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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

Meeting of the Advisory Group of Experts on Budget

Strasbourg, 24 April 2012

MEETING REPORT

*Secretariat Memorandum
prepared by
the Directorate of Democratic Governance, Culture and Diversity*

1. OPENING OF THE MEETING

Mr Jan Plesnik, Chair of the Standing Committee to the Bern Convention, opened the meeting on 24th April 2012, welcoming the participants and regretting that only six Contracting Parties to the Bern Convention were represented. The Chair further thanked the Parties who already submitted financial contributions to the budget of the Convention, particularly welcoming a recent contribution of 50 000 € from France. He further encouraged the others to contribute to the budget of the Convention in the near future, as well as to lobby their representatives at the Committee of Ministers (Ministries of Foreign Affairs) to supporting the activities carried-out within the Bern Convention, as well as to allocate adequate resources (or at least to prevent further cuts) for its effective implementation and monitoring.

The Secretariat recalled that the Advisory Group of Expert on Budget was established, on an *ad-hoc* basis, by the Standing Committee to explore possible options for increasing the budget of the Bern Convention and improving its efficiency. In January 2012, the Secretariat addressed all Parties with a request of comments on document T-PVS (2011) 10 on “Financing the work of the Bern Convention”, as well as for appointing possible experts to attend the meeting of the Advisory Group of Experts on Budget.

2. ADOPTION OF THE AGENDA

The Chair introduced the Draft Agenda of the meeting, which was adopted without amendments (see appendix 1).

3. INFORMATION FROM THE SECRETARIAT ON LATEST DEVELOPMENTS

The Secretariat briefly summarised the reply of the Committee of Ministers to the Parliamentary Assembly’s Recommendation 1964 (2011) on the need to assess progress in the implementation of the Bern Convention, in which the Committee of Ministers asked the Standing Committee to continue its reflection on ways and means to ensure appropriate funding to the Convention, taking into account current budgetary constraints.

The Chair further informed about a meeting he had on 23rd April with the new Director General of the Council of Europe Directorate of Democratic Governance, Culture and Diversity (DG-II), Ms Snežana Samardžić-Marković. The Chair stressed that the meeting was the occasion for advocating for the Bern Convention, as well as for having a first outlook of the new Director General’s plans for the development of the Directorate. He expressed positive feelings toward the management strategy of the new Director, who seemed committed towards the promotion of the Council of Europe work in the field of nature conservation. Moreover, the Chair highlighted that the new Director requested to the Ministries of Environment of the Contracting Parties to support her action by upholding the Bern Convention at the national level, as well as looking for innovative ways for raising additional funds for nature conservation activities, and lobbying Ministries of Foreign Affairs to ensure the necessary political support for the Convention.

4. PRESENTATION OF THE OPINION OF THE COUNCIL OF EUROPE LEGAL OFFICE

As decided by the Standing Committee, the Secretariat requested the opinion of the Council of Europe Legal Advisor regarding the possibility of financing the Bern Convention by establishing a partial agreement which would bind Parties to contribute financially towards its implementation. The Legal Advisor provided some preliminary legal considerations (document restricted) which can be summarised as follows:

1. The adoption of a partial agreement subsequent to the opening for signature of a convention which already provides for its follow-up (as this is the case of the Bern Convention) seems difficult. In fact, participation in a partial agreement could not be made obligatory for the existing Parties to the Convention, which would remain free to determine whether or not to join it. Unless all the current Parties to the Convention decide to join the partial agreement since the beginning, there would be two different but co-existing systems for the follow-up of the same Convention. In addition, in order for any subsequent ratification or accession to the Bern Convention to entail automatic membership of the partial agreement, the statutes of the partial agreement would have to contain a clause to this effect, and this raises the question of whether the partial agreement

could have binding effects on any future party to Convention without amending the Convention.

2. A second possibility would be to amend the text of the Convention so to include an article which would state that, except where assumed by the Council of Europe, expenses incurred in the implementation of the Convention shall be borne by the Parties in the manner to be determined by them. However the Parties, with the assistance of the Secretariat, should then study how such a mechanism could be put into place within the existing financial and legal framework.

5. REPORTING FROM PARTIES

The Secretariat reminded that the Parties were requested to comment on three possible financing options, identified as follows:

- **Option 1:** Maintenance of the present system of voluntary contributions but with drastic cuts in Bern Convention activities:
 - ✓ **Advantages:** Remaining activities can be realistically implemented; the Convention is affordable and proper planning is possible.
 - ✓ **Disadvantages:** Reduction of activities means reduction of relevance and this would have an impact also on ensuring the Council of Europe contribution to the ordinary budget; monitoring by Groups of Experts would not be possible; the Convention would also lose its “innovative” edge and most of its policy guidance.
- **Option 2:** Elaboration of a Council of Europe “Partial Agreement” to complement the Convention:
 - ✓ **Advantages:** Setting up of a permanent, reliable, financial mechanism.
 - ✓ **Disadvantages:** Procedural and legal difficulties for the establishment of such an agreement; increase in the cost for Parties as the Council of Europe does not financially contribute to Partial Agreements (even not for staffing costs).
- **Option 3:** Setting-up of a “recommended voluntary” contribution for each Party:
 - ✓ **Advantages:** Easier for some governments to earmark funds for the Convention; possibility for the Secretariat to dispose of more precise budget forecast when planning activities for the medium and long term.

The Secretariat further summarised the written contributions received by Parties:

- The **Czech Republic** opposes the possibility of a partial agreement mainly because it considers important to maintain the commitment of the Council of Europe through its financial contribution to the ordinary budget. The preferred option is option 3, which could be completed by additional contributions apart from the recommended ones.
- **Finland** stresses that the Bern Convention is a priority for the country and therefore is firmly opposed to cut activities. Option 2 seems not feasible for the moment and therefore the preferred one is option 3.
- **Moldova** is in favour of a mandatory contribution, no matter how this is put in place
- **Monaco** considers that option 3 could be a viable one, but shows disagreement with the amount which has been calculated for the country. It further suggests proceeding to a prioritization of activities and to select some to be put in stand-by, until the funds necessary for their implementation are secured.
- The **United Kingdom** is in favour of a rationalisation exercise, favouring option 1, consisting in cutting activities. It further suggests a more strict administration of the budget, with more savings which could be done through exploring new methodologies (biennial and/or virtual meetings; etc.).

- **France** shows a preference for option 3, while also pointing out that the possibility of realising extra savings should be further explored.

The Secretariat further informed that the European Commission is currently engaged in discussions on the financing of the Natura 2000 network. In fact, also at EU level there is an urgent need for ensuring adequate funding to the very broad range of measures which need to be taken to ensure the effective management of the Network. The primary responsibility for this lies on Member States and the Commission has to ensure a co-funding. The Commission underscored the strategic importance of investments in the Natura 2000 network and would encourage states to improve the recognition of the benefits delivered by the Network. It further advised to make use of innovative approaches and market based instruments, including private funding, micro-financing of pro-biodiversity business, trust funds, entry fees, touristic levies, labelling initiatives, etc.

6. INTERVENTIONS AND DISCUSSION

The delegate of **Romania**, Mr Silviu Megan, informed that his country is still discussing internally the issue of financing and therefore he cannot express a preference on the possible options. However, as a personal comment, Mr. Megan suggested that the Secretariat could propose a list of priorities and of activities which could be put in stand by, as well as identify paths for possible savings. With regards to option 3, he further suggested that the amount to be recommended to Parties be based on an objective scale, taking into account criteria as, for instance, the GDP. Regarding the possibility of a partial agreement he stressed that, since the Convention was adopted by law in Romania, the introduction of a compulsory financial mechanism should also be discussed by the Parliament and go through a lengthy process.

The delegate of **Switzerland**, Mr Olivier Biber, informed that his country's position is not consolidated yet. In fact, Switzerland has quite flexible views on this issue: the setting up of a mandatory system of financial contributions would certainly be the fairest and easier option, and it would align the Bern Convention with other biodiversity related agreements. However, he noted that the scale for the contribution should be based on sound, economic indicators, taking into account the specific need of developing countries and of those with an economy in transition. Option 3 could also be viable, while it would not be advisable to encourage further cuts to activities as this could extinguish the Convention.

The delegate of **Serbia**, Ms Snežana Prokic, informed that her authorities have not yet a preferred option. However, it is clear that the Convention is regarded to as an important instrument, which Serbia wants to continue supporting. On a personal note, Ms Prokic recalled the possibility of setting-up a trust fund, to which Parties would contribute according to their possibilities (i.e. taking into account the status of developing country or country with economy in transition). She personally stressed the need for the Ministries of Environment of Contracting Parties, to lobby the Ministries of Foreign Affairs in order that more funds are allocated to the ordinary budget of the Bern Convention.

The delegate of **Iceland**, Mr Jon Gunnar Ottoson, also informed that his country has not yet a consolidated position, although for the moment the choice seems to be between options 2 and 3.

The Secretariat suggested that, in case the preferred option would be the one consisting in setting-up a scale of recommended voluntary contributions, this could make the object of a Standing Committee Resolution, so to provide a legal framework for the financial contribution and possibly satisfy the needs of the countries preferring option 2.

The Chair summarised the discussions regretting that only a few Parties were able to nominate experts to attend the meeting. He further noted the lack of a clear preference although the majority of Parties seems to agree to reject further cuts to the budget and is divided between option 2 and option 3. A trend towards identifying priorities and further exploring the possibility for some savings was also noted.

7. NEXT STEPS

The Group agreed to circulate the meeting report to all Contracting Parties, together with a request for additional written contributions/opinions on the three financing options initially identified

by the Secretariat. These will be assessed by the Bureau at its next meeting, together with a draft report on the strategic development of the Bern Convention (where priority areas of intervention should be identified; the report is under preparation) and the draft Programme of Activities. With more responses from Parties the Bureau should be able to prepare a final proposal to be submitted to the Standing Committee for consideration.

8. ANY OTHER BUSINESS

None were raised.

The Chair thanked the participants and declared the meeting closed.

Appendix 1



Advisory Group of Experts on Budget

Strasbourg, 24 April 2012
(Agora G04, opening: 9:30 am)

DRAFT AGENDA

- 1. OPENING OF THE MEETING**
Introduction by the Chair of the Standing Committee and the Secretariat
- 2. ADOPTION OF THE AGENDA**
- 3. INFORMATION FROM THE SECRETARIAT ON LATEST DEVELOPMENTS**
- 4. PRESENTATION OF THE OPINION OF THE COUNCIL OF EUROPE LEGAL OFFICE**
Opinion on the opportunity of a Partial Agreement to complement the financial mechanism of the Bern Convention
- 5. REPORTING FROM PARTIES**
Reporting on proposals and/or suggestions on alternative ways and means to ensure the funding of the Bern Convention
- 6. INTERVENTIONS AND DISCUSSION**
- 7. NEXT STEPS**
- 8. ANY OTHER BUSINESS**

Appendix 2

LIST OF PARTICIPANTS

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