

Strasbourg, 12 September 2011
[tpvs08_e_2011.doc]

T-PVS (2011) 8

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

31st meeting
Strasbourg, 29th November – 2nd December 2011

**Comments of the Standing Committee to the Bern
Convention on Recommendation 1964 (2011) of the
Parliamentary Assembly of the Council of Europe
on “The need to assess progress in the
implementation of the Bern Convention”**

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

*This document will not be distributed at the meeting. Please bring this copy.
Ce document ne sera plus distribué en réunion. Prière de vous munir de cet exemplaire.*

CONTENTS

Appendix 1

Comments of the Bureau on behalf of the Standing Committee	4
--	---

Appendix 2

Recommendation 1964 – (2011) of the Parliamentary Assembly on “The need to assess progress in the implementation of the Bern Convention”	5
--	---

Appendix 3

Resolution 1802 (2011) of the Parliamentary Assembly on “The need to assess progress in the implementation of the Bern Convention”	7
--	---

1. At its 1113th meeting on 4-5 May 2011, the Committee of Ministers of the Council of Europe examined Recommendation 1964 – (2011) of the Parliamentary Assembly on “The need to assess progress in the implementation of the Bern Convention” (see appendix 2) and agreed to communicate it to the Standing Committee to the Bern Convention for information and possible comments by 15 September 2011.
2. In addition, the Committee of Ministers took note of the Resolution 1802 (2011) – “The need to assess progress in the implementation of the Bern Convention” (see appendix 3 for information).
3. At its meeting on 9 September 2011, the Bureau of the Standing Committee to the Bern Convention, examined, amended and adopted the Comments found in appendix 1 and decided to submit them to the Committee of Ministers of the Council of Europe on behalf of the Standing Committee.

Appendix 1

COMMENTS OF THE STANDING COMMITTEE OF THE CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (BERN CONVENTION) CONCERNING RECOMMENDATION 1964 (2011) OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE ON “THE NEED TO ASSESS PROGRESS IN THE IMPLEMENTATION OF THE BERN CONVENTION”

The Bureau of the Standing Committee to the Bern Convention, on behalf of the Standing Committee:

1. Welcomes Recommendation 1964 (2011) of the Parliamentary Assembly and particularly agrees that the work of the Bern Convention and of its Standing Committee and Groups of Experts should be made more visible internationally;
2. Particularly welcomes the work of the Groups of Experts set up by the Standing Committee under the Convention to address the specific threats and conservation requirements of different species, habitats, sites and processes, as well as to monitor the implementation of the Standing Committee recommendations;
3. Notes with satisfaction that, in 2011, co-operation with the European Union and the European Environment Agency has been intensified, particularly with regards to the harmonisation of the Emerald Network of Areas of Special Conservation Interest under the Bern Convention and the Natura 2000 ecological network under the European Union Habitats and Birds Directives. These co-ordination efforts are to be maintained and enhanced in future;
4. Recalls the Memoranda of Co-operation concluded by the Bern Convention with both the Convention on Biological Diversity (in 2008) and the International Union for Conservation of Nature (IUCN, 2010) as tools to promote exchange of information and experience on the implementation of their respective programmes of work, as well as to foster institutional and technical co-operation on issues of common concern such as protected areas and ecological networks, ecosystem services, invasive alien species, biodiversity and climate change;
5. Supports the need to accelerate the designation of the Emerald Network’s Areas of Special Conservation Interest by all the Contracting Parties to the Bern Convention, including the development of their management plans, as a contribution of the Convention to the achievement of the 2020 Aichi Biodiversity Targets under Convention on Biological Diversity’s Strategic Plan;
6. Notes that the Bern Convention has pioneered European work on environmental protection, by encouraging co-operation among States, promoting legislative harmonisation and providing Parties with the tools for their implementation, supporting integrated policies in the fields of environment and landscape in a sustainable development perspective;
7. Recognises the persistent need for efficient enforcement of the environmental legislation, including the implementation of the Standing Committee’s recommendations, communication, education and public awareness on both the work of the Bern Convention as well as on the need to protect and conserve wild fauna and flora and their natural habitats and thus ecosystem services they provide for human well-being;
8. Invites the Russian Federation and San Marino to consider signing and ratifying the Bern Convention, thus joining the other Council of Europe Member States in their work on biodiversity conservation and sustainable use;

9. Invites governments to regard the Bern Convention work on conservation and sustainable use of biodiversity as one of the priorities of the Council of Europe and to allocate adequate resources for its effective implementation and monitoring.



Appendix 2

Parliamentary Assembly Assemblée parlementaire

Recommendation 1964 (2011)

The need to assess progress in the implementation of the Bern Convention

1. Referring to its Resolution 1802 (2011) on the need to assess progress in the implementation of the Bern Convention, the Parliamentary Assembly calls for an assessment of progress in the implementation of the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention, ETS No. 104), the first comprehensive legal instrument for pan-European nature conservation, which remains the keystone treaty for the protection of biodiversity within the Council of Europe framework.

2. The Assembly recalls the wider legal framework in the field of nature conservation and biodiversity which complements the Bern Convention, principally the United Nations Convention on Biological Diversity, the Convention on Wetlands of International Importance (the Ramsar Convention), the European Landscape Convention (ETS No. 176) and the European Union “Birds” and “Habitats” Directives.

3. In the light of these considerations, the Assembly recommends that the Committee of Ministers:

3.1. invite the Russian Federation and San Marino to sign and ratify the Bern Convention;

3.2. assess the effectiveness of the Bern Convention in Africa and, if appropriate, invite more countries to accede to it in order to provide comprehensive geographical coverage, investigate possibilities for co-operation with the African Convention on the Conservation of Nature and Natural Resources (Algiers Convention) and continue and further develop co-operation with the African-Eurasian Waterbird Agreement (AEWA);

3.3. call on the parties and observers to the Bern Convention to enhance co-operation with the European Union in order to achieve compatibility between the Emerald network of areas of special conservation interest under the Bern Convention and the Natura 2000 network of protected habitats resulting from the European Union Habitats Directive, and in particular with regard to:

3.3.1. establishing protected area networks, to:

3.3.1.1. harmonise habitat and species lists through co-ordinated interpretation of the habitat types included in the lists;

3.3.1.2. strengthen the rules for site designation;

3.3.1.3. accelerate designation of conservation areas in all States Parties to the Bern Convention in order to extend and complete the two European conservation area networks;

3.3.1.4. create a comprehensive assessment of the Emerald network, similar to the Natura 2000 Barometer;

3.3.1.5. make data relevant to areas of special conservation interest available to the public, including mapping of designated areas on a pan-European scale, compatible with geographical information systems and available on the Internet;

3.3.1.6. incorporate development of the Emerald network into European Union development assistance programmes, namely through European Union accession and neighbourhood policies;

3.3.2. management of protected areas, to:

3.3.2.1. strengthen mechanisms for reporting and implementation with a view to being able to react to non-compliance with infringement procedures, similar to the European Union procedures;

3.3.2.2. strengthen existing guidance with more specific advice with regard to management planning and action;

3.3.2.3. create management planning software that could complement software used for site description;

3.3.2.4. make a more systematic overview of the situation of habitats and species in protected areas on a pan-European basis, using data from the European Diploma of Protected Areas as well as case files and complaints;

3.3.2.5. take stock of the state of implementation of the numerous recommendations adopted by the Standing Committee of the Bern Convention;

3.3.2.6. ensure coherence of networks and avoid infrastructure developments that cut through migratory corridors;

3.3.2.7. secure protection of Emerald sites comparable to Natura 2000 site protection;

3.3.3. the protection of species, to:

3.3.3.1. when species included in Appendix II of the Bern Convention have reached safe ecological levels and such a move would not jeopardise the current favourable status, consider moving some of the biogeographical populations to Appendix III and to consider also the opposite move for species in Appendix III that are not in a favourable position, while avoiding any hasty movements of species from one appendix to the other without adequate prior assessment of their status;

3.3.3.2. step up efforts to significantly reduce populations of invasive alien species in Europe and avoid introducing new ones;

3.4. call on the Parties and observers to the Bern Convention to step up implementation of the Standing Committee recommendations, including where necessary efficient enforcement of the environmental legislation, in particular in order to:

3.4.1. fight against global biodiversity loss, loss of habitats and fragmentation of European landscapes and to address issues of habitat diversity protection not related to particular conservation sites;

3.4.2. make use of the ecosystem approach and maintain large networks of heterogeneous habitats;

3.4.3. integrate protection of biological and landscape diversity in all sectors such as spatial planning, infrastructure development, construction, mining, agriculture and forestry, as well as protection of the environment from pollution, including mitigation and adaptation to climate change;

3.5. make the Bern Convention and the work of the Steering Committee and its groups of experts more visible internationally and ensure that it is regarded as one of the priorities of the Council of Europe.

1 . Assembly debate on 13 April 2011 (15th Sitting) (see Doc. 12459, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Lotman). Text adopted by the Assembly on 13 April 2011 (15th Sitting).



Appendix 3

Parliamentary Assembly Assemblée parlementaire

Resolution 1802 (2011)¹

The need to assess progress in the implementation of the Bern Convention

1. The Parliamentary Assembly refers to the ceremony of the 30th anniversary of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention, ETS No. 104), to the International Year of Biodiversity 2010 and to the United Nations Decade on Biodiversity 2011-2020, to its Recommendation 1918 (2010) on biodiversity and climate change, and to the declaration jointly signed by the Assembly, the Congress of Local and Regional Authorities of the Council of Europe and the Conference of INGOs of the Council of Europe on the occasion of European Biodiversity Day on 28 April 2010.

2. In this respect, the Assembly deeply regrets that depletion of biological diversity is currently taking place faster than natural extinction, reflecting the global political failure to meet the 2010 Biodiversity Target and stop biodiversity loss by 2010 as stipulated at the Conference of the Parties to the Convention on Biological Diversity in 2002.

3. In its broadest sense, the environment concerns both human beings and their surrounding natural habitat, to the extent that they form a single entity that is ecologically balanced and conducive to development. The Assembly refers to Principle 1 of the Stockholm Declaration (United Nations Conference on the Human Environment, 1972) which states: “Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears solemn responsibility to protect and improve the environment, for present and future generations.”

4. The Assembly recalls its Recommendation 1885 (2009) on drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment and Resolution 10/4 of the United Nations Human Rights Council on human rights and climate change and the explanatory study of the Office of the United Nations High Commissioner for Human Rights (A/HRC/10/61), and stresses that any degradation in delivery of ecosystem services will closely affect a wide range of universally recognised human rights and fundamental freedoms, namely the right to life and to food, access to water, health, adequate housing, right to property and land use.

5. Both the Assembly and the Standing Committee of the Bern Convention have already identified and fought activities that are harmful to the environment in various places in Europe, including those affecting fragile ecological areas. The Assembly hereby reaffirms its resolutions and recommendations concerning concrete issues of environmental protection, such as Resolution 1444 (2005) on protection of European deltas, and Recommendation 1837 (2008) on the fight against harm to the environment in the Black Sea. It also calls for the full implementation of the Bern Convention Standing Committee’s recommendations.

6. Moreover, according to the case law of the European Court of Human Rights, environmental degradation, depletion of biological diversity and alteration of ecosystems also indirectly affect other human rights protected under the European Convention on Human Rights (ETS No. 5), namely:

respect for private and family life as well as the home (Article 8); access to justice and an effective remedy (Article 13); freedom of expression and the right to receive and impart information and ideas (Article 10).

7. According to scientific studies, Europe is projected to experience warming greater than the global mean warming, with winter warming greatest in northern Europe and summer warming greatest in the Mediterranean region, in both cases double the levels of the projected global mean warming. Changes in habitats, species, their geographical spread, their migratory patterns and ultimately the composition and functioning of European ecosystems will inevitably also affect their ability to deliver the various services upon which human society depends.

8. While mitigation measures for the reduction in greenhouse gas emissions are essential for reducing the negative impacts on the environment and biodiversity in the medium and long term, concrete measures are also necessary to facilitate adaptation of natural and managed ecosystems to ongoing processes resulting from climate change. Spontaneous adaptation will not be sufficient to reduce impacts on biodiversity at all levels, in particular on vulnerable ecosystems and for long-term human well-being.

9. The Assembly therefore considers that strong measures to protect habitats, flora and fauna, as well as good management and extension of existing networks of conservation areas will be vital to any successful national and European strategies for biodiversity conservation in the face of climate change.

10. The Assembly welcomes the initiative of the European Union aimed at drafting the post-2010 European Union biodiversity strategy in consultation with citizens, stakeholders, public administration, business and civil society, with a view to stepping up the European Union contribution to averting global biodiversity loss.

11. In this respect, the Assembly calls upon the European Union and the relevant member states of the Council of Europe to step up their efforts to increase their contribution in order to meet the Global Biodiversity Target set by the Parties to the Convention on Biological Diversity, and especially to implement the recommendations and resolutions of the Standing Committee of the Bern Convention.

1 . Assembly debate on 13 April 2011 (15th Sitting) (see Doc. 12459, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Lotman). Text adopted by the Assembly on 13 April 2011 (15th Sitting). See also Recommendation 1964 (2011).