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T-PVS (2015) 6

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

35<sup>th</sup> meeting  
Strasbourg, 1-4 December 2015

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**Meeting of the Bureau**

Strasbourg, 31 March 2015

**MEETING REPORT**

*Secretariat Memorandum  
prepared by  
the Directorate of Democratic Governance*

## 1. ADOPTION OF THE AGENDA

The Chair of the Standing Committee to the Convention, Mr Øystein Størkersen, opened the meeting on 31<sup>st</sup> March 2015. The Chair welcomed the other Bureau members and the Secretariat, and transmitted the apologies of Mr Jan Plesnik for his absence.

The Chair introduced the draft agenda, prepared following the progress in the implementation of the 2015 Programme of Activities. He further suggested a couple of minor amendments to ensure a smoother running of the meeting.

The draft Agenda was adopted with the amendments suggested by the Chair (see appendix 1).

## 2. IMPLEMENTATION OF THE 2015 PROGRAMME OF ACTIVITIES

*[T-PVS (2014) 5- Programme of Activities for 2015]*

Ms d'Alessandro welcomed the Chair and the Bureau members, and presented Ms Boryana Ravutsova who recently joined the Biodiversity Unit for a 4-month traineeship programme.

Furthermore, Ms d'Alessandro presented the main activities carried out for the implementation of the Convention's Programme of work since last Standing Committee meeting, highlighting that the number of meetings and – as a consequence – the workload for the Secretariat, has significantly increased this year.

Three major Convention's meeting, i.e. the meeting of the Special Focal Points for Illegal killing of birds, the meeting of the Group of Specialists on the European Diploma for Protected Areas, and a workshop on Feral ungulates and their impact on Island Biodiversity in the Mediterranean and Macaronesian Regions, took place before the Bureau meeting, in February and March. A number of coordination meetings with European Union's officers were also organised, namely to discuss future collaboration on invasive alien species, as well as the setting-up of the Emerald Network. In addition the Secretariat carried out an exceptional on-the-spot appraisal to Germany in the frame of the European Diploma for Protected Areas (February) and organised a high level Ceremony to mark the 50<sup>th</sup> Anniversary of the Diploma in Strasbourg (March).

Ms d'Alessandro further informed about the state of preparation of the meetings to be held between April and July 2015, including the 5<sup>th</sup> Mediterranean Conference on Sea Turtles (April, Turkey), the meeting of the ad hoc Select Group on Biodiversity and Climate Change (April, Italy), the workshop "Protected Areas in Europe, the next 50 years" (May, Italy), the 11<sup>th</sup> meeting of the Group of Experts on Invasive Alien Species (June, Slovenia), and the 5<sup>th</sup> Meeting of the Group of Experts on Amphibians and Reptiles (July, Switzerland). The Secretariat will also attend the IUCN event: "Little Sydney: Protecting Nature in Europe" (May, Austria) and make a presentation on the activities carried out under the Convention in the field of protected areas.

Besides, the Secretariat recalled that two on-the-spot appraisals are already scheduled to take place in June, one to Białowieża National Park (Poland) in the frame of the European Diploma and another to Mavrovo National Park ("the former Yugoslav Republic of Macedonia"), as a follow-up to a complaint; two other visits are under preparation as a follow-up to complaints, respectively to Lithuania (Mediation procedure) and Turkey (on-the-spot appraisal).

Concerning more administrative issues, Ms d'Alessandro informed that the first stage of tests of the Online Reporting System started in January. Moreover, a specific Abridged Report of the 34<sup>th</sup> Standing Committee meeting has been prepared and forwarded to the Committee of Ministers for information in March. A further stage of negotiations with the EEA on supplementary technical and scientific assistance to be provided for the establishment of the Emerald Network in Eastern Europe and the South Caucasus is ongoing, and the calendar of the meetings organized by the Bern Convention has been shared with the main MEAs.

Regarding finances, the letters for the voluntary contributions have been sent out and Parties who so wish can now request specific tailor-made letters if need be.

On communication, Ms d'Alessandro informed about the dissemination of three media advisories since the beginning of the year, as well as about the re-styling of the website of the Biodiversity Unit. The Secretariat will soon engage also on social networks, following a dedicated training that the team

will have in May 2015. Finally, Ms d'Alessandro reminded that in the frame of the 50<sup>th</sup> Anniversary of the European Diploma a brochure and a video have been produced and are available for dissemination through the Secretariat.

The Chair thanked the Secretariat for the presentation as well as for the so far successful preparation of the numerous meetings foreseen in the Programme of Activities. Noting the workload of the Secretariat compared to its size, the Chair asked the Bureau to have a discussion on the opportunity of continuing with the tradition of preparing a full report of the Standing Committee meeting, on top of the one which is adopted and disseminated the last day of the meeting (including the adopted texts and the decisions) and of the Abridged report which is prepared for the Committee of the Ministers.

**DECISION:** Following the discussion, the Bureau agreed that a third full report is not necessary and suggested that the Secretariat keeps the records of the meeting and only distributes the written statements of the Parties, soon after the meeting.

Ms Durkošová raised the attention of the Bureau on the fact that, in 2016, the Conference of the Parties to the CBD will probably be in conflict with the usual dates of the Standing Committee meeting. The Slovak Republic has received the dates of the CBD meeting in advance as the country will have the Presidency of the Council of the European Union at that time. She therefore asked to bear this in mind while preparing the draft agenda for the 35<sup>th</sup> Standing Committee meeting, in which the dates for the meeting to take place in 2016 will be proposed.

**DECISION:** The Bureau agreed to anticipate the 36<sup>th</sup> Standing Committee meeting to last week of November 2016.

Some Bureau members further asked about the comparative analysis that the European Union committed to prepare regarding the issue of derogations, namely on the ability of the questionnaire prepared for Habides+ to comply with the provisions of Article 9 of the Bern Convention. The Secretariat informed that it has already approached the EU for information on its plans and foreseen deadlines, and that it is waiting for a reply. The issue is however still confused for some Member States, particularly for those whose respondents for the Habides+ and the Bern Convention ORS are not the same.

**DECISION:** The Bureau instructed the Secretariat to send out in April, directly to the Delegates of Contracting Parties, the letter requesting the biennial reports. The letter should be accompanied by the decision taken on this matter at last Standing Committee meeting, as well as the Legal Opinion prepared by the Council of Europe.

## **2.1 Group of Specialists on the European Diploma of Protected Areas: report of the meeting and celebration of the 50<sup>th</sup> Anniversary**

*[T-PVS/DE (2015) 5 - Draft Resolutions]*

The Secretariat summarised the outcomes of the meeting of the Group of Specialists on the European Diploma for Protected Areas (EDPA), which took place in Strasbourg on 13 March.

The Group discussed the results of the on-the-spot visits organised in 2014, in view of awarding the European Diploma to the Vashlovani Protected Areas (Georgia) and renewing the award to the National Park Weerribben-Wieden (Netherlands). After examining the reports of the independent experts, the

Group decided to forward to the Bureau, prior to their submission to the Committee of Ministers, two draft Resolutions accompanied with conditions and recommendations.

The Group also examined the results of the two exceptional on-the-spot appraisals. The first, to Podyji National Park (Czech Republic) and Thayatal National Park (Austria), aimed to (i.) identifying the possible negative impact on threatened species and habitats of the planned construction of large wind turbines park(s) in Northern Austria, (ii.) assess the management of the hydropower plant *Vranov* with a view to ensure ecologically bearable flows under *Vranov* reservoir, Thaya river and Thaya tributaries, and (iii.) evaluate the harmonisation of the fishing regulations within the ecological needs of the two parks.

Following some detailed economic, scientific and sociological analyses, the Provincial Government of Lower Austria has finally abandoned the plans for the windfarm known as “Windpark Nord”.

The second exceptional appraisal, organised in 2015 to the Bayerischer Wald National Park (Germany), aimed to assess the possible negative effects of a huge windfarm project planned in the close vicinity of the park. After discussing the recommendations proposed by the expert, the Group decided to add a condition on the necessity - prior to any wind park authorisation - of an environmental assessment that guarantees that the natural values having led to the designation of the Bayerischer Wald National Park as a European Diploma for Protected Area's site will not be significantly affected.

For each of these two exceptional visits the Group agreed to submit to the Bureau an Opinion with recommendations. A draft Resolution is also appended to each of the opinions, to be examined and, where appropriate, proposed by the Standing Committee to the Committee of Ministers.

In addition, the Group discussed the analysis of the 2014 annual reports received from the Diploma areas and, more specifically, those cases in need of particular attention such as Białowieża National Park (Poland), and Poloniny National Park (Slovak Republic).

With regards to the Białowieża National Park whose diploma is pending the renewal since 2007, the Group took note of some significant progress, including the official adoption of the management plan. An on-the-spot appraisal will therefore take place this year in view of the possible renewal of the European Diploma.

On Poloniny National Park, the main issues of concern are the long-term absence of a management plan, the need to strengthen the legal capacity of the park's administration to manage the area, and forest management. The Group of Specialists had already considered, in 2013, the possibility of recommending the withdrawal of the European Diploma if no significant progress in adopting the requested measures was achieved by its next meeting. This year, because of too slow progress, the Group agreed to submit to the Standing Committee, via the Bureau, a draft Recommendation on the withdrawal of the European Diploma and a subsequent draft Resolution to be possibly submitted by the Standing Committee to the Committee of Ministers.

Moreover, the Group took note of the state of progress of the celebrations of the 50<sup>th</sup> anniversary of the EDPA, including a dedicated logo, the visibility of the event through the pocket diary of the Council of Europe, a brochure, a video, a poster exhibition and some merchandising.

In addition, a high level ceremony hosted by Ambassador Dirk Van Eeckhout, Permanent Representative of Belgium to the Council of Europe and Chair of the Committee of Ministers, took place on 13 March in Strasbourg, and counted with the participation of the Deputy Secretary General of the Council of Europe, the Chair of the Standing Committee, the Chair and the members of the Group of Specialists, among others. The posters' exhibition was officially presented during the ceremony.

The Secretariat also recalled the up-coming workshop on “Protected Areas in Europe: the next 50 years”, to take place in May at the Regional Park of Migliarino, San Rossore and Massaciuccoli, with the sponsorship of the Ministry of Environment of Italy and the Tuscany Region. The objective of the workshop is to bring together managers of protected areas and experts to discuss the challenges that protected areas face in an interconnected world, where technology and globalisation are changing people's perception of the natural environment. The programme of the workshop includes four thematic sessions with case studies followed by debates.

In addition to the events organised by the Council of Europe, the Diploma areas have been invited to organise their own celebratory events at local, regional and national level.

The Chair appreciated the work carried out by the Group of Specialists and the Secretariat, and called on the Parties to improve the outreach of the Council of Europe activities in the field of biodiversity also by making wide use of the material produced for the 50<sup>th</sup> Anniversary of the EDPA. The Chair expressed further appreciation for the progress noted in Białowieża national park, and worries regarding the situation at Poloniny, which risks to be the first case of withdrawal of the EDPA.

Ms Durkošová recognised that the situation in the area should be improved, but recalled that progress has been achieved in 2014 (mainly the adoption of the Rural Development Plan and the operational program Quality of the Environment enabling financial support to the park's activities as well as better coordination). Some key steps were also undertaken for the preparation of the management plan and for reaching an agreement on cooperation with key ministries. Specific attention was also devoted to granting visibility to the National Park. Ms Durkošová concluded by ensuring of the utmost attention of the Ministry to this issue, and requested that detailed information on the problems concerning forest management is forwarded to the authorities as soon as possible so to ensure a fast and targeted reaction.

In light of the above the Chair encouraged the authorities of the Slovak Republic to ensure that additional and significant progress is made before the 35<sup>th</sup> Standing Committee meeting.

**DECISION:** The Bureau decided to forward the draft Resolutions on the award of the European Diploma for Protected Areas to the Vashlovani Protected Areas (Georgia) and on the renewal of the diploma to the National Park Weerribben-Wieden (Netherlands) to the Committee of Ministers for examination and possible adoption.

Concerning the Podyji National Park (Czech Republic) and Thayatal National Park (Austria), as well as the Bayerischer Wald National Park (Germany), the Bureau decided to forward to the Standing Committee the relevant Opinions and recommendations, together with the draft Resolutions to be possibly forwarded to the Committee of Ministers.

Finally, the Bureau took note of the situation in Poloniny National Park and instructed the Secretariat to liaise with the authorities of the Slovak Republic for a follow-up prior to the discussions foreseen at the 35<sup>th</sup> Standing Committee meeting. The Secretariat was further requested to address a letter to the Minister of Environment of the Slovak Republic with specific information on the challenges related to forest management in Poloniny National Park.

## **2.2 Follow-up to the Tunis Action Plan 2020: report of the second meeting of the Special Focal Points for illegal killing of birds**

*[T-PVS (2015) 4 – Meeting report]*

*[T-PVS (2015) 3 – Draft Sentencing principles]*

*[T-PVS/Inf (2015) 12 – Analysis and list of gravity factors]*

The Secretariat reported about the outcomes of the 2<sup>nd</sup> Meeting of the Special Focal Points for illegal killing of birds, which took place in Madrid, in February 2015, at the invitation of SEO/BirdLife.

Despite being a meeting of a restricted group of officers, the participation rate has been very high (41 participants), with some delegations represented by two delegates. Participants received information on activities implemented by other bodies with a link to the Tunis Action Plan, as well as on possible funding instruments (mainly under the EU), and technical tools already available (INTERPOL).

The review of implementation of relevant Standing Committee's recommendations showed sensitive progress on a number of issues, namely:

- (i) The adoption or preparation of national action plans against wild-bird crimes (Cyprus, Czech Republic, Hungary, Malta, Portugal, Slovak Republic);
- (ii) Enforcement is also improving, with higher convictions rates in some Parties;
- (iii) Training for police officers are being organised in Malta and Portugal;
- (iv) Reporting on wildlife crime cases is also becoming systematic in a number of Parties (Cyprus, Italy, Malta, Portugal, Slovak Republic) although only a few of them have the necessary resources for combined analysis of the data so collected.

The use of new tools and/or technologies is also progressing: for instance, the Czech Republic is applying DNA forensic analysis to wild-life crime cases, while Hungary is using satellite tracking for a limited number of prioritised species. Moreover, the Slovak Republic announced that wildlife crime will be among the priorities of its Presidency of the European Union in the field of environment.

Despite some relevant progress, a number of new or remaining challenges were also identified. Poisoning (mostly through rodenticides and carbofuran) is becoming a major problem in many Parties, also because it is difficult to bring evidence of this kind of crimes before national courts. Another matter of concern is the identification of black-spots of illegal killing of birds: while recognised as being a crucial issue for a cost efficient management of the response against these crimes, parties generally lack human and financial resources for the cross analysis of the data collected.

In addition, knowledge sharing about data related to maps, black-spots, identity of offenders, or prosecution of cases leading to convictions is problematic both within the national stakeholders and at the international level. In fact, these data are sensitive and their disclosure – although useful - is often prohibited by the law.

A last challenge highlighted concerns the fact that environmental crime is generally dealt through criminal law, which poses two major problems: a) the judiciary is not always prepared to assess the real impact of the crime; b) as a consequence, the level of penalties applied to cases of convictions is often low.

The Special Focal Points dealt with each of these challenges and agreed on their follow-up. On information sharing the participants decided to develop a basic and harmonised model of reporting, focussed on data that can be shared and analysed without prejudice to data protection legislation. This should allow collecting at least a minimum set of useful knowledge. Concerning the black-spots, Parties committed to provide electronic feedback on the Methodology document prepared under the Bern Convention in view of preparing a final draft for the attention of the Standing Committee.

Moreover, through a dedicated working session, the participants identified and agreed on a set of objective and reasonably comprehensive gravity factors, to be used on a preliminary basis by investigators, prosecutors, and also the judiciary, in order to evaluate wildlife crime in a similar way across all Parties' jurisdictions.

The same positive outcome was reached on the sentencing principles, on which participants almost finalised the work aimed at identifying a set of basic standards able to fit across different ranges of jurisdictions, bearing in mind that these cannot be imposed from the outside. The sentencing principles now include some broad preamble principles (trans-national) and some more specific jurisdiction-focussed principles.

The Secretariat concluded by informing that both the list of gravity factors and the sentencing principles will be appended to draft Recommendations for the attention of the Standing Committee at its meeting.

Ms Durkošová expressed her appreciation for the progress of the Parties and for the dedication of the Secretariat to keep the momentum around the very important but also complex issue of dealing with illegal killing of birds. Moreover, she wanted to praise again the establishment of a Special Network of Focal Points as a major step towards eradicating wild-bird crimes.

The Chair also thanked the Special Focal Points for their work and recalled the next steps, including the meeting of the Group of Experts on the conservation of birds (October 2015) and probably a third meeting of the Special Focal Points for illegal killing of birds early next year.

### **2.3 Climate change: state of preparation of the meeting of the Select Group for the drafting of a new work-plan**

The Secretariat informed about the state of preparation of the forthcoming meeting of the ad hoc Select Group of Experts on Biodiversity and Climate Change, to take place on 28 April in Rome, at the invitation of Italian authorities.

The Secretariat recalled that the meeting has been convened by the Standing Committee with the task of preparing a new work-plan for the future work of the Group of Experts. In fact, the latter was established in 2007 and has now fulfilled its first term.

The agenda of the meeting has been drawn with the aim of presenting concrete topics that should be considered for integration in the future work-plan, based on the proposals made by the participants at the 8<sup>th</sup> meeting of the Group of Experts in 2014.

A keynote speech by Prof. Bryan Huntley will open the meeting, followed by presentations of the practical experiences of Albania, the Slovak Republic, and Switzerland. The CMS will then present its own programme of work on climate change, and identify the possible contribution of the Bern Convention. Other issues to be discussed are: (i) the biodiversity-climate change link and opportunities for convergence in implementation of different policies; (ii) climate change challenges in the Arctic; (iii) ecosystem-based services and the transition to a greener economy; (iv) integration of climate change adaptation into the management of ecological networks, particularly the Natura 2000 and the Emerald Networks; (v) landscape variables in relation to climate change; (vi) impact of extreme weather events on local communities and possible response from the local level; (vii) mammal species' resilience to climate change and tools for conservation priority setting; (viii) communicating efficiently on climate change challenges and opportunities.

The Secretariat noted that, once more, the agenda counts with internationally recognised experts, and regretted that the call for participants extended to the Parties has, so far, been answered by eight Parties only.

The Chair congratulated the Secretariat for the very interesting agenda and recalled that volunteering Parties can still register in the meeting. He also hoped that the new work-plan, once adopted, will unequivocally revive the interest and participation of the Parties in these matters.

### **2.4 Invasive Alien Species: international coordination and state of preparation of the 11<sup>th</sup> meeting of the Group of Experts**

The Secretariat informed on the progress on activities regarding Invasive Alien Species (IAS), in a particularly important year as a new EU "Regulation on the prevention and management of the introduction and spread of invasive alien species" has entered into force (1<sup>st</sup> January 2015) at the EU level. The Regulation affects 28 of the 50 States parties to the Convention.

The Secretariat organised a coordination meeting with the European Commission so to ensure that all Contracting Parties to the Bern Convention can benefit from the newly available technical instruments and information sharing systems. Moreover, a legal report has been commissioned to provide an analysis on the possible adaptation of the EU Regulation to non-EU member states, by mean of a Standing Committee Recommendation.

The report will also explore the fields of work that the Regulation may open for non EU-Member States at the international level (information databases, analysis of pathways, etc.). Another contract has been awarded for the preparation of "Guidelines for IAS pathways' Action Plans", the latter being one of the requirements of the EU Regulation to its Member States. In addition, a risk analysis will be done for a few prioritised species.

The Secretariat further informed that work is also continuing through the innovative voluntary approach launched by the Convention. Two draft Codes of Conduct are under preparation,

respectively on “Plantation Forestry” and on “Recreational Boating”. In addition, some of the Codes of conduct already adopted are being relooked for dissemination purposes.

The Group of Experts is keeping the focus on threatened habitat types and species. In this frame, a workshop on the impact of feral ungulates on islands of the Mediterranean and Macaronesian Regions was organised on 23-24 March in La Gomera (Spain). The meeting report will be forwarded to the Standing Committee for information. Moreover, a workshop on the eradication of the Ruddy Duck in the Western Palearctic is planned for December 2015, in France.

The Secretariat concluded by recalling that the Group of Experts will hold its 11<sup>th</sup> Meeting at the Triglav National Park (Slovenia), on 4 and 5 June 2015.

The Chair thanked the Secretariat for the information provided, and appreciated the coordination with the European Union on matters of common interest. He also stressed the opportunity of using the EU Regulation as a further step towards the harmonisation and strengthening of IAS legislation across Contracting Parties. However, he also recalled that the list of species foreseen under the EU Regulation will probably need further and long-term work before being able to fully contribute to IAS eradication goal.

## **2.5 Setting-up of the Emerald Network: state of progress**

The Secretariat reported on the progress in the setting-up of the Emerald Network.

The establishment of the Network in the seven countries<sup>1</sup> targeted by the joint EU/CoE project (JP) reached important quantitative progress. At the end of January 2015, the seven countries submitted new Emerald databases containing 426 new potential Emerald sites and their ecological information. A first analysis of these databases shows that all seven countries have worked towards identifying smaller stepping stone areas which can complete the geographical coverage of their national Emerald Network. This is a very good qualitative progress.

The Secretariat further informed that these countries will start this year their Emerald biogeographical process with the organisation of three Emerald biogeographical Seminars. The process will continue until the end of 2016. The next two years are therefore going to be challenging as this will be the first time that the Convention implements the Emerald biogeographical process without the support of the European Topic Centre on Biological Diversity (ETC/BD). In fact, the latter does not have the mandate to work on these topics in the countries targeted by the JP. Nevertheless, the biogeographical evaluation will be carried out with the scientific and technical support of independent experts. The Vice-Chair of the Standing Committee, Mr Jan Plesnik, agreed to chair all three Seminars taking place in 2015. He holds the necessary expertise and experience with both the Natura 2000 and Emerald Network biogeographical processes.

Regarding Norway, Switzerland and Iceland, the Secretariat informed that the ETC/BD has been informed about the possibility that one or more of these countries submit new Emerald databases in 2015 or 2016. The ETC/BD can thus include in its own internal planning the organisation of a new round of Emerald biogeographical evaluations for these countries in the coming years.

Moreover, as foreseen in the Convention’s Programme of Activities for 2015, the Secretariat is currently negotiating with the Moroccan authorities the launching of a new Emerald project. The project implementer will most probably be a national NGO mandated by the national authorities, who will also ensure its supervision. The contract for the project should be signed in spring 2015 and the implementation should last until the end of the year.

The Secretariat eventually informed that the preparation of the annual meeting of the Group of Experts on Protected Areas and Ecological Networks (16-17 September 2015, Strasbourg) has started. For this year meeting, the Secretariat is planning to invite also some Contracting Parties from EU Member States to present good practices and experiences in planning conservation and management measures for Natura 2000 sites.

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<sup>1</sup> Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, the Russian Federation and Ukraine.



The Bureau noted the good progress achieved since the beginning of the year and joined the Secretariat in expressing its recognition to the EEA and its ETC/BD for their key role in the Emerald Network's constitution process.

Furthermore, the Bureau appreciated the significant expansion of the Emerald Network under the Bern Convention in the past five years, in particular in the light of the initiatives under consideration of other MEAs to launch their own networks of protected sites.

### **3. IMPLEMENTATION OF THE CONVENTION: FILES**

*[T-PVS/Notes (2015) 2 – Summary of case files and complaints]*

*[T-PVS/Inf (2015) 4 – Register of Bern Convention's case-files]*

***(Note: a detailed summary of each case-file is available in document T-PVS/Notes (2015) 2 – Summary of Case files for Bureau meetings)***

Before introducing the complaints, the Secretariat recalled that the items under brackets would not be discussed at the first Bureau meeting, and that the correspondent reporting requests had been already sent to the concerned authorities in preparation of the September meeting.

#### **3.1 Specific Sites - Files open**

➤ **2004/1: Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)**

*[T-PVS/Files (2015) 12 – Government report Ukraine]*

The Secretariat summarised the case-file and recalled the discussions held at the two Bureau meetings in 2014, focussing on the need to urgently find a satisfactory solution to this complaint for avoiding compromising the case-file system as a whole, for reducing at minimum levels any negative impact affecting the area, and ensure that adequate compensatory measures for the works already finalised are implemented and monitored by a supervisory body.

The lack of clarity regarding the situation of the ground is an issue which has been evoked also at the last Standing Committee meeting and which guided the delegates in their decision on the follow-up to be given to this case-file. The Committee kept the case-file open and requested to the Trilateral Commission to organise a meeting in the first half of 2015, with the aim of gathering objective and specific information on the situation, discuss the matters which poses problems, and forward a report to the September Bureau meeting. The Bureau will then take a position and prepare a proposal including, where appropriate and if the Secretariat receives the necessary substantial elements, a draft recommendation.

In January 2015 the Secretariat notified the decision of the Standing Committee to the three concerned Parties. In reply to this, Ukraine informed that the Ministry of Environment invited the correspondent authorities of both Romania and the Republic of Moldova to hold the third meeting of the Joint Commission on 27-28 May 2015. The items to be discussed would be the implementation of Recommendation No. 111 (2004), as well as the conservation status of key Bern Convention's species present in the Danube Delta. The meeting should also serve as an exchange of information in light of the preparation of a series of recommended actions intended to improve the situation in the area.

Mr Felix Zaharia, Member of the Bureau and Delegate of Romania, was pleased to confirm good progress in communication, and informed about a bilateral meeting between Romanian and Ukrainian authorities on the organisation of the meeting of the Trilateral Commission. Mr Zaharia also informed that his authorities have discussed the possibility of preparing a thorough, sound, science-based report on the impact of the Bystroe Canal project but finally considered that such a study would be too expensive and probably require very specific expertise. They have thus decided to concentrate on key species, among which the Sturgeon, for which the Ukrainian part of the Canal is an important migration path.

**DECISION:** The Bureau congratulated the Parties for their cooperation and requested Ukraine to forward – for the September Bureau meeting - the report of the meeting of the Trilateral Commission, together with a list of agreed recommended actions. The Bureau will re-discuss this case-file at its next meeting and decide on the follow-up to be proposed to the Standing Committee, including the opportunity of preparing a new draft Recommendation where relevant.

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

*[T-PVS/Files (2015) 22 – Government report Bulgaria]*

The Secretariat informed that, following the decision of the Standing Committee, Bulgarian authorities were addressed in January 2015 with the request of a comprehensive report containing a detailed description of the actions taken in order to comply with the Recommendation of the Standing Committee, and a timetable for the preparation of an Action Plan with the measures envisaged for ensuring the expedite and effective implementation of Recommendation No. 130 (2007).

Both documents were requested by mid-March 2015. However, the Secretariat regretted to inform that the reply of the authorities arrived at noon the day before the Bureau meeting and that it was therefore impossible to assess its content.

**DECISION:** The Bureau thanked Bulgarian authorities for their reply, although it regretted the late delivery, as it prevented the Bureau members from having a discussion on the case-file.

Following a proposal of the Chair, the Bureau decided to report the decision on this case-file at a later stage. The Bureau members will assess the documentation submitted in the coming weeks, and have electronic exchanges in order to reach a joint position on a possible follow-up.

Finally, the Bureau instructed the Secretariat to forward the report of the authorities to both the complainant and the AEWA Secretariat.

➤ **[1995/6: Cyprus: Akamas peninsula]**

➤ **[2010/5: Greece: threats to marine turtles in Thines Kiparissias]**

➤ **[2007/1: Italy: Eradication and trade of the American Grey squirrel (*Sciurus carolinensis*)]**

### 3.2 Possible file

➤ **2011/4: Turkey: threat to the Mediterranean monk seal (*Monachus monachus*)**

*[T-PVS/Files (2015) 10 – Government report]*

The Secretariat recalled that this complaint concerns the Mediterranean monk seal, one of the world's most endangered marine mammals, with fewer than 600 individuals currently surviving. The species is described as “critically endangered” by the IUCN. The problem denounced by the complaint was the location of a marine terminal, foreseen at just 500 meters away from an apparently unique breeding cave in Mersin province, Turkey.

The situation seemed under control until 2013, as Turkish authorities informed that a pool of experts visited the area and prepared an assessment report advising to stop the construction work. The case had also been brought before a National Court.

However last year the complainant informed that the construction of the marine structure had been almost completed, with a clear impact on the monk seal population, as shown by the results of the monitoring activities. The Committee regretted that the marine infrastructures have been built anyway, despite being in the vicinity of a fundamental reproduction and breeding zone. However, the Committee noted that an Action Plan targeting the species was being implemented by the Turkish authorities and decided to keep this complaint as a possible file and to request a report on the

conservation status of the species in Turkey, the implementation of the Action Plan, any other measures undertaken for the conservation of the Mediterranean monk seal, as well as the conclusions of the pending Court case if available.

The authorities replied positively to the reporting request and within the deadlines. They confirmed that Turkey holds a fourth of the World monk seal population, half of which inhabits the Mersin Province, where the marine terminal has been built. There is a very short presentation of the structure of the Action plan, identifying three major threats, namely:

- habitat loss due to tourism and road infrastructures (including in Mersin),
- deliberate or unintentional killing,
- human disturbance.

The Secretariat noted that the report contains little information on the concrete measures foreseen for addressing all of these threats. The Action Plans has four main fields of activities: research, conservation measures, monitoring, and education. Most of the actions described in the report for 2015 concern research, awareness and education, while specific information on recovery, mitigation, or conservation measures is lacking.

The Secretariat recalled that the Bureau should now analyse the situation in coordination with the Barcelona Convention and prepare proposals and recommendations for the next Standing Committee meeting.

**DECISION:** The Bureau thanked the authorities for the timely reporting. However, the Bureau noted that the critical situation of the species requires a very strong commitment and immediate and urgent action in order to avoid further degradation of its conservation status.

The Bureau decided to re-consider this complaint at its next meeting as a possible file. The Secretariat will ask a copy of the Action Plan to Turkish authorities (including in Turkish if the English version is not available) and share it with the Barcelona Convention. The latter will be requested to highlight the main gaps and suggest a set of measures that the national authorities can include in their current Action Plan for stronger and more focussed results.

Finally, the Bureau stressed that this complaint opens two issue: one is the conservation of the species at the national level; the other is the need to urgently mitigate the impact of the marine terminal on the population which was using Balikli cave in Mersin province. The Bureau requested Turkish authorities to report on this last point on time for its next meeting.

➤ **[2012/3: Poland: Possible spread of the American mink]**

### **3.3 Complaints on stand-by**

➤ **2013/8: Presumed abusive eradication of the badger (*Meles meles*) in France**

*[T-PVS/Files (2015) 20 – Government report]*  
*[T-PVS/Files(2014)38 - Admissibility of complaints related to species listed in Appendix III]*

The Secretariat recalled that, at its last meeting, the Standing Committee noted that France had not reported on exceptions made to the provisions of the Convention since 2007 and requested the Party to submit its biennial reports to the Bureau.

The French authorities compiled their biennial report through the Online Reporting System, and submitted the list of exceptions made for the badger in the period 2009-2013. According to these, there has been an increase in the number of exceptions made for 2012 and 2013. 67,46 % of the badgers were collected “in the interests of public health and safety, air safety or other overriding

public interests” while the rest “to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property”. The report mentions the use of traps as mean of capture and killing, but the authorities also ensure of their commitment to seek for other ways and means to control the bovine tuberculosis, also in cooperation with the Ministry of Agriculture.

**DECISION:** The Bureau praised French authorities for their reporting efforts and used this opportunity to invite all Contracting Party to submit their biennial reports within the deadlines. The Bureau also noted that the use of the prohibited means of capture had not been systematic and invited the authorities to ensure that – in future – this is limited to the strict minimum and that it is duly considered as an exception, subject to the obligation of reporting. Finally, noting that the species is not in danger, and that the authorities have complied with the requests of the Standing Committee, the Bureau decided to dismiss the complaint.

➤ **2012/5: Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)**

*[T-PVS/Files (2015) 11 – Government report]*

The Secretariat recalled that this complaint denounced the allocation of part of a key nesting area to a sport society for the establishment of football grounds and recreation facilities. An Administrative Court has already ruled against the allocation of the land to the Sport society; however, the same Court also confirmed the decision regarding a possible change in land use and future development of the area. The issue is now pending before a National Court and the exploitation of the land has been suspended in between.

The complaint is on the agenda of the Bureau on stand-by until further information on the cases pending before the tribunals reaches the Secretariat. Two separate letters were sent out by the Secretariat this year, one to the authorities and another one to the complainants. The latter didn't answer. The authorities informed that the decision of the court is still pending and that no sport activities are implemented in the meantime.

**DECISION:** The Bureau thanked Turkish authorities for the information forwarded and decided to keep the complaint on stand-by and to wait for the news on the court's decision.

➤ **2011/5: France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)**

*[T-PVS/Files (2015) 7 – Government report France]*

*[T-PVS/Files (2015) 3 – Government report Switzerland]*

*[T-PVS/Files (2015) 4 – ONG report France]*

*[T-PVS/Files (2015) 6 – Complainant report Switzerland]*

*[Recommendation No.169 (2013) on the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)]*

The Secretariat recalled that, at its last meeting in September 2014, the Bureau acknowledged the serious commitment of both French and Swiss authorities towards addressing the recommendations of the Standing Committee, and encouraged them to associate the complainants, where appropriate and whenever possible, to the discussions on the implementation of the recommended actions.

The Secretariat further summarised the last reports submitted by the authorities on the progress made since last Bureau meeting. The two Swiss-French Binational Working Groups, respectively on "flow management" and on "water quality" continued their work. The French “Rhone streber” National Action Plan (2012-2016) is ongoing.

In Switzerland, a project of national plan for the Doubs, elaborated by the Federal Office for the Environment (OFEV), includes measures to restore to an acceptable state of conservation the streber's population. A new water regulation which settles the operating regime of the three hydroelectric plants (le Châtelot, Le Refrain, Le Goule) was defined and its entry into force is foreseen for 1<sup>st</sup> December

2015. However, some of the measures contemplated in the new legal instrument have been already included in the intermediary water regulation that is enforced since 1<sup>st</sup> December last year. The authorities' evaluation of the ongoing efforts towards improving the global quality of the Doubs and its aquatic ecosystems is so far satisfactory. The authorities also note significant progress since their last report, in July 2014.

Both complainants consider that there are still gaps in the implementation of Recommendation No. 169 (2013), and that some of the measures foreseen are insufficient to fulfil the proper conservation goal. However, they also understand the difficulties of remediating in such a short time-frame to the deterioration occurred over the past 40 years, and express appreciation for the willingness of the authorities to recover the Rhone streber and its habitat in the Doubs.

**DECISION:** The Bureau thanked the Parties and the complainants for their reports. It congratulated the authorities for their work and recognised that the slow progress is certainly due to the bad situation inherited, which is unlikely to be solved in a short time-frame. The Bureau further appreciated the cross-border cooperation between the French and Swiss authorities, as well as their good collaboration with the NGOs. In conclusion, the Bureau decided to keep this complaint on stand-by, but invited both the Parties and the NGOs to present the results so far obtained through their work at the next Standing Committee meeting, as an example of good practices. The Secretariat will therefore include the monitoring of Recommendation n° 169 (2013) under the agenda item "Follow-up of Recommendation" of next Standing Committee meeting.

➤ **2012/7: Presumed illegal killing of birds in Malta**

*[T-PVS/Files (2015) 9 – Government report]  
[T-PVS/Files (2015) 15 – NGO report]*

The Secretariat recalled that this complaint concerns the bird-killing by Maltese nationals during the spring season, in presumed violation of Articles 6-9 of the Bern Convention. The bird-killing mainly, but not exclusively, targets species like the honey buzzard, the golden oriole, the golden plover, the turtle dove, the quail, some raptors and herons, and some other rare migratory birds.

The Secretariat wished to highlight that, since 2013, the reporting on this complaint by both the Party and the complainant has always been thorough and timely. The recent request of limiting the length of the reports to 6 pages proved to be effective for more focussed and specific information.

The Secretariat stressed that one of the key issues for the complainant is the specific derogation regime granted by the EU to Malta, which allows for spring hunting of turtle dove and common quail and trapping of golden plover and song thrush. The situation aggravated this year with the re-introduction of finch trapping practices by means of derogation. The NGO also informed about a Letter of Formal notice which has been addressed by the European Commission to the authorities in October 2014, against the reintroduction of finch trapping in the country. This is an information that the Secretariat should probably verify with the colleagues in the European Commission.

Other issues of concern are: the system of verification of the bag limits (with a big difference between the number of catches declared and the number of hunting licenses issued); some changes in the legislation which BirdLife considers to produce hidden negative effects, ending in the promotion of trapping of protected species; the effectiveness of the monitoring and field surveillance. Finally, BirdLife denounces the curfew, which is now in place only as from 7 p.m., and between 15<sup>th</sup> September and 7<sup>th</sup> October, while the 3 p.m. curfew enforced in previous years proved to be more effective.

On their side, the authorities report about substantial progress, also in line with the Tunis Action Plan 2020. For instance, there has been a substantial increase in the penalties; no changes in the number of hunting licenses issued; a reinforced surveillance during the peak migration periods; specialised training on enforcement priorities and techniques for enforcement officers. Moreover, the number of inspections doubled in comparison with 2013, and more than quadrupled in comparison

with 2012. Night patrols were also organised during special periods and an electronic reporting system has been put in place. All of these has led, in the views of the authorities, to a clear trend for the decline in crime levels and increase in convictions. The authorities conclude their report by announcing a further stage of legal reforms for the introduction of penalties which would work as an additional deterrent.

**DECISION:** The Bureau warmly thanked both Malta and the complainant for their submissions. It also acknowledged the progress and commitment of Maltese authorities to tackle with the utmost seriousness the issue of illegal killing of birds, also through their active participation in the work related to the implementation of the Tunis Action Plan. Regarding the latter, the Bureau recognised that this can be an additional impulse for positively solving the issues at stake under this complaint. The Bureau also noted the limits of a complicated and specific legal regime of derogations, and stressed that some of the requests of the NGO may deserve a more detailed evaluation from the authorities, for instance the case of the 3 p.m. curfew. Also, the Bureau noted that the joint monitoring of the Bern Convention and the European Commission may help the authorities being even more effective in their fight against illegal killing of birds.

For the reasons above, and in light of the legal reforms to come in Malta, the Bureau decided to keep the complaint on stand-by and to re-assess it at its first meeting in 2016. In the meantime, the Bureau encouraged Maltese authorities to attend the meeting of the Group of Experts on the conservation of wild birds (October 2015, venue to be confirmed) and asked them to report to the Group on the results of the 2015 hunting spring season. Finally, the Bureau instructed the Secretariat to liaise with the European Commission for a joint follow-up.

➤ **2012/11: *Marsupella profunda* threatened by a waste burn incinerator at Rostowrack Farm St Dennis, UK**

[T-PVS/Files (2015) 2 –EU report]  
[T-PVS/Files (2015) 5 – NGO report]

The Secretariat summarised the background of this complaint, recalling that it concerns a rare endemic bryophyte, *Marsupella profunda*, red-listed by the IUCN.

At the request of the Bureau the European Union submitted a report informing about the exchange of letters intervened with the complainant on this case, also presented before the European Commission. The Commission considered that there wasn't sufficient evidence to prove damage to the SAC. Moreover, the Commission reiterated that it hasn't a decision making role regarding national planning's decisions and subsequently closed the file.

The complainant, on his side, informed that Natural England is working on a project to increase the areas of Breney Common, and Goss and Tregoss Moor SAC; the new, larger area will be renamed as the Mid Cornwall Moors SAC, with the first step of the process starting in September 2015. In compliance with the Habitats Directive, the redefinition of a SAC's boundaries will require a review of all unfinished projects in the area. This implies that also the Rostowrack Farm incinerator's project will be assessed.

Finally, the Secretariat informed that the UK authorities didn't wish to add any further communication to what it had already provided last year.

**DECISION:** The Bureau thanked the European Union for the report and took note of the closure of the case for insufficient evidence on the ground. The Bureau also took note of the positive information submitted by the complainant regarding the extension of the areas of Breney Common, and Goss and Tregoss Moor SAC.

The Bureau highlighted that the SAC in question is a Natura 2000 site, designated as such particularly because of the presence of the Western Rustwort. The site is subject to the obligations stemming from the Habitats Directive and there is, so far, no reason for doubting about the UK commitment to comply with these and ensure adequate management of the area. Moreover, the Bureau noted that the responsibility for monitoring the effective enforcement of EU Directives relies on EU competent bodies.

For the reasons above, the Bureau decided to dismiss the complaint. It however asked UK authorities to carefully monitor the evolution of the species once the incinerator starts working, so to avoid any unwanted damage.

➤ **2013/9: Presumed destruction of birds' and bats habitats due to tourism developments in Ukrainian Natural Reserves (Ukraine)**

At its last assessment of the above complaint, the Bureau received satisfactory information from Ukrainian authorities about a number of immediate measures taken to address the concerns expressed by the complainant. The Bureau decided to keep the complaint on stand-by in order to get the final views of the complainant.

The Secretariat notified the decision of the Bureau to the complainant in January, together with a reporting request. However, no new information has been received prior to the Bureau meeting.

**DECISION:** In light of the last communication addressed by Ukrainian authorities, and noting the lack of reaction by the complainant, the Bureau considered that there is no evidence for presuming a breach of the Convention by Ukraine in the present case and thus decided to dismiss this complaint.

➤ **2013/10: Impact of corn monoculture on the conservation status of protected species in Alsace, France**

*[T-PVS/Files (2015) 8 – Government Report]  
[T-PVS/Files (2015) 16 – Complainant report]*

The Secretariat recalled that this complaint was submitted in November 2013 to denounce the presumed destruction of 75-80% of the flora and fauna of Alsace region due to corn monoculture in the plains of Haut-Rhin.

The French authorities sent a letter in February 2015 underlining that, as shown by their previous report, although the corn monoculture may have a negative impact on the habitats of certain species, it could certainly not be considered as the only/main cause of the decline of the species mentioned in the complaint. The authorities declared not having additional information to communicate, apart from what already provided in previous reports, and proposed to take stock of the evolutions of corn acreage at the end of 2015. An update of the data on the preservation of the species could then be carried out, building on the results of the acreage assessment.

The complainant's report referred to several articles and scientific studies related to corn monoculture and its impact on the soil, water quality and biodiversity, dated from 1989 to 2008. More particularly, one of the attached studies listed some proposals which could be explored in order to minimising the impact of corn monoculture on the local fauna.

**DECISION:** The Bureau recognised that corn monoculture is an important issue as it can affect biodiversity at a large scale. Moreover, the Bureau also stressed that France is unfortunately not the only country where large acreage of fields are turning into corn monoculture.

The Bureau also welcomed the proposal by French authorities of taking stock of the evolutions of corn acreage at the end of 2015, and to update the data on the preservation of the species accordingly. At the same time, the Bureau stressed that the issues at stake in this complaint should be solved through appropriate mitigation and compensation measures. It therefore acknowledged that some of the proposals put forward by the complainant are acceptable, and asked French authorities to take them duly into consideration for mitigation purposes.

The Bureau also recalled that the EU Common Agriculture Policy (CAP) now also addresses biodiversity conservation and habitats preservation. It therefore instructed the Secretariat to submit this complaint to the European Commission for collecting its views.

In conclusion, the Bureau decided to keep this complaint on stand-by and to re-consider it at its first meeting in 2016. The authorities will be requested to report on the results of the proposed assessments, as well as on the implementation of mitigation measures.

➤ **[2006/1: France: Protection of the European green toad (*Bufo viridis*) in Alsace]**

### **3.4 On-the-spot appraisals**

➤ **File open - 2012/9: Presumed degradation of nesting beaches in Fethiye and Patara SPAs (Turkey)**

*[T-PVS/Files (2015) 18 – Government oral statement]*

The Secretariat briefly informed that Dr Paolo Casale, University of Rome “La Sapienza”, scientific coordinator of the sea turtle project of WWF Italy, and member of the IUCN SSC Marine Turtle Specialist Group, accepted the invitation to carry out the on-the-spot appraisal to Fethiye and Patara in the frame of the relevant Open file. The on-the-spot appraisal should take place in July 2015. The dates will be soon set and the programme will be discussed with both the authorities and the NGOs.

➤ **File open - 2013/1: Hydro power development within the territory of Mavrovo National Park (“the former Yugoslav Republic of Macedonia”)**

The Secretariat recalled that, at its last meeting, the Standing Committee decided to open a case-file considering the situation in the Mavrovo National Park as particularly worrying. At the basis of the decision of the Standing Committee there was the lack of management plan for the area, the uncertainties on how the biodiversity monitoring and EIAs for the two projects denounced by the complaint have been implemented, and the pending national lawsuits against the EIA reports. The Secretariat recalled that Mavrovo National Park is also an officially nominated candidate Emerald site.

The preparation of the on-the-spot appraisal is at an advanced stage, following the formal agreement of the national authorities. Mr Pierre Galland, independent expert, has accepted to carry out the visit, which will take place on 24-25 June 2015. Several Observers will also join, including representatives of the IUCN’s SSC, the WCPA Europe and the European Commission.

### **3.5 Mediation**

➤ **Possible File - 2013/5: Presumed impact of a construction of Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland**

The Secretariat recalled that the Standing Committee decided to launch a Mediation procedure in Lithuania so to find a satisfactory solution to the above mentioned case-file. This will be the first Mediation carried out under the Convention since the adoption, in 2013, of this new problem-solving tool.

Already in January 2015 the Secretariat started consultations with other biodiversity-related Conventions in order to identify possible candidates for the role of Mediator. Four persons have been so far retained for having the right profile for this very specific and highly technical task. However, the first two candidates who have been contacted regretted to inform that, although the task would be



for them an interesting challenge, the compensatory amount offered by the Secretariat following the Rules of procedure is not affordable. The Secretariat will keep the Bureau updated on new developments.

Moreover, the Secretariat informed about the spontaneous submissions of the complainant over the past two months. The complainant recalled that he submitted the case to the Aarhus Convention and that this should be examined last week of March 2015. In addition, he said that the Regional nature protection department, in reply to a report submitted by the complainant, would have admitted a violation of the law by the OHL construction company. The complainant also provided the unofficial translation of a document transmitted by LitPol Link to the Lithuanian Parliament explaining why the alternative route proposed by the complainant and the local municipality could not be retained. The documentation submitted suggests that the feasibility of the alternative route has not been assessed because this analysis would have delayed the project, preventing Poland from benefiting of EU funding and losing incomes for the Polish municipality where the infrastructure was to be built.

Finally, the complainant also informed that the EIA procedure for a new gas pipeline to be built along the constructed OHL is about to be finalised. The assessment process started in 2012, although the valid master plans originally foresaw the pipeline routes in a different location. The complainant recalled that the Lithuanian authorities ensured the Standing Committee, at its last meeting, that there would not be further infrastructures in the area.

Besides, the Secretariat regretted to inform about a possible misinterpretation, by LitPol Link, of the role that the Standing Committee has to play in this complaint. In fact, LitPol Link has submitted an application to the “Good Practice of the Year 2014” award, a recognition given by the Renewable Grid Initiative. Ms d’Alessandro has been one of the Jury members and had access to the technical factsheet presenting LitPol Link’s project.

The project running for the award as an example of good practices was the “Wildlife protection measures” implemented by LitPol link to mitigate the impact of the construction of the OHL. The technical factsheet mentioned the assessment research carried out by the Lithuanian Fund for Nature, and the relocation of the Lithuanian Orchid, a Red listed endangered species (whose presence along the route had not been mentioned by the authorities before). The Standing Committee appears among the relevant stakeholders for the implementation of this project. The Secretariat noted that the Standing Committee must be *super partes* and that it has –in this complaint- a monitoring role, far different from the one of a stakeholder. The Secretariat concluded by noting that this is unfortunately not the first time where LitPol Link mentions the involvement of the Standing Committee in a misleading way.

**DECISION:** The Bureau took note of the information presented and recognised that, although the submission of the complainant was an unofficial translation, the possible development of a gas pipeline along the OHL route is not only worrying but contrary to the commitment undertaken by the Lithuanian authorities at last Standing Committee meeting. The Bureau instructed the Secretariat to contact Lithuanian authorities for a clarification. Moreover, the Bureau further requested that Lithuanian authorities call upon Litpol Link on being more vigilant on the way it communicates, particularly regarding the Convention’s involvement in the complaint.

### 3.6 Other complaints

#### ➤ 2014/1: Presumed risk of national extinction of badgers in Ireland

*[T-PVS/Files (2015) 1– Complainant report]*  
*[T-PVS/Files(2014)38 - Admissibility of complaints related to species listed in Appendix III]*

In January 2014 the Secretariat received two complaints from the Irish Wildlife Trust denouncing a possible breach of the Bern Convention with regards to:

- a risk of local disappearance of the species due to the fact that the ceiling set for the capture of the badger had been exceeded and that a review of the status of the national badger population was lacking;
- Ireland's presumed failure to comply with the reporting obligations set under Article 9 of the Convention.

The Secretariat sent the note on the exceptions made to Appendix III species to the attention of the complainant, explaining that biennial reports are not automatically due, but only if the species is threatened in the territory of the Contracting Party (excluding the sole local level), the population is in danger because of the exploitation's policy, there is no monitoring, or the Party made use of one of the prohibited means listed in Appendix IV.

However, the Secretariat also recalled that, as a follow-up to a complaint submitted in 2011 and then dismissed, Irish authorities recognized a decline of the badger population but informed that the latter was under control and that its decrease would not continue further. No new information was submitted since 2012.

Therefore the Secretariat decided to ask Irish authorities to send an updated report, with information on any relevant change in the population size on the national territory since 2012, on the measures undertaken to monitor the culls, and the results of the research on the vaccination as an alternative to the culls. Unfortunately, the report requested by 6<sup>th</sup> March didn't reach the Secretariat.

**DECISION:** The Bureau stressed once more that the badger is a widespread species subject to the less strict degree of protection granted by Appendix III. However, it also recognised the interest in getting some updated information from the national authorities, particularly on monitoring activities, and asked the Secretariat to reiterate its request for next Bureau meeting.

➤ **2014/3: Presumed deliberate killing of birds in Serbia**

*[T-PVS/Files (2015) 14 – Government Report]  
[T-PVS/Files (2014) 29– Complainant report]*

This complaint was submitted in April 2014 by the Bird Protection and Study Society of Serbia, to denounce a presumed breach of the Convention by Serbia for failing to take adequate measures against illegal bird poisoning. The latter seems to concern 122 birds listed in Appendix II of the Convention, including 26 white-tailed eagles, over the period 2007-2014 (until March).

The consequence of poisoning is, in the complainant's views, an impact on the breeding populations. The origin of the poisoning is direct/indirect, mainly through carbofuran and feeding with poisoned seeds and carcasses. Almost all dead individuals of White-tailed Eagle were found on intensively managed agricultural land. The complainant considers that the authorities are failing to adopt and enforce sufficiently strict administrative and legal measures to discourage poisoning of wild birds.

The Secretariat stressed that the complaint had been notified to the authorities already last year, but they requested a delay in order to identify the national Special Focal Point for illegal killing of birds.

The national report addressed in March 2015 confirms the information sent by the complainant, including the type and nature of poisoning. It further informs about a dedicated meeting of all relevant authorities (in February 2015) to devise a set of immediate actions which have not all been undertaken yet. There have also been some inspections, and the referral to a person to the Office of the Public Prosecutor (scheduled for 17<sup>th</sup> April 2015), although most of the offenders remains non-identified.

The legal regime for dealing with wildlife crimes is criminal law, but the report provides little information on enforcement and prosecution. However, the authorities ensure of their commitment to put in place proactive prevention measures through awareness on the prohibition of use and trade of

carbofuran, as well as to ensure that the residual stocks of carbofuran from individual users are destroyed.

**DECISION:** The Bureau welcomed the efforts of Serbia for addressing the matters of the complaint, and praised the nomination by the country of a Special Focal Point for illegal killing of birds as a first step towards the full implementation of the Tunis Action Plan. However, the Bureau also noted that the response to such a serious threat has been so far guided by the urgency of the situation but probably lacks a more structured approach. With this in mind, the Bureau decided to re-consider this complaint as a complaint on stand-by at its first meeting in 2016.

In the meantime, the Bureau invited Serbia to closely follow the guidelines to prevent the risk of poisoning of migratory birds elaborated under the CMS, as well as to fully implement the Tunis Action Plan. It further invited the country to attend the next meeting of the Group of Experts on the conservation of birds under the Bern Convention (October 2015), and to report to the Group on the activities and actions planned as a follow-up to this complaint. A report on the results so achieved will be requested for the first Bureau meeting in 2016.

➤ **2014/6: Wind energy: Possible threats to an endangered natural habitat in Izmir (Turkey)**

*[T-PVS/Files (2015) 17 – Complainant report]*

This complaint was submitted in July 2014 by a citizen of Çeşme, İzmir, to denounce the exponential increase of wind energy installations (WEIs) which are rapidly developing into the Çeşme Peninsula, with a possible impact on a number of protected habitats and species.

The complaint was initially rather vague and thus, before addressing the national authorities, the Secretariat requested additional information to the complainant.

According to the complainant, in Çeşme Peninsula there are already 385 wind turbines, built without EIA thanks to a law trick. In fact, the companies address a first request of authorisation for a number of turbines which is below the ceiling after which EIA becomes compulsory, and then expand their initial projects. This is apparently a widespread practice all over the national territory.

Concerning Çeşme town, the matter is pending before a national Court, and focusses on the confiscation of private lands as a matter of disturbance of private property.

The Secretariat stressed that Turkey is not subject to the obligations of the Aarhus Convention.

The Turkish authorities informed that they are collecting the necessary information for submission to the governing institutions of the Convention.

**DECISION:** The Bureau noted that this complaint presents two major aspects: one concerns the common controversies surrounding wind-farm siting and the relations with the communities hosting windfarm close to their homes, which is already being dealt by a national Court and on which the Convention has no competence. The second is the potentially uncontrolled wind-energy development, which also poses problems in some other Contracting Parties. In this respect, a precautionary reaction may be useful to avoid difficult situations in future.

In light of the readiness of the authorities to provide information on this case, the Bureau decided to consider the complaint as a complaint on stand-by at its next meeting. It further instructed the Secretariat to liaise with other MEAs and NGOs with a specific knowledge on wind-energy issues.

➤ **2014/8: Presumed large-scale exploitation and marketing of protected marine shelled molluscs in Greece**

[T-PVS/Files (2015) 19 – Complainant report]

The Secretariat informed that this complaint points to the non-respect of the protection of a number of marine molluscs listed in Appendix II of the Bern Convention as “strictly protected species”. One of these species (*Lithophaga lithopaga*) is also protected by the EU Habitats Directive (listed in Annex IV). From the information submitted by the complainant, it seems that there is not just an anecdotic consumption of the protected species. In fact, the complaint refers to 42 % of seafood restaurants offering such species without being aware of the prohibition of their capture and trade.

The Secretariat further recalled Standing Committee Recommendation No. 85 (2001) on the conservation of *Lithophaga lithopaga*.

All the above has been notified to the authorities together with a reporting request which, unfortunately, remained unanswered.

**DECISION:** The Bureau took note of the information presented and regretted the lack of reply from Greek authorities. It therefore decided to re-consider this complaint as a complaint on stand-by at its next meeting, and asked the Secretariat to reiterate its reporting request to national authorities. Moreover, the Bureau would be pleased to receive the views of the European Commission on the matter.

➤ **2014/9 : Possible impact of haying performed in the steppe and forest-steppe reserves of Ukraine**

[T-PVS/Files (2015) 13 – Government Report]

The Secretariat informed that the complaint was submitted in October 2014 by the NGO Kyiv Ecological and Cultural Centre, alleging a presumed breach of the Convention by Ukraine as a result of the destruction of habitats important for bird and reptile species due to haying practices.

The complainant denounced the high number of permits issued annually, as well as the fact that the haying is conducted during the reproduction period of the species (May and June), using not adapted heavy machines.

The Secretariat noted that the areas presumably affected are mainly steppe areas and that most of them have been nominated as candidate Emerald sites for Ukraine.

In response to a letter sent in January 2015 by the Secretariat, the national authorities informed on the regulation on haymaking permits, issued on the basis of territorial planning and included in the management plans of the relevant protected areas. They further argued that the haying aims at preventing fires, - which can cause significant loss of steppe biodiversity -, at facilitating foraging by wild ungulates and at conserving plant communities that have historically emerged in the areas.

Eventually, the authorities informed on their cooperation with the complainant for the preparation of letters with guidance on non-detrimental haying practices targeted to the authorities of the relevant protected areas.

The Secretariat concluded by informing that, on 11 March 2015, the complainant was asked to inform on its position regarding the information provided by the authorities.

**DECISION:** The Bureau noted the good cooperation of the national authorities of Ukraine and decided to keep the complaint on stand-by and consider the possible reply from the complainant at its next meeting. If the problems do not continue, the Bureau may decide to dismiss the complaint at its next meeting.

#### **4. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS: PROPOSAL BY THE SECRETARIAT**

- **Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)**
- **Recommendation No. 25 (1991) on the conservation of natural areas outside protected areas proper**
- **Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland**

**DECISION:** The Secretariat presented the list of Recommendations whose monitoring is proposed for next Standing Committee meeting. The Bureau agreed with the list, and recalled that Recommendation No. 69 (2013) on the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland), will also be monitored.

#### **5. ANY OTHER BUSINESS**

- **Follow-up to complaint N° 2010/4 on the Increase in the number of sea turtle deaths recorded at Episkopi area under the control of the British Sovereign Base Area Administration (SBAA)**

The Secretariat recalled that, although the above mentioned complaint had been dismissed, in April 2013 the Bureau requested the cooperation of UK authorities for the organisation of a joint trilateral meeting between the SBA, MEDASSET (the complainant) and the authorities of the Republic of Cyprus, following a proposal made in this sense by the UK Delegate at the 32<sup>nd</sup> Standing Committee meeting.

The Secretariat reiterated this request several times since, and once proposed the organization of a Mediation procedure under the revised Regulations concerning on-the-spot appraisals as a possible way forward. In October 2013 UK authorities informed that a reply concerning the possibility of a Mediation would be sent soon to the Secretariat. Unfortunately, no new information was sent by the 34<sup>th</sup> Standing Committee meeting (December 2014). The issue was raised again by MEDASSET on that occasion, and the Committee instructed the Bureau to ensure a follow-up to this complaint, in coordination with UK authorities.

The Secretariat notified the decision of the Standing Committee to the authorities of the UK, and requested an official reply regarding the authorities' approach to a possible mediation procedure, or any other follow-up suggestion which might help ensuring the necessary dialogue between the government and local nature conservation NGOs. However, the request of the Secretariat remained unanswered.

**DECISION:** The Bureau regretted the absence of reply and instructed the Secretariat to reiterate its request.

- **Developments at Ulcinj Salina (Montenegro)**

*[T-PVS/Files (2015) 21 – Follow-up government Report]*

The Secretariat raised the attention of the Bureau on a follow-up report addressed by the government of Montenegro on the progress in relation to the developments at the Ulcinj Salina. A complaint was successfully dealt with in 2012-2013 by the Standing Committee, in cooperation with

the AEWA, the authorities of Montenegro and the complainant. The government report informs of the most recent actions implemented by the authorities, in compliance with the status of Ulcinj Salina as a candidate Emerald site.

## **6. CLOSURE**

The Chair thanked the Bureau and the Secretariat for the effective meeting.

## Appendix 1



### CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

Strasbourg, 30 March 2015

## Standing Committee Bureau meeting

Strasbourg, 31 March 2015  
(Room 16, opening: 9:30 am)

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### AGENDA

**1. ADOPTION OF THE AGENDA**

*[Draft agenda]*

**2. IMPLEMENTATION OF THE 2015 PROGRAMME OF ACTIVITIES**

*[Note for the Bureau]  
[T-PVS (2014) 5- Programme of Activities for 2015]*

**2.1 Group of Specialists on the European Diploma of Protected Areas: report of the meeting and celebration of the 50<sup>th</sup> Anniversary**

*[T-PVS/DE (2015) 5 - Draft Resolutions]*

**2.2 Follow-up to the Tunis Action Plan 2020: report of the second meeting of the Special Focal Points for illegal killing of birds**

*[T-PVS (2015) 4 – Meeting report]  
[T-PVS (2015) 3 – Draft Sentencing principles]  
[T-PVS/Inf (2015) 12 – Analysis and list of gravity factors]*

**2.3 Climate change: state of preparation of the meeting of the Select Group for the drafting of a new work-plan**

**2.4 Invasive Alien Species: international coordination and state of preparation of the 11<sup>th</sup> meeting of the Group of Experts**

**2.5 Setting-up of the Emerald Network: state of progress**

**3. IMPLEMENTATION OF THE CONVENTION: FILES**

*[T-PVS/Notes (2015) 2 – Summary of case files and complaints]  
[T-PVS/Inf (2015) 4 – Register of Bern Convention's case-files]*

**3.1 Specific Sites - Files open**

- 2004/1: Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)  
*[T-PVS/Files (2015) X – Government report Romania]  
[T-PVS/Files (2015) 12 – Government report Ukraine]*
- 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica  
*[T-PVS/Files (2015) 22 – Government report Bulgaria]*

- [1995/6: Cyprus: Akamas peninsula]
- [2010/5: Greece: threats to marine turtles in Thines Kiparissias]
- [2007/1: Italy: Eradication and trade of the American Grey squirrel (*Sciurus carolinensis*)]

### 3.2 Possible file

- 2011/4: Turkey: threat to the Mediterranean monk seal (*Monachus monachus*)  
[T-PVS/Files (2015) 10 – Government report]  
[T-PVS/Files (2015) X – Complainant report]
- [2012/3: Poland: Possible spread of the American mink]

### 3.3 Complaints on stand-by

- 2013/8: Presumed abusive eradication of the badger (*Meles meles*) in France  
[T-PVS/Files (2015) 20 – Government report]
- 2012/5: Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)  
[T-PVS/Files (2015) 11 – Government report]  
[T-PVS/Files (2015) X – Complainant report]
- 2011/5: France / Switzerland: threats to the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)  
[T-PVS/Files (2015) 7 – Government report France]  
[T-PVS/Files (2015) 3 – Government report Switzerland]  
[T-PVS/Files (2015) 4 – ONG report France]  
[T-PVS/Files (2015) 6 – Complainant report Switzerland]  
[Recommendation No.169 (2013) on the Rhone streber (*Zingel asper*) in the Doubs (France) and in the canton of Jura (Switzerland)]
- 2012/7: Presumed illegal killing of birds in Malta  
[T-PVS/Files (2015) 9 – Government report]  
[T-PVS/Files (2015) 15 – NGO report]
- 2012/11: *Marsupella profunda* threatened by a waste burn incinerator at Rostowrack Farm St Dennis, UK  
[T-PVS/Files (2015) 2 – EU report]  
[T-PVS/Files (2015) 5 – NGO report]
- 2013/9: Presumed destruction of birds' and bats habitats due to tourism developments in Ukrainian Natural Reserves (Ukraine)  
[T-PVS/Files (2015) X – Complainant report]
- 2013/10: Impact of corn monoculture on the conservation status of protected species in Alsace, France  
[T-PVS/Files (2015) 8 – Government Report]  
[T-PVS/Files (2015) 16 – Complainant report]
- [2006/1: France: Protection of the European green toad (*Bufo viridis*) in Alsace]

### 3.4 On-the-spot appraisals

- File open - 2012/9: Presumed degradation of nesting beaches in Fethiye and Patara SPAs (Turkey)  
[T-PVS/Files (2015) 18 – Government oral statement]
- Possible File - 2013/1: Hydro power development within the territory of Mavrovo National Park (“the former Yugoslav Republic of Macedonia”)

### 3.5 Mediation

- Possible File - 2013/5: Presumed impact of a construction of Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland



### **3.6 Other complaints**

- 2014/1: Presumed risk of national extinction of badgers in Ireland  
[T-PVS/Files (2015) X – Government Report]  
[T-PVS/Files (2015) 1 – Complainant report]
- 2014/3: Presumed deliberate killing of birds in Serbia  
[T-PVS/Files (2015) 14 – Government Report]  
[T-PVS/Files (2014) 29 – Complainant report]
- 2014/6: Wind energy: Possible threats to an endangered natural habitat in Izmir (Turkey)  
[T-PVS/Files (2015) X – Government Report]  
[T-PVS/Files (2015) 17 – Complainant report]
- 2014/8: Presumed large-scale exploitation and marketing of protected marine shelled molluscs in Greece  
[T-PVS/Files (2015) X – Government Report]  
[T-PVS/Files (2015) 19 – Complainant report]
- 2014/9 : Possible impact of haying performed in the steppe and forest-steppe reserves of Ukraine  
[T-PVS/Files (2015) 13 – Government Report]

### **4. FOLLOW-UP OF PREVIOUS RECOMMENDATIONS: PROPOSAL BY THE SECRETARIAT**

- Recommendation No. 95 (2002) on the conservation of marine turtles in Kazanlı beach (Turkey)
- Recommendation No. 25 (1991) on the conservation of natural areas outside protected areas proper
- Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland

### **5. ANY OTHER BUSINESS**

- Follow-up to complaint N° 2010/4 on the Increase in the number of sea turtle deaths recorded at Episkopi area under the control of the British Sovereign Base Area Administration (SBAA)
- Developments at Ulcinj Salina (Montenegro)  
[T-PVS/Files (2015) 21 – Follow-up government Report]

### **5. CLOSURE**

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