2009;
6. Stresses the importance to communicate widely ongoing activities related to climate change carried out at the Council of Europe;
7. Informs the Assembly of the new Recommendation No. 143 (2009) of the Standing Committee of the Bern Convention on “further guidance for Parties on biodiversity and climate change”, adopted on 26th November 2009, and which complements Recommendation 135 (2008);
8. Invites the Parliamentary Assembly to continue collaborating with the Bern Convention on matters of common interest, including the preparation of two forthcoming reports at the Assembly: one on “Biodiversity and climate change”, and another on “The need to assess progress in the implementation of the Bern Convention”.

Appendix 13
**Voluntary contributions to the Bern Convention
received in 2009 (in alphabetical order)**

Andorra	1,200€
Belgium	10,000€
European Commission	10,000€
European Environment Agency	56,000€
Finland	7,000€
Iceland	10,000€
Luxembourg	308€
Monaco	18,000€
Norway	25,500€
Slovakia	1,500€
Spain – pm*	43,000€
Switzerland	21,500€
United Kingdom	21,500€
<u>TOTAL</u>	<u>204,008€</u>

* Spain made a contribution of 150,000€ to the Council of Europe to organise the conference “*Post-2010 Biodiversity Vision and Target - The role of Protected Areas and Ecological Networks in Europe*”, to be held in Madrid on 26-27 January 2010.

Addendum to document:

- “Chairman’s report”, delivered on Monday 23rd November 2009:
- Statement by the CBD Executive Secretary, Dr. Ahmed Djoghlaif

**“Chairman’s report”
on Monday 23rd November 2009:**

- First, our sincere thanks to **Mr. Moritz Leuenberger, minister (Conseiller fédéral), Head of the Federal Department of Environment, Transport, Energy and Communications**, for honouring us with his presence in the opening session of our meeting, as well as **Ms. Catherine Bellini, his special adviser**.
- Our sincere thanks also to **the Swiss staff** for all the administrative and logistical support provided during the preparation of the meeting.
- And a special and warm thanks to our good colleague, the Swiss delegate in the Standing Committee, **Mr. Olivier Biber**, who has worked hard behind the scenes to make this meeting come true here in Bern.
- Again I welcome all the delegates to this 29th meeting of the Standing Committee, including **Contracting Parties, observer countries, representatives from other international biodiversity conventions, international intergovernmental and non-governmental organisations, as well as national NGO’s and independent experts**.
- This year is not only the 30th anniversary of the signature of the Convention, but it also marks the “maturity” of the membership of the Bern Convention, having reached 50 Contracting Parties.

The Convention has now 50 Contracting Parties, with Bosnia and Herzegovina participating as full Party at this meeting, while Montenegro has completed its ratification procedure and the Convention will enter into force in that country in February 2010. Georgia deposited its instrument of ratification 19th of November, bring the number of Parties to 50 in this anniversary year!

- The Bureau has been busy this year reviewing the programme of activities, as well as dealing with the complaints received and the treatment of the various case files. This year, it has also looked into possible options for changes in the membership of the Bureau and elections of its members. We will discuss these options later today as well as related proposals for amendments of the Rules of Procedure .
- Regarding the Programme of Activities for 2009, all planned activities have been successfully carried out, except for the preparation of a draft Charter on Angling and Biodiversity, which has been postponed to 2010 due to unavailability of the consultant in this year. All the planned meetings of the expert groups were held according to schedule. Later on we will have reports from these groups, The Invasive Species group, the one on Biodiversity and Climate Change, the new group on Island Biodiversity and the Emerald group - and deal with their proposed recommendations.
- The running of the programme of activities scheduled for 2009 in a satisfactory and efficient way is primarily the work of our good and very competent Secretariat which has managed the task along with several other duties. We thank all the members of the Secretariat and not the least the head of the Secretariat, Carolina Lasen-Diaz, for their work as well as their important part in preparing this meeting of the Standing Committee.
- The main task of the Bureau is to take administrative and organizational decisions in between meetings of the Standing Committee. The atmosphere at the Bureau meetings has been very friendly and relaxed and all pending issues solved without difficulties. For this I thank not only my Bureau colleagues, the former Chair, Veronique Herrens Schmidt and the Vice-chair Jan Plesnik, but also our good staff at the Council of Europe.
- In 2009, our activities have continued to be carried out in co-operation with the Convention on Biological Diversity and other international biodiversity conventions. A good example is the finalisation of a Memorandum of Co-operation with the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), which will be formally signed at the end of our meeting this afternoon.

- In addition, we have continued our partnership with relevant international organisations, governmental and non-governmental. In this case, I'd like to highlight the ongoing co-operation with the European Environment Agency, and a new agreement under discussions to continue the development of the Emerald Network. The Secretariat has also agreed on a Memorandum of Co-operation with IUCN, to replace the Agreement signed back in 1962 (long before Bern Convention!) between the Council of Europe and IUCN. This time, the agreement focuses on improving synergies and co-operation on matters dealt with by the Bern Convention.
- I would like to stress as well the important coordination and exchange of information carried out on a regular basis with the European Commission. I welcome the new focal point for the Convention in DG Environment, Ms Marta KACZYNSKA, and offer her my full co-operation and assistance. The Bern Convention Secretariat participates actively in the meetings of the EU Coordination Group for Biodiversity and Nature, and this year it was also invited to the EU Nature Directors meeting hosted by the Czech Republic in May 2009. In addition, we participate in the European Commission ad hoc expert group on biodiversity and climate change.
- This year, the Bern Convention has followed the ongoing debates on the post-2010 targets, both at the EU- and international level. We intend to make practical contributions next year at the Conference in Madrid on "Post-2010 Biodiversity Vision and Target - The role of Protected Areas and Ecological Networks in Europe", to be held at the beginning of the International Year of Biodiversity. We have participated actively in the preparation of the conference in close cooperation with the Spanish hosts and the European Commission.
- Finally, as regards co-operation with the EU, I would like to thank the European Commission for their financial support of the project "Support for the implementation of the CBD's Programme of Work on Protected Areas in the EU Neighbourhood Policy East Area and Russia". This 3-year project aims to identify part of the potential Emerald sites in seven countries of Central and Eastern Europe and the South Caucasus. The first meeting of the Steering Committee of the project was held in Strasbourg in September 2009.
- Next year will be critical for biodiversity conservation and sustainable use, as we take stock of the 2010 target and decide on a future vision and targets. By the time of our next meeting, at the end of next year, the United Nations General Assembly high-level event on biodiversity, and CBD COP-10 will have taken place. We will therefore have an opportunity at our next Standing Committee meeting to discuss the outcomes of decisions taken at the global level.
- In the meantime, the Bern Convention will participate actively in the CBD SBSTTA-14 meeting to be held in Nairobi in May 2010, as well as in CBD COP-10 in Japan next October. At these meetings there will be three priority issues for the Bern Convention on the agenda for in-depth consideration by the CBD: Biodiversity and Climate Change, Protected areas, and Sustainable use. For the first one, we plan to organise a joint side-event with the European Commission at SBSTTA-14 to showcase Europe's work on biodiversity and climate change, including the guidance developed by the Bern Convention.
- Dear colleges. The Bern Convention came into force in 1982. In its 27 years of existence it has proven to be a very important and effective tool to achieve our common aims to conserve the wild nature of Europe. It is in fact the common foundation of the nature conservation legislation in Europe and possibly the main reason for our success in harmonising national legislations. It has not only been the platform for close co-operation between countries on nature conservation issues but also an important forum for a necessary dialogue between governments and NGO's, something that has proven to be invaluable throughout the years.
- We must recognise that the Bern Convention has turned out to be a more solid and flexible instrument than anticipated by many some years ago. Being 30 years old it is one of the oldest environmental treaties which have nevertheless kept in line with changing times. The Convention has adjusted to new thinking, to new challenges and evolved to keep its position as the main legal instrument for nature conservation in Europe and neighbouring countries. Also it has established itself by its various programmes, strategies and other activities as an important regional implementation tool for the global UN Convention on biodiversity, the CBD.

- This 29th meeting of the Standing Committee marks the 30th anniversary of the Bern Convention at a critical time for biodiversity in Europe and beyond. I therefore call on all of you to join efforts to agree on a meaningful vision for the future of biological diversity in Europe. We all recognise that the 2010 target to halt the loss of biodiversity will not be reached. But it has generated important actions for sustainable use and conservation of biodiversity at national, regional and global level. The target to halt the loss of biodiversity is still valid and even more urgent than before. There is a need for a similar, ambitious overall target beyond 2010, emphasizing the intrinsic value of biodiversity and the need for healthy ecosystems for human well being.
- Later on we will be discussing a draft Bern Declaration addressing the issue and hopefully adopting a meaningful and ambitious Declaration to take away from this anniversary meeting here in Bern. A Declaration that helps us create a clear vision for the future.
- In this context, I would like to remind us all of the progress made since the Rio Summit in 1992 and the need to concentrate our energies to improve the state of Europe's natural heritage. I believe that the Bern Convention is a unique instrument to help European countries achieve this goal in the years to come.



**Statement by Mr Ahmed DJOGHLAF,
Executive Secretary of the Convention on Biological Diversity**

**on the occasion of the
twenty-ninth meeting of the
Standing Committee of the Convention on the Conservation of European Wildlife and
Natural Habitats (Bern Convention)**

Bern, 23-26 November 2009

Ladies and Gentlemen,

One year ago, in Strasbourg, I had the immense privilege of attending for the first time the twenty-eighth meeting of your Standing Committee, which coincided with the celebration of the sixtieth anniversary of the adoption by the General Assembly of the United Nations of the Universal Declaration of Human Rights. The meeting took place sixth month after the signature in Bonn on the margins of the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity of the enhanced Memorandum of Understanding between our two conventions. This Memorandum is of great significance, as our two conventions are critical tools in the fight to preserve the world's natural resources. The Bern Convention is among the earliest legally binding legislation on biodiversity protection, while the Convention on Biological Diversity is the premier international instrument allowing all nations of the world to come together for the conservation, sustainable use of biodiversity and access and fair and equitable sharing of genetic resources. With the recent accession of Iraq and Somalia, the Convention has now 193 Parties and we hope to be joined in the early future by Andorra. We also hope to that the family of all nations without exception will gather in Nagoya, Aichi Prefecture, Japan, at the tenth meeting of the Conference of the Parties.

Your meeting today is taking place at the occasion of the thirtieth anniversary of your Convention. It is taking place in the same city where the Convention was born. It is therefore taking place at the right time and the right place to ponder on past achievements but, most importantly, to shape the way forward of the new Bern Convention in sync with today's world and its institutions.

The capacity of the planet to continue providing its goods and services is being seriously undermined by anthropogenic factors. Life on Earth is under siege everywhere. Because of human activities, some 20 per cent of the world's coral reefs have been effectively destroyed, and approximately 24 per cent of remaining reefs are under imminent risk of collapse. A third of all assessed freshwater species are threatened with extinction, with overall population levels having declined by 30 per cent. Over the last 25 years, 3.6 million hectares of mangroves, about 20 per cent of the total extent found in 1980, have disappeared worldwide. Forests have completely disappeared in 25 countries, and another 29 countries have lost more than 90 per cent of their forest cover. The list goes on: approximately 60 per cent of the Earth's ecosystem services have been degraded in the last 50 years, with human impacts being the root cause.

It is for this reason that in 2001 in Göteborg, the leaders of the European Union decided to stop the loss of biodiversity in 2010 and, a year later, the 110 Heads of State and Government attending the Johannesburg World Summit on Sustainable Development decided to substantially reduce the rate of loss of biodiversity by 2010. Your meeting today in Bern is taking place less than 38 days before the dawn of 2010 and, unfortunately, we have failed to fulfil our commitment. Last September, in

Strömstad at the leaders of the European Union confirmed the Athens message that 2010 will not be met in Europe in spite substantial progress achieved. The same message has been confirmed by the 86 national reports received by the Convention Secretariat. In that connection, would like to call upon the Europeans countries that have not done so to submit their national as soon as possible and no later than the end of this year.

Based on the national reports submitted by Parties, the third edition of the Global Biodiversity Outlook will be issued on 10 September 2010 and will guide the negotiation on the new Strategic Plan of the Convention on Biological Diversity covering the period 2011-2020. The Plan will include a 2050 biodiversity vision and 2020 biodiversity targets associated with means of implementation and monitoring and evaluation. Last week in Montreal, the joint meeting of the bureaux of the Conference of the Parties to the Convention on Biological Diversity and its Subsidiary Body on Scientific, Technical and Technological Advice reviewed the draft Strategic Plan prepared by the Secretariat and I have the pleasure to submit to you and to the members of the Bern Convention the draft and invite you to offer us your comments and suggestions.

On the 9 November, the Aichi-Nagoya international e-conference on biodiversity was launched to seek the views of a larger audience. The final version will be submitted to the Parties in February 2010. I would like therefore to pay tribute to you for the suggestion to adopt the Bern Declaration on the conservation and sustainable use of biodiversity in Europe on 2010 and beyond and I look forward to receiving the final version. I also look very much forward to the collective and individual contribution of the members of the Bern Convention to contribute to the success of the celebration of the 2010 International Year on Biodiversity. The official launch of this unique event will take place in Berlin on 11 January under the leadership of Dr. Angela Merkel, the Chancellor of Germany. It will be followed on 21-22 January by a high-level event in Paris at the headquarters of UNESCO as well as by an event to be convened in Madrid under the Spanish Presidency of the European Union. The International Year will culminate by a high-level event during the sixty-fifth session of the United Nations General Assembly to be held in New York on 20 September with the participation of Heads of State and Government and it will be closed on 11-12 December 2010 in Kanazawa, Ishikawa Prefecture, Japan. The closing ceremony will also coincide with the launch of the 2011 International Year of Forests to be organized in partnership with the Secretariat of the United Nations Forum on Forests. .

Albert Schweitzer, the physician, philosopher, Nobel Laureate, and one-time resident of Strasbourg, once said that “a man is ethical only when life, as such, is sacred to him, that of plants and animals as that of his fellow men, and when he devotes himself helpfully to all life that is in need of help.” In tackling the biodiversity crisis, we need to make people realize that it is *we* who are in need of help – that the relentless extermination of flora and fauna across the planet, on top of being a tragedy in its own right, is a gross infringement on our own fundamental rights. This is what the International Year of Biodiversity is about, and I therefore look very much forward to the contribution of the members of the Bern Convention to the success of the International Year of Biodiversity