

Strasbourg, 24 November 2011 [tpvs18e_2011] **T-PVS (2011) 18**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS

Standing Committee

31st meeting

Strasbourg, 29 November – 2 December 2011 Opening of the meeting: 9:30 am Tuesday 29th November 2011, Room 5

ANNOTATED DRAFT AGENDA

Document prepared by The Directorate of Democratic Governance, Culture and Diversity

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PART I – OPENING

1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

Relevant documents: T-PVS (2011) 1 - Draft agenda T-PVS (2011) 18 -Annotated draft agenda

The 31st meeting of the Standing Committee will be opened by the Chair, Mr Jan Plesnik, at the Council of Europe (Strasbourg) at 9:30 a.m. on Tuesday 29th November 2011.

The draft agenda was drawn up by the Secretariat after consultation with the Bureau.

Decision: The Committee will be invited to adopt the agenda.

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

Relevant documents: T-PVS (2011) 5 and 15 - Reports of the Bureau meetings in April and September 2011

The Chair will report on the development of the Convention since the last meeting of the Committee.

Contracting Parties have the opportunity to report in writing on the implementation of the Convention in their States.

Observer States will be invited to briefly inform the Committee of progress made towards the ratification of the Convention, together with any other information they may consider useful. The representatives of the invited Organisations may report on their activities directly concerned with the Convention (Article 13.3).

NB Delegations are kindly reminded that only written statements will be included in the report of the meeting.

The Secretariat will inform the Committee on the general implementation of the work programme for 2011, presenting at the same time the reports of the meetings of the Bureau of the Committee.

Decisions: No decisions are expected from the Committee under this item.

PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

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

3.1 Report on the implementation of the Convention in one Contracting Party (Switzerland)

Relevant document: T-PVS/Inf (2011) 29 – Expert's report on the implementation of the Convention in Switzerland

Presentation of the independent report prepared by Professor Jean Untermaier on the implementation of the Bern Convention in Switzerland.

Decision: The Committee is invited to take note of the report.

3.2 Biennial reports 2005 - 2006, 2007 – 2008, 2009 – 2010 concerning exceptions made to Articles 4, 5, 6, 7 or 8 and quadrennial reports 2005 - 2008

Relevant documents: T-PVS/Inf (2011) 30 - Biennial Reports 2005-2006 T-PVS/Inf (2011) 31 - Biennial Reports 2007-2008 T-PVS/Inf (2011) 24 and 24 add. - Biennial Reports 2009-2010 T-PVS/Inf (2011) 20 - Summary tables of reporting under the Bern Convention

Article 9.2 of the Convention requests Parties to report on the exceptions made to Articles 4, 5, 6, 7 and 8.

Parties may also present general reports on the implementation of the Convention.

These reports will not be discussed unless Parties requires so at the adoption of the Agenda.

PARTIES NOT HAVING SENT THEIR BIENNIAL REPORTS ARE KINDLY REQUESTED TO SEND THEM AS SOON AS POSSIBLE BY E-MAIL (veronique.decussac@coe.int) AND BRING A COPY TO THE MEETING

Decision: The Committee is invited to take note of the reports presented.

PART III - INSTITUTIONAL MATTERS

4. INTERPRETATION OF ARTICLE 9.1 OF THE BERN CONVENTION

4.1 Legal analysis of the interpretation of Article 9.1 of the Bern Convention

Relevant document: T-PVS/Inf (2010) 16 - Interpretation of Article 9 of the Bern Convention

The Secretariat will briefly remind the findings of the report prepared by Ms Clare Shine on the legal analysis of the interpretation of Article 9.1 of the Bern Convention.

4.2 Guidelines for the reporting system set under article 9.2 of the Bern Convention

Relevant documents:T-PVS/Inf (2011) 22 – Draft Updated Model form for Biennial reports
T-PVS/Inf (2009) 11 – Updated Model form for Biennial reports
T-PVS (2011) 2 – Draft Revised Resolution No. 2 (1993)
T-PVS/Inf (2011) 23 – Provisions on exceptions: expertise by Pronatura

The Secretariat will present the Draft Revised Resolution No. 2 (1993) and the Draft Updated Model for Biennial Reports, elaborated upon request of the Bureau and in line with the recommendations proposed in the report "Legal analysis of the interpretation of Article 9.1 of the Bern Convention" as well as with the comments received from the electronic consultation of Contracting Parties.

Decision: The Standing Committee is invited to:

- Examine and, if appropriate, adopt the Revised Resolution No. 2 (1993) on the scope of articles 8 and 9 of the Bern convention (Adopted by the Standing Committee 3 December 1993, as amended in December 2011);
- Examine and, if appropriate, adopt the New model form for biennial reports.

PART IV – MONITORING OF SPECIES AND HABITATS

5 MONITORING OF SPECIES AND HABITATS

Relevant document T-PVS/Inf (2011) 20 - Summary tables of reporting under the Bern Convention

*Item for information only:

T-PVS/Inf (2011) 16 - Monitoring for the Conservation of the Leopard in the Caucasus Ecoregion

T-PVS/Inf (2011) 21 – Conserving European Biodiversity in a changing climate: the Bern Convention, the EU Birds and Habitats Directives and the adaptation of nature to climate change

T-PVS/Inf (2011) 17 – Planta Europa Krakow Declaration on the conservation of wild plants in Europe

5.1 Group of Experts on Biodiversity and Climate Change – Draft Recommendation

 Relevant documents:
 T-PVS (2011) 24 - Meeting report of the Group of Experts on Biodiversity and Climate Change (Strasbourg, 10-11 October 2011)

 T-PVS/Inf (2011) 25 - Impact of climate change on Marine Biodiversity

 T-PVS (2011) 16 - Draft recommendation on Marine biodiversity and climate change

 T-PVS/Inf (2011) 18 - National Reports on Biodiversity and Climate Change

The Chair of the Group of Experts on Biodiversity and Climate Change, Mr Petar Zhelev, will present the report of the meeting held in Strasbourg on 10-11 October 2011.

The Secretariat will present the draft recommendation.

Decision: The Committee is invited to:

- Take note of the report of the meeting of the Group;
- Take note of the proposals by the Group for its future work;
- Examine and, if appropriate, adopt the draft recommendation proposed by the Group:
 - > Draft Recommendation on marine biodiversity and climate change.

5.2 Group of Experts on Island Biodiversity in Europe

Relevant documents: T-PVS (2011) 7 - Report of the meeting of the Group of Experts on European Island Biological Diversity (Galéria, Corsica, 9-11 June 2011)
 T-PVS/Inf (2011) 10 - National Reports on European Islands and Biological Diversity
 T-PVS/Inf (2011) 9 - Priorities for conserving biodiversity on European Islands
 T-PVS (2011) 25 - Draft Recommendation on the Charter on the Conservation and Sustainable Use of Biological Diversity in European Islands
 T-PVS/Inf (2011) 8rev - Charter on the Conservation and Sustainable Use of Biological Diversity in European Islands – Fifth draft August 2011

The Chair of the Group of Experts, Mr Øystein Størkersen, will present the report of the third meeting of this Group of Experts.

Decision: The Committee is invited to:

- Take note of the report of the meeting, in particular of the on-going work in different Contracting Parties and of the activities carried out by Observer Organisations;
- Thank the French Conservation authorities and Regional Corsican authorities for the excellent preparation of the meeting;
- Examine and, if appropriate, adopt the draft recommendation proposed by the Group:
 - Draft Recommendation on the Charter on the Conservation and Sustainable Use of Biological Diversity in European Islands;

^{*} This item will not be discussed, unless Parties request so at the adoption of the Agenda.

• Take note of the proposals of the Group of Experts on priorities for conserving biodiversity on European islands.

5.3 Group of Experts on Invasive Alien Species

a. Progress report, codes of conducts and draft recommendations

Relevant documents: T-PVS (2011) 6 - Report of the meeting of the Group of Experts (St Julian's, Malta, 18-20 May 2011)) T-PVS/Inf (2011) 5 - Code of Conduct on Hunting and IAS

T-PVS/Inf (2011) 1rev – Code of Conduct on Pets and IAS

T-PVS (2011) 19 - Draft Recommendation on the European Code of Conduct on Hunting and Invasive Alien Species T-PVS (2011) 20 - Draft Recommendation on the European Code of Conduct on Pets and Invasive Alien Species

T-PVS (2011) 21 - Draft Recommendation on European 2020 Targets for Invasive Alien Species

The Secretariat will present the outcomes of the meeting of the Group as well as the two codes of conduct and the draft recommendations.

b. Monitoring of the European Strategy on the eradication of the Ruddy Duck (Side event)

At its 30th meeting the Standing Committee to the Bern Convention adopted Recommendation No. 149 (2010) on the eradication of the Ruddy Duck (*Oxyura jamaicensis*) in the Western Palaearctic, inviting Parties to implement, without delay, the Revised Action Plan 2011- 2015.

In order to check the progress made by Contracting Parties in the implementation of their commitments, a 90 minutes side event will take place on Tuesday 29th November, from 5:30 p.m. to 7:30 p.m. in Room 5.

Decision: The Committee is invited to:

- Take note of the report of the meeting and, in particular of the very good progress in the implementation of the Convention's European Strategy on IAS and in the preparation in the framework of the Convention of innovative voluntary Codes of Conduct and Guidelines;
- Thank Maltese Conservation authorities for the excellent preparation of the meeting and all governments and international organisations for the very good input;
- Examine and, if appropriate, adopt the following draft recommendations:
 - Draft Recommendation on the European Code of Conduct on Hunting and Invasive Alien Species;
 - > Draft Recommendation on the European Code of Conduct on Pets and Invasive Alien Species;
 - > Draft Recommendation on European 2020 Targets for Invasive Alien Species.

5.4 Conservation of birds

a. Illegal taking and trading of birds in Europe

Relevant documents: T-PVS (2011) 9 - Report of the European Conference on the Illegal killing of Birds (Larnaca, Cyprus, 6-8 July 2011)

T-PVS/Inf (2011) 11 - National reports

T-PVS/Inf (2011) 13 - Review of the illegal killing and trapping of birds in Europe - A report by the BirdLife Partnership

T-PVS/Inf (2011) 27 - Illegal Trapping, Killing and Trade of Birds in Cyprus - Updated Report by the NGOs

T-PVS/Inf (2011) 12 - Social, Educational and Cultural aspects: Human dimensions as a tool for bird conservation

Larnaca Declaration

T-PVS (2010) 22 - Draft Recommendation on the Illegal taking and trade of birds in Europe

The Secretariat will present the report of the first European Conference on the illegal killing of birds, held in Larnaca, Cyprus, on 6-8 July 2011.

The Secretariat will further present the "Larnaca Declaration" and the Draft Recommendation.

Decision: The Committee is invited to:

- Take note of the report of the meeting,
- Take note of the Larnaca Declaration;
- Examine and, if appropriate, adopt the Draft Recommendation on the Illegal taking and trade of birds in Europe;
- Thank the authorities of Cyprus for the excellent cooperation and most professional organisation of the meeting.

b. Action Plan for the conservation of the White-tailed Sea Eagle (*Haliaeetus albicilla*) along the Danube - Draft Recommendation

Relevant Document: T-PVS/Inf (2011) 28 Action Plan for the conservation of the White Tailed Sea Eagle along the Danube

T-PVS (2011) 11 - Draft Recommendation on the implementation of an Action Plan for the conservation of the White-tailed Sea Eagle (*Haliaeetus albicilla*) along the Danube

The representative of DANUBEPARKS will present the Action Plan for the conservation of the White-tailed Sea Eagle along the Danube. The Secretariat will further present the Draft Recommendation.

Decision: The Committee is invited to:

- Take note of the Action Plan for the conservation of the White-tailed Sea Eagle;
- Examine and, if appropriate, adopt the Draft Recommendation on the implementation of an Action Plan for the conservation of the White-tailed Sea Eagle along the Danube.

5.5 Habitats

a. Group of Experts on Protected areas and Ecological networks: Report

Relevant Document: T-PVS/PA (2011)13 - Report of the meeting of the Group of Experts on Protected Areas and Ecological Networks, Strasbourg, 19-20 September 2011

The Group of Experts met in Strasbourg on 19-20 September 2011. The Chair of the Group of Experts, Mrs. Maka Tsereteli, will present the report of the meeting.

b. Setting-up of ecological networks: progress on the establishment of the Emerald Network

Relevant Documents: T-PVS/PA (2011) 5 - Joint programme funded by the European Union and implemented by the Council of Europe - State of progress as of 30 August 2011

T-PVS/PA (2011) 12 – Draft Recommendation on the status of candidate Emerald sites and guidelines on the criteria for their adoption

T-PVS/PA (2011) 14 – Draft Recommendation on the European 2020 targets on Protected Areas

T-PVS/PA (2011) 6 – Draft List of proposed Emerald Candidate Sites (proposed ASCIs)

T-PVS/PA (2011) 15 – Draft revised Annex I of Resolution No 6 (1998) of the Bern Convention

T-PVS/PA (2011) 9 - The Future of Ecological Networks in Europe, Discussion Paper

The Secretariat will present the state of progress of the implementation of the Emerald Network, with a particular focus on the draft final outcomes of the CoE / EU Joint Programme for the setting-up of the Emerald Network in seven Central and Eastern European countries, on the Emerald biogeographical process in Switzerland, Norway and six West Balkan countries.

The Secretariat will further explain the recent strategic developments on the Emerald Network constitution process, in particular in relation to the harmonisation of the Emerald and Natura 2000 Networks. These developments result from the continuous and strengthening co-operation with the European Environment Agency and the European Topic Centre on Biological Diversity. A draft list of proposed Emerald Candidate sites will be presented for official nomination by the Standing Committee, as well as a draft Recommendation on the criteria for their nomination and their status.

A 10-minute promotional video produced under the Emerald Network Joint Programme will be screened in the meeting room before lunch break.

Decision: The Committee is invited to:

- To take note of the report of the Group of Experts as well as of the activities proposed for 2012 and 2013;
- To examine and, if appropriate, officially nominate as candidate Emerald sites the sites from the Draft List of proposed Emerald Candidate Sites (proposed ASCIs);
- To examine and, if appropriate, adopt the following draft recommendations:
 - Draft Recommendation on the status of candidate Emerald sites and guidelines on the criteria for their adoption;
 - > Draft Recommendation on the European 2020 targets on Protected Areas;
- To examine and, if appropriate, adopt the revised Annex I of Resolution 6 (1998) of the Bern Convention;
- To express its appreciation to the European Environment Agency and the European Topic Centre for Biological Diversity for their continuous support and cooperation in the setting-up of the Emerald Network;
- To encourage the EEA and the ETC/BD to consider the inclusion of biodiversity as a priority topic for its work in the EU neighbourhood area, in the light of the progress made within the Emerald Network setting-up in Central and Eastern Europe and the South Caucasus.

c. European Diploma of Protected Areas:

Relevant documents: T-PVS/DE (2011) 16 – Report of the Group of Specialists T-PVS/DE (2011) 17 – Adopted Resolutions T-PVS/DE (2011) 12 Revised - Future of the European Diploma for Protected Areas

The Secretariat will present the report of the meeting of the Group of Specialists held in Strasbourg, in March 2011.

The Secretariat will present the document including the adopted resolutions regarding the renewals of the European Diploma of Protected Areas in 2011. It will then inform on the on-the-spot appraisals carried-out prior to the renewal of the European Diploma, with a particular focus on the two pending non-renewals for Belovezhskaya Pushcha National Park (Belarus) and Bialowieza National Park (Poland).

Moreover, the Secretariat will outline the main conclusions of document T-PVS/DE (2011) 12, on the "Future of the European Diploma of Protected Areas". The latter will be further analysed during a side event scheduled to take place on Thursday 1st December 2011, in Room 5, in view of setting-up a concrete short-term planning for the European Diploma ahead until 2015 (50th anniversary of the European Diploma). The side event will also allow for the preparation of concrete proposals to the attention of the Group of Specialists (9-10 February 2012).

Decisions: The Committee is invited to:

- Take note of the meeting report;
- Take note of the proposal of the Bureau to elect three new members (Slovenia, Sweden, Turkey) who will participate in the next meeting of the Group in 2012;
- Consider for follow-up the proposals of the Group concerning the future of the European Diploma.

PART V - MONITORING OF SPECIFIC SITES AND POPULATIONS

6. SPECIFIC SITES AND POPULATIONS

 Relevant document:
 T-PVS/Inf (2011) 15 – Register of Bern Convention case-files

 T-PVS/Inf (2011) 20 - Summary tables of reporting under the Bern Convention

6.1 Files opened:

Variant: Variable Waterway in the Bystroe Estuary (Danube delta)

Relevant documents: T-PVS (2011) 13rev - Summary of case files T-PVS/Files (2011) 8– Government report T-PVS/Inf (2011) 7 – Protocol of the 1st Meeting of the Moldova – Romania – Ukraine joint Commission T-PVS/Files (2011) 23 – Report from the EU

This case concerns the excavation of a shipping canal in Bystroe estuary of the Danube delta in Ukraine, which is likely to affect adversely both the Ukrainian Danube Biosphere Reserve – the most important of Ukraine's wetlands – and the whole Danube delta dynamics.

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

In 2008, an on-the-spot appraisal visit was carried out, including the participation of representatives from the Espoo and Ramsar Conventions, the European Commission, and Unesco.

The Standing Committee meeting in 2008 kept the file open, while expressing its satisfaction with the repealing of the final decision to proceed with phase II of the project; and welcomed the decision to carry out a proper EIA that may permit a decision compatible with Ukraine's international obligations. The Committee noted that there were still reasons for concern; urged Ukraine to fully implement Recommendation No. 111 (2004).

In 2009, the Delegate of Ukraine presented a report to the Standing Committee, highlighting Ukrainian openness and willingness to have a dialogue and fruitful co-operation with the Romanian authorities regarding this project. He further informed the Committee of the initiative to collaborate with the International Commission on the Protection of the Danube River regarding research and monitoring of the transboundary part of the Danube Delta. The Committee welcomed the positive co-operation underway between Ukraine and Romania. However, it agreed to keep the case file open and asked Ukraine to continue to report to the next meeting of the Standing Committee in 2010.

In March 2010, the European Union informed the Council of Europe that Ukraine adopted a final decision on the project at the end of January 2010, agreeing to start works related to the full-scale implementation of the Danube-Black Sea Navigation Route, thus initiating the implementation of Phase II of the Bistroe Channel project.

The Secretariat didn't receive updated information from the Government until the Standing Committee meeting, where the delegate of Ukraine reported to the participants.

The Committee took note of the report while calling for an improved and regular exchange of information with the Secretariat. It decided to keep the case file open and agreed to the creation of a Select Group of Experts to facilitate dialogue on the issue. The Group should meet after relevant Parties and the Chair of the Standing Committee agree on the terms of reference.

However, in February 2011 the proposed Terms of Reference were rejected by Ukraine.

The delegate of Ukraine will be invited to present an updated report to the Standing Committee.

Decision: the Committee is invited to discuss this issue and the possible follow-up

Cyprus: Akamas peninsula

Relevant documents:	T-PVS (2011) 13rev - Summary of case files		
	T-PVS/Files (2011) 20 – Report by the Government		
	T-PVS/Files (2011) 26 – Report from the EU		
	T-PVS/Files (2011) 24 – Report by the NGOs		

This case concerns plans for the tourist development in the Peninsula of Akamas (Cyprus), with detrimental effect on an ecologically valuable area with many rare plant and animal species protected under the Bern Convention. It was first discussed at the 16th meeting of the Standing Committee in 1996. Two on-the-spot appraisals were carried out in 1997 and 2002 and a recommendation adopted in 1997 (Recommendation No. 63 (1997) on the conservation of the Akamas peninsula in Cyprus and, in particular, of the nesting beaches of *Caretta caretta* and *Chelonia mydas*.

In 2008, the Standing Committee kept the file open, while acknowledging progress in the preparation of the management plan. Nevertheless, the Committee asked Cyprus to send the plan as soon as it is ready, and wished that the area of Limni also gets adequate protection.

In 2009 the Standing Committee decided to keep the file open, taking note of the observations and reports from the government and NGOs. The Committee asked Cyprus to present a report for its next meeting, to send to the Secretariat as soon as possible the management plan for Limni and the revised town planning provisions for the area as they are produced, as well as to fully implement its Recommendation No. 63 (1997) and ensure that obligations under the Convention are fulfilled.

At the 30th Standing Committee meeting, the Committee took note of the report presented by the Secretariat in the absence of delegate of Cyprus. The Committee further took note of the observations and reports from the NGOs and decided to keep the file open, while asking Cyprus to present a report for its next meeting; to send to the Secretariat as soon as possible the translation into English of the management plan for Limni area; to fully implement its Recommendation No. 63 (1997). The Committee asked the Secretariat to follow-up the file in close co-operation with the European Union.

The delegate of Cyprus will present the government report.

Decision: the Committee is invited to discuss this issue and the possible follow-up

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

Relevant documents: T-PVS (2011) 13rev - Summary of case files T-PVS/Files (2011) 26 – Report from the EU T-PVS/Files (2011) 14 –Report by the NGOs

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

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

In 2009, the delegate of Bulgaria informed the Committee that a "Strategic Environmental Assessment (SEA)" of Bulgaria's Energy Strategy and National Plan for Renewable Energy Sources had been initiated in spring 2009, with meetings at expert level. Bulgaria's Ministry of Environment and Water expressed their readiness and intention to co-operate with civil society and business representatives to achieve the necessary results and fulfil the country's obligations for the protection of its nature and biodiversity.

The Committee thanked the delegate of Bulgaria for its updated report and decided to keep the case file open and continue to follow it up in close co-operation with the European Commission.

In 2010, the delegate of Bulgaria presented the government report, informing -among others- of measures taken concerning the preventive protection of NATURA 2000 sites. Furthermore, she

The delegate of the EU recognised the efforts from national authorities but requested the case-file to be kept open for ensuring international co-ordination and support on the issue.

The Committee decided to keep the case file open and continue to follow it up in close cooperation with the European Commission, taking into account the three infringement procedures opened.

The delegate of Bulgaria will be invited to present the government report.

Decision: the Committee is invited to discuss this issue and the possible follow-up

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

Relevant documents:	T-PVS (2011) 13rev - Summary of case files	
	T-PVS/Inf (2011) 32 Conclusions of the International Hamster Workgroup	
	T-PVS/Files (2011) 7 rev. – Report by the Government	
	T-PVS/Files (2011) 26 – Report from the EU	
	T-PVS/Files (2011) 15 -Report by the NGOs	

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

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

In 2008, the French delegation reported on the concerted approach taken with the involvement of national and local authorities, NGOs and farmers, to safeguard the Common hamster of Alsace. Considering that the population is still under threat, the European Commission brought the case before the European Court of Justice in June 2009

In 2009, the delegate of France reported on the results of the measures taken within the framework of the restoration plan, including the positive attitude of farmers towards the proposals of contracts; the control of infringements, with the launching of a specific plan; and actions undertaken to give statutory value to the whole mechanism. However, the delegate pointed out that the phase of regression was over but that the situation was still precarious. The representative of the *Association Sauvegarde Faune Sauvage* felt that the situation was still very worrying as 387 burrows were not covered by biotope protection agreements in 2009.

In 2010, the delegate of France informed on the progress achieved through the implementation of the 2007-2011 Action plan, including an increase in the population trends. However, the representatives of the NGOs considered that the policies implemented had failed and expressed concern for the small size of the hamster population. Furthermore, the delegate of the European Commission informed that a hearing on this subject was held at the European Court of Justice (ECJ) and that the conclusions would be published in January 2011.

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

The judgment of the ECJ was issued on 9th of June 2011 and it condemned France for failing to take sufficient measures to protect the Common hamster.

The delegate of France will be invited to present the government report.

Decision: the Committee is invited to discuss this issue and the possible follow-up

> Italy: Eradication and trade of the American Grey squirrel (*Sciurus carolinensis*)

Relevant document: T-PVS (2011) 13 rev- Summary of case files

T-PVS/Files (2011) 27 - Report by the Government

This case concerns the presence of the American grey squirrel in Italy, as a serious threat for the survival of the protected native Red squirrel, and the related potential to turn the invasion of this species into a continental problem.

In 1999, the Standing Committee adopted its Recommendation No. 78 (1999) on the conservation of the Red squirrel (*Sciurus vulgaris*) in Italy. In 2005, the Standing Committee adopted its Recommendation No. 114 (2005) on the control of the Grey squirrel (*Sciurus carolinensis*) and other alien squirrels in Europe, asking Italy to start without delay an eradication programme.

In 2007, the Standing Committee asked the Bureau to examine the possibility of opening a file for a possible breach of the Convention by Italy on this case. An on-the-spot appraisal was carried out in May 2008.

In 2008, the Standing Committee agreed to open a case file, and addressed a list of recommended actions to the Italian government (including monitoring, eradication, a trade ban, regional collaboration and co-operation).

In 2009 the delegate of Italy reported on progress made towards the adoption of legislative tools to control the species. The Committee welcomed progress in the conclusion of a Memorandum of Understanding among all the actors involved in the control of the species and the plans to pass legislation banning the trade on the species. Yet the Committee understood that there had been no action on the ground or legislation approved, so it decided to keep the file open and asked Italy to fully implement Recommendation No. 123 (2007) and inform the Committee and Bureau of progress.

At the 2010 Standing Committee meeting, the delegate of Italy presented the report from the government, informing that in August 2009 a Memorandum of cooperation was signed by the three concerned Regions, although this is still awaiting the signatures of the competent Provinces for entering into force. He continued by informing that the draft decree for banning the trading and keeping of the Grey squirrel was still under discussion of the competent legal offices. He further highlighted some measures recently undertaken in the field of the control and eradication of the species, focusing on a Life+ Project, launched in September 2010.

Noting that the decree concerning the banning of the trade and keeping of the American grey squirrel was not approved yet, the Committee decided to keep the file open and asked Italy to inform the Committee and the Bureau of progress made in the implementation of the LIFE+ Project and the adoption of appropriate legislative tools.

The Italian delegate will be invited to present an updated government report.

The Committee is invited to discuss the issue and the possible follow-up.

6.2 **Possible files**

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

Relevant documents:	T-PVS (2011) 13 rev - Summary of case files	
	T-PVS/Files (2011) 6 – Report by the Government	
	T-PVS/Files (2011) 26 – Report from the EU	
	T-PVS/Files (2011) 11 –Report by the NGOs	

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

In 2008, the French government reported that a restoration plan for the Common Spadefoot (*Pelobates fuscus*) and the Green toad (*Bufo viridis*) was under development, at the initiative of the regional authorities (DIREN Lorraine). The plan would be at the end of 2009, with specific actions starting in 2010.

In 2009, the delegate of France informed the Committee about the Draft National Action Plan, which would pay special attention to awareness-raising. The representative of the *Association Sauvegarde Faune Sauvage* stressed that the situation was highly critical for the Green toad, as out of seven sites of reproduction in the Haut-Rhin only one remained, showing that the viable population had been decimated. He asked for the opening of a file.

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

At the 2010 Standing Committee meeting, the French delegate announced that the National Action Plan was to be validated in the spring by the Ministry of Ecology and that the regional implementation of the plan would be a priority in 2011. Activities had in fact already started. The representatives of the NGOs said that the population was at threat of extinction and stressed that the plan was still at the drafting stage.

The Committee decided to keep the file as a possible case file as the procedure for drawing-up the National Action Plan was not completed. It asked the French authorities to report at the next Bureau meeting.

The French delegate is invited to present an updated government report.

The Committee is invited to discuss the issue and the possible follow-up.

6.3 Complaints in stand-by

Morocco: Ecological impacts of a tourism centre in Saïdia

Relevant documents: T-PVS (2011) 13 rev - Summary of case files T-PVS/Files (2011) 29 - Report of the Ramsar consultative visit T-PVS/Files (2011) 18 – Government report

A complaint was lodged in 2009 by the *Espace de Solidarité et de Coopération de l'Oriental* (ESCO), based in Oujda, Morocco. It related to the Moulouya estuary site, which ranks as a "zone of biological and ecological interest" (SIBE, in the French acronym), and has been a Ramsar site since 2005. The organisation denounced the huge project for a new tourist resort in Saïdia, which formed part of the country's 'Blue plan' for the strategic development of the tourist industry.

At the 2010 Standing Committee meeting the Secretariat announced that a Ramsar Advisory Mission had been conducted on the site from 12 to 16 October 2010. As a result, many recommendations had been made, covering all aspects of plant and wildlife conservation.

The Moroccan delegate, who had taken part in this visit, informed the Committee that the tourist project next to the Ramsar site had indeed raised concerns but these had been dispelled as a result of the on-the-spot visit. The report was being validated by the Moroccan authorities but certain measures had already been taken.

The Committee instructed the Bureau to analyse the report of the consultative visit organised from 12 to 16 October 2010 in the framework of the Ramsar Convention and take appropriate decision on this issue.

In July 2011 the authorities of Morocco informed that the situation in the Mouloya wetland site is under control and that consultation with Ramsar Secretariat are ongoing to ensure that the touristic development plans are implemented in conformity with both the Ramsar and the Bern conventions. However, the Secretariat has not been able to analyse the Ramsar report as this is still being bilaterally reviewed; Ramsar Secretariat informed that the report would be probably made public only in the autumn.

Decision: The Committee is invited to discuss this issue.

> Ukraine: threats to natural habitats and species in Dniester River Delta

Relevant documents: T-PVS (2011) 13 rev - Summary of case files T-PVS/Files (2011) 2 – Government report

A complaint was lodged in April 2010 by the International Non Governmental Organization "Environment – People – Law" for the possible breach of Articles 4 and 6 of the Bern Convention by Ukraine. The complaint concerned development plans (commercial ports and touristic infrastructures) in Dniester River Delta, which would affect several protected species and habitats under the Bern Convention. In particular, the NGO expressed concern over the significant threats to the natural habitats of severely threatened species, as well as over the quality of the Environmental Impact Assessment (EIA), and the lack of adequate planning and development policies.

The NGO highlighted that the area is also a Ramsar site; that seven different development projects were being implemented in the area; and that some of these new infrastructures were built within 100 meter of a so called "coastal protection stripe" of the Dniester River, foreseen by the Water Code of Ukraine (article 89), within the protected area called "The Dniester water meadows".

In September 2010, noting the lack of response from Ukrainian authorities, the Bureau decided to re-consider the case as a complaint in stand-by at the first Bureau meeting in 2011.

A report sent by Ukrainian authorities in February 2011 informed on the ecological situation of the Ramsar sites of "*Tendrivska* Bay", "*Yagorlytska* Bay" and "Northern part of the *Dniester Liman*", as well as on the activities carried-out by the administration of the Black Sea Biosphere Reserve to protect these areas. The authorities stressed that the natural resources of the Reserve are not commercially exploited. However, the guards of the Park discovered that illegal catching of shrimps occurred in the territory of the Ramsar site of *Yagorlytska* bay. The report didn't provide information on measures foreseen or already undertaken in this respect.

Regarding the Lower Dniester National Nature Park, the report informed that the area maintains high levels of biodiversity; the exploitation of its natural resources is regulated by law; hunting is prohibited in the national park. Permits for the harvesting of reeds, eco-tourism and other activities are issued according to scientifically based limits which are fixed annually by the authorities.

Finally the report informed about two development projects which are ongoing within the wetland on the banks of the Dniester River. According to the report, the State Ecological Inspection in Odessa Oblast found violation of environmental laws by the private enterprise while verifying compliance with environmental legislation. The Secretariat requested some additional clarifications which didn't arrive.

Noting that some of the issues related to this complaint still needed to be clarified, the Bureau decided to keep the complaint as a complaint in stand-by and to request to Ukrainian authorities an updated report for the Standing Committee meeting.

The Ukrainian delegate is invited to present an updated government report.

Decision: The Committee is invited to discuss this issue.

6.4 Follow-up of previous Recommendations

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

Relevant documents: T-PVS/Files (2010) 11 - Governments' reports on the follow-up of Recommendation No. 110 (2004) T-PVS/Files (2010) 13 - Report of the NGO T-PVS/inf (2011) 14 - Budapest Declaration on Birds and powerlines

In 2009, the Standing Committee considered that this was an important issue which required further follow-up and agreed to include this topic in its 2010 meeting agenda.

A compilation of national reports and an NGO report, including recommendations, were deeply reviewed at the Standing Committee meeting in 2010. On that occasion, the Committee asked the Bureau to analyse the recommendations included in the NGO report, particularly with regards to the proposal of introducing a temporarily reporting requirement on a 2-years follow-up basis on progress made towards the effective implementation of Recommendation 110 (2004).

In April 2011, an international conference on this issue was co-organised by MME/BirdLife Hungary and the Ministry of Rural Development of Hungary and BirdLife Europe, as part of the official programme of the Hungarian Presidency of the European Council. The conference concluded with the adoption of the "Budapest Declaration on bird protection and powerlines", which aims to encourage the EU, the EU Member States, non-EU Parties, NGOs and businesses to work towards eliminating the risk to birds from powerlines. The Declaration recalls Recommendation No. 110 (2004) of the Standing Committee and calls on all interested parties to jointly undertake a programme of follow up actions such as– among others – "To report every two years (starting from 2012) on the actual progress in the implementation of Resolution 110 of the Bern Convention and of this Declaration".

Decisions: The Committee is invited to:

- Hold a discussion on the "Budapest Declaration", in view of its possible endorsement;
- Examine, and if appropriate adopt, a temporarily system of bi-annual reporting for the implementation of Recommendation No. 110 (2004), starting in 2014.

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

Relevant documents: T-PVS/Files (2011) 12 – Government report T-PVS/Files (2011) 30 – NGO report

At its 29th meeting, the Standing Committee decided not to open a case file following a complaint lodged in 2001, concerning the establishment of two wind farm complexes in the Archipelago of Smøla, in an area of importance for the nesting of White-tailed Eagles and other species. The Committee adopted Recommendation No. 144 (2009) on the wind park in Smøla (Norway) and asked the government of Norway to report on its implementation at the next meeting of the Standing Committee.

At the 2010 Standing Committee meeting, the Committee decided to have this item on the Agenda of its 31st meeting in 2011.

The Norwegian government is invited to report on the follow-up of the above recommendation.

A side event on "Wind energy and wildlife impacts – lessons learned from Smøla" will take place on Wednesday 30th November, from 5:30 p.m. to 6:30 p.m. in Room 5, at the initiative of Norwegian government.

Decisions: The Committee is invited to take note of the information presented and to decide on its follow-up.

Recommendation No. 151 (2010) of the Standing Committee, adopted on 9 December 2010, on protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var) in France

Relevant documents: T-PVS/Files (2011) 31 - Government report

This Recommendation was adopted following two interlinked complaints lodged in 2008.

At its 29th meeting the Standing Committee decided to organise an on-the-spot appraisal which was carried-out in June 2010.

At the 2010 Standing Committee meeting, following the analysis of the findings of the expert's report, as well as of the reports by the French authorities and the representatives of the NGOs, the Committee decided not to open a file. It adopted Recommendation No. 151 (2010) on protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var) in France and decided to review its follow-up at its 31st meeting.

The French government is invited to report on the follow-up of the above recommendation.

Decisions: The Committee is invited to take note of the information presented and to decide on its follow-up.

- Recommendation No. 119 (2006), on the conservation of certain endangered species of amphibians and reptiles in Europe
- Recommendation No. 120 (2006) on the European Strategy for the Conservation of Invertebrates
- **Recommendation No. 132 (2007) on the conservation of fungi in Europe**
- Recommendation No. 136 (2008) on improving the conservation of the Common hamster (Cricetus cricetus) in Europe

Relevant documents:T-PVS/Files (2011) 28 – Governments' reports on the follow-up of Recommendation No. 119 (2006)
T-PVS/Files (2011) 13 – Governments' reports on the follow-up of Recommendation No. 120 (2006)
T-PVS/Files (2011) 19 – Governments' reports on the follow-up of Recommendation No. 132 (2007)
T-PVS/Files (2011) 10 – Governments' reports on the follow-up of Recommendation No. 136 (2008)

Relevant States are invited to report on the follow-up of the above recommendations.

Decisions: The Committee is invited to take note of the information presented.

PART VI – STRATEGIC DEVELOPMENT OF THE CONVENTION

7. STRATEGIC DEVELOPMENT OF THE CONVENTION

*Item for information only:

T-PVS (2011) 8 – 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"

7.1 Improving the case-file system by proposing mediation

Relevant document: T-PVS (2011) 14 – Improving the Case-File System of the Bern Convention

The Secretariat will present a document proposing the introduction of a mediation system under the Bern Convention. The purpose of mediation would be to foster dialogue and reaching win/win solutions between NGOs and governments in cases where, after a complaint is examined by the Standing Committee, the Committee finds that although there is no ground to pursue it as a presumed

^{*} This item will not be discussed, unless Parties request so at the adoption of the Agenda.

Decision: The Committee is invited to examine the above mentioned document and, if appropriate, to request to the Secretariat to prepare, for its meeting in 2012, a proposal of modification of its rules of procedure to include rules applicable to both opening and closing of files, follow-up of recommendations and mediation.

7.2 Implementation of CBD COP-10 decisions: setting priorities for the Bern Convention

Relevant document: T-PVS (2011) 17 - Implementing the Aichi 2020 Targets in Europe: the role of the Bern Convention

The Secretariat will briefly recall the documents prepared by the Groups of Experts on Invasive Alien Species, and on Island and Biodiversity, analysing the related Aichi targets in order to set priorities for the Bern Convention in their fields of competence. The Secretariat will then present a general document on the possible contribution of the Bern Convention to the Aichi targets.

Decision: The Committee is invited to take note of the documents presented and to decide on their possible follow-up.

7.3 Financing the Bern Convention: possible options

Relevant document: T-PVS (2011) 10– Financing the work of the Bern Convention

The Secretariat will present document T-PVS (2011) 10, informing on the trends, the main challenges for 2012-2013, as well as on possible options for ensuring that the Bern Convention continues to have the financial means for achieving its aims and objectives.

Decision: to take note of the information provided on the finance of the Bern Convention and decide on its future funding. The Bureau further suggests the possibility of setting-up, in 2012, an Advisory Select Group of Experts on the Finance of the Convention aimed at examining the different options and making proposals to the Committee.

7.4 Draft Programme of Activities for 2012 - 2013

Relevant document: T-PVS (2011) 12 - Draft Programme of Activities for 2012 - 2013

The Secretariat will briefly inform on the reform process at the Council of Europe, which led to the adoption of a biennial Programme and Budget for the Organisation. As a consequence, a biennial Programme of Activities for years 2012 - 2013 has been prepared for the Bern Convention and it is submitted to the Standing Committee for analysis.

Decision: The Committee is invited to examine and, if appropriate, adopt its Programme of Activities for the years 2012-2013.

7.5 States to be invited as observers to the 32nd meeting

The Secretariat will remind the Committee that the following States have been invited to attend this 31st meeting as Observers:

- A. Council of Europe member States (invited automatically): The Russian Federation, and San Marino.
- B. Non-member States: Algeria, Belarus, Cape Verde, Holy See, Kazakhstan, Kyrgyzstan, Mauritania, Tajikistan, Turkmenistan, Uzbekistan.

Decisions: The Committee is requested to decide unanimously which States, not members of the Council of Europe, are to be invited to attend its 32^{nd} meeting. (Suggestions of change of States: none).

PART VII - OTHER ITEMS

8. ELECTION OF CHAIR AND VICE-CHAIR AND BUREAU MEMBERS

Relevant document: T-PVS (2009) 16 - New Rules of Procedure of the Standing Committee

In accordance with Article 18(e) of the Rules of Procedure "The Chair, Vice-Chair and two additional Bureau members shall be elected at the end of each meeting. They shall execute their respective terms of office from their election onwards until the end of the meeting following the meeting where they were elected. Their terms of office may be renewed, but the total length of term of office shall not exceed four years or, as appropriate, the end of the first meeting following the expiry of this period of four years.

9. DATE AND PLACE OF THE 32ND MEETING

In accordance with Article 1 of the Rules of Procedure, the Committee will be invited to decide on the date of its 32^{nd} meeting.

The Secretariat will make a proposal (26-29 November 2012, in Strasbourg).

10. Adoption of the main decisions of the meeting

The Committee will be invited to approve the main decisions of the meeting which, in accordance with Article 15 of the Convention, will be forwarded to the Committee of Ministers of the Council of Europe.

11. OTHER BUSINESS (ITEMS FOR INFORMATION ONLY)

Any question which does not concern a preceding item of the agenda may be raised here. The Standing Committee will be invited to discuss the issues raised.

DRAFT PLAN FOR DISCUSSION OF THE AGENDA

MORNINGS 9.30 am - 12.30 pm	AFTERNOONS 2.30 - 5.30 pm			
TUESDAY 29 November				
 Opening, adoption of agenda Report from Chairman & Communications Monitoring of the implementation of the legal aspects of the Convention Monitoring of the Implementation of the Bern Convention in Switzerland Biennial and quadrennial reports Interpretation of Article 9.1 of the Convention Legal analysis of the interpretation of Article 9.1 of the Bern Convention Guidelines for the reporting system set under article 9.2 of the Bern Convention WEDNESDAY 36 	 5. Monitoring of Species and Habitats 5.1 Group of Experts on Biodiversity and Climate Change – Draft Recommendation 5.2 Group of Experts on Island Biodiversity in Europe – Draft Recommendation 5.3 Group of Experts on Invasive Alien Species: Codes of conduct and Draft Recommendations 5.4 Conservation of Birds a. Illegal taking and trading of Birds in Europe: Larnaca Declaration and Draft Recommendation b. Action Plan for the conservation of the White-tailed Sea Eagle along the Danube - Draft Recommendation 5:30 p.m. – 7:30 p.m. Side event on the eradication of the Ruddy Duck D November 			
6. Specific sites and populations 6.1 Files opened:	6.4 Follow-up of previous Recommendations → Recommendation No. 110 (2004) on minimising adverse			
 > Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta) > Cyprus: Akamas peninsula > Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica > France: Habitats for the survival of the common hamster (<i>Cricetus cricetus</i>) in Alsace > Italy: Eradication and trade of the American Grey squirrel (<i>Sciurus carolinensis</i>) 6.2 Possible file > France: Protection of the European Green Toad (Bufo viridis) in Alsace 6.3 Complaints in stand-by > Morocco: Ecological impacts of a tourism centre in Saïdia > Ukraine: threats to natural habitats and species in Dniester River Delta 	 Recommendation No. 110 (2004) on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds Recommendation No. 119 (2006), on the conservation of certain endangered species of amphibians and reptiles in Europe Recommendation No. 120 (2006) on the European Strategy for the Conservation of Invertebrates Recommendation No. 132 (2007) on the conservation of fungi in Europe Recommendation No. 136 (2008) on improving the conservation of the Common hamster (<i>Cricetus cricetus</i>) in Europe Recommendation No. 144 (2009) of the Standing Committee, on the wind park in Smøla (Norway) and other wind farm developments in Norway Recommendation No. 151 (2010) of the Standing Committee, adopted on 9 December 2010, on protection of the Hermann tortoise (<i>Testudo hermanni</i>) in the Massif des Maures and Plaine des Maures localities (Var) in France 			
THURSDAY 1				
 5.5 Habitats: a. Group of Experts on Protected areas and Ecological networks: Progress report b. Setting-up of ecological networks: Progress on the establishment of the Emerald Network and screening of the promotional video c. European Diploma of Protected Areas 7. Strategic development of the Convention 7.1 Improving the case-file system by proposing mediation 7.2 Implementation of CBD COP-10 decisions: setting priorities for the Bern Convention 7.3 Financing the Bern Convention: possible options 7.4 Draft Programme of Activities for 2012 – 2013 7.5 States to be invited as observers to the 32nd meeting 	Continuation of unfinished work Side event: Brainstorming discussion on possible options for the future of the European Diploma of Protected Areas			
FRIDAY 2 December				
 8. Election of Chairman and Vice-Chairman, and Bureau members 9. Date and place of the 32nd meeting 10. Adoption of the main decisions of the meeting 11. Any other business 				

Note: Room 6 will be free for EU co-ordination meetings (without interpretation).