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T-PVS (2014) 2

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

34th meeting
Strasbourg, 2-5 December 2014

Meeting of the Bureau

Strasbourg, 4 April 2014

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 Jan Plesnik, opened the meeting on 4 April 2014 by welcoming the other Bureau members and the Secretariat. In his opening remarks, the Chair recalled the main outcomes of the last Standing Committee meeting, emphasising on the comprehensive programme of work adopted for 2014. He then thanked both the Bureau members and the Secretariat for their hard work in the past months.

When introducing the draft agenda, the Chair stressed that the Secretariat recently had a bilateral meeting with the colleagues of the European Union on the adoption of the Online Reporting System (agenda item 5.2) and proposed to put this item higher on the agenda so to ensure that enough time is devoted to the update by the Secretariat and the discussions which would necessarily follow it.

The draft Agenda was adopted with minor amendments (see appendix 1).

2. IMPLEMENTATION OF THE 2014 PROGRAMME OF ACTIVITIES

[T-PVS (2013) 15 - Report of the 33rd meeting of the Standing Committee]
[T-PVS (2013) 8- Programme of Activities for 2014-2015]

Mr Eladio Fernandez Galiano, Head of the Democratic Initiatives Department, welcomed the Chair and the Bureau members, and informed about some positive changes in the composition of the Secretariat. Ms Ivana d'Alessandro, Secretary of the Bern Convention, has been appointed Head of the Biodiversity Unit as of 1st of January; moreover, Ms Tatiana State-Masson has joined the Secretariat in March, to support the work of the Administrators, take over the activities related to the European Diploma of Protected Areas, and deal with a small number of complaints; finally, Ms Tania Braulio, has been recruited within the framework of the CoE/EU Emerald Joint Project and replaces Ms Westmacott. The reinforcement of the Secretariat intervenes after a period of repeated cuts in the budget and in the number of staff members and shows the renewed interest of the Council of Europe in the Convention.

Ms d'Alessandro made a short presentation about the main activities carried out for the implementation of the Convention's Programme of work since last Standing Committee meeting. She detailed the conferences and other events attended by the Secretariat, emphasising on a number of bilateral or multilateral coordination meetings organised between the representatives of the international bodies in charge of biodiversity conservation. She further informed that the author of the Bern Convention's European Code of Conduct on IAS for Botanic Gardens accepted to present this important and innovative voluntary instrument at the 3rd Science in Botanic Gardens Congress, which took place in Las Palmas, on 1-4 April 2014: the Congress was organised by the Botanic Garden Conservation International and attended by a wider audience of botanists and directors of botanic gardens.

Furthermore, the Secretariat launched the contract with the Highland Foundation for Wildlife for the preparation of a draft Action Plan for the recovery and/or reintroduction of the Osprey, as agreed by the Standing Committee at its last meeting.

Regarding Large Carnivores, the Secretariat informed about a proposal of the Large Carnivores Initiative for Europe, which requested the Standing Committee to examine the matter of wolf-dogs hybrids, whose uncertain legal status need to be solved. An "interpretative Resolution" that would permit clarifying the issues linked to the control of those animals could therefore be proposed to next Standing Committee meeting for examination.

The Secretariat also informed that the planned project of a training on the monitoring of Large Carnivores in Ukraine and the Slovak Republic (to be initially carried in cooperation with the IUCN Cats Specialist Group) would not be implemented as the application for additional grants from other donors failed.

Concerning Protected Areas, the Secretariat made an application for a presentation on the contribution of the Emerald Network to the achievement of the global targets on protected areas during the IUCN World Parks Congress. The results of the selection process should be known in the coming months.

On a more procedural angle, Ms d'Alessandro explained that – pursuing the coordination efforts - the calendar of meetings to be organised under the Bern Convention was sent to the Convention's main partners already in February. In the same period, the Committee of Ministers of the Council of Europe received for information the abridged report of the 33rd meeting of the Standing Committee and the adopted texts. Moreover, the general letters for requesting additional contributions to Parties were sent out in March, while bilateral consultations had taken place at the request of some of the Parties already in February.

The Chair thanked the Secretariat for the presentation, stressing the initiative of sharing the calendar of meetings as an example of good practices.

2.1 Group of Specialists on the European Diploma of Protected Areas: report of the meeting

[T-PVS/DE (2014) 6 - Draft Resolutions]

The Secretariat informed that the Group of Specialists on the European Diploma of Protected Areas (EDPA) met for its annual meeting on 24 March 2014 in Strasbourg. The Secretariat informed about the composition of the Group, with three new members, respectively from the Netherlands, Portugal and Ukraine and a newly elected Chair, Mr Peter Skoberne (Slovenia), for a period of two years.

The Group discussed in details the results of the on-the-spot appraisals organised in 2013, further to the submission of applications from the Desertas Islands Nature Reserve (Portugal) and the Karadag Nature Reserve (Ukraine). After examining the observations and conclusions of the independent experts in charge of the appraisals, the Group decided to forward to the Bureau, prior to submission to the Committee of Ministers, two draft Resolutions accompanied with conditions and recommendations.

Moreover, the Group dealt with the question of the renewal of the EDPA to the Central Balkan National Park in Bulgaria. The Group discussed the results of the on-the-spot appraisal and noted the reservations expressed by the expert, linked (1) to the fact that the area still lacks an officially adopted renewed management plan; and (2) to the increasing pressure of some agriculture activities on the park. The Group decided to temporarily suspend the renewal of the Diploma, pending the official adoption of the new Management plan and subject to some conditions on its terms. The Group left open the possibility of re-examining the renewal of the Diploma as soon as the Bulgarian authorities inform on the adoption of the plan and following an assessment of its terms by the independent expert.

In addition, the Secretariat presented to the Group a document containing a comprehensive analysis of the annual reports received from the Diploma holding areas in 2013. After extensive discussions on the problems faced by different areas, some of which already producing negative effects and some other representing potential threats, the Group decided to react depending of the severity of the threats and in line with the tools provided by the European Diploma regulations.

Therefore the Group decided to send individual letters to the competent national authorities of a number of EDPA holding areas which raise particular concerns and to organise an exceptional on-the-spot visit to the sites of the Thayatal and Podyji National Parks, respectively in Austria and in the Czech Republic.

In relation to the Poloniny National Park, the Secretariat reminded that in 2013 the Group of Specialists formulated an opinion in which it considered the possibility of recommending the Bureau to withdraw the EDPA if no significant progress towards the adoption of a new management plan was proved by its next meeting. The Slovak national authorities attended this year meeting and presented the measures undertaken in view of the preparation of the management plan, also with the support of the Convention.

The Group decided to continue monitoring the work towards the adoption of the new management plan and the implementation of the conditions and recommendations set in the last renewal of the Diploma, and to stress with the authorities the urgency of the situation.

Moreover, the Group discussed a new application submitted by the Vashlovani Protected Areas in Georgia and instructed the Secretariat to organise an appraisal visit to the area in view of the discussions on the possible award of the Diploma.

The Weerribben Nature Reserve in the Netherlands will also undergo an on-the-spot appraisal in 2014, in view of the renewal of its EDPA.

Finally, the Group discussed the celebrations of the 50th anniversary of the EDPA and the proposals put forward so far. The Secretariat is already working on the organization of a meeting of the Diploma holding areas' managers, which will possibly take place on 22 May 2015, at the San Rossore National Park (Italy).

The Bureau members appreciated the work carried out by the Secretariat and, more particularly, the effort for the preparation of the analysis of the annual reports submitted by the Diploma holding areas. Regarding Thayatal, the Chair particularly greeted the quick reaction of both the Secretariat and the national authorities.

DECISION: The Bureau expressed its appreciation for the work of the Group of Specialists and the good progress in the preparation of the celebrations of the 50th anniversary of the European Diploma of Protected Areas. In this respect, the Bureau instructed the Secretariat to ensure the presence of a high level representative of the Council of Europe at the ceremony for the 50th anniversary.

The Bureau further decided to forward the two draft resolutions on the award of the EDPA to the Committee of Ministers for examination and possible adoption.

2.2 Setting-up of the Emerald Network: state of progress and co-operation with the EEA

The Secretariat informed about the most recent progress in the setting-up of Emerald Network.

Several coordination meetings were held since the beginning of the year, first of all with the European Topic Centre on Biological Diversity (ETC/BD). The meeting took place in Paris on 27 January as a follow-up to the coordination meeting held between the Bern Convention, the EEA and WCMC, in August 2013 in Copenhagen. These meetings are particularly important to ensure that the Emerald needs in technical and scientific assistance are taken into account in the annual planning of activities of the ETC/BD and the EEA.

For instance, cooperation also concerns the adaptation and subsequent testing of the new Emerald Network Software, based on the new Natura 2000 Software. Thanks to very quick progress, the new software is expected to be operational before the end of the year for countries working on the setting-up of the Emerald Network. Amongst other notable issues jointly discussed there is also the cooperation with the Catalogue of Life. This collaboration concerns in particular the scientific check of the proposals for additions to the lists of threatened species of the Emerald Network [Resolution No. 6 (1998)] made by Eastern European and South Caucasus countries. The Catalogue of Life is currently examining preliminary list of proposals and will provide its opinion on the species which raise some taxonomic issues by the upcoming meeting of the Group of Experts on Protected Areas and Ecological Networks, on 11 and 12 September 2014.

Two coordination meetings were also held in Brussels on 17-18 February, with BirdLife International and with DG DEVCO respectively. Both meetings concerned the implementation of the EU/CoE Joint Programme on the setting-up of the Emerald Network in seven Eastern European and South Caucasus countries.

The Secretariat of the Convention and BirdLife International agreed on enhancing their cooperation in view of the launching of the evaluation of the sufficiency of Emerald sites for bird species from Resolution No. 6 (1998) in the target countries.

The meeting at DG DEVCO was meant to present the results of the first implementation year of the Joint EU/CoE project to the newly appointed responsible staff in charge of the Joint Programme at the European Commission.

Moreover, the Secretariat presented more in details the work-plan of the EU/CoE Joint Programme on the setting-up of the Emerald Network. Two new experts were contracted, as the need for additional technical and scientific support increased with the approaching scientific evaluation at biogeographical level of the sites' proposals made by the 7 targeted countries. Seven national technical meetings will take place between April and June 2014, the most important of which will take place in the Russian Federation.

Two preparatory biogeographical seminars for the seven countries will take place in autumn 2014, to present to the national authorities and NGOs the methodology for the biogeographic evaluation. Simulation exercises for a selection of species and habitats will also be carried out.

The Secretariat continued by informing about the preparation of some relevant supporting documents, among which a Toolkit on the socio-economic benefits of functional ecological networks for decision-makers and stakeholders; an analysis of the legal framework of the Emerald Network and its integration into national legislation of Contracting Parties; the guidance on compatible socio-economic activities at Emerald sites.

Moreover, the Secretariat is still looking for funds to support the continuation of the pilot Emerald project in Morocco. Finally, the Secretariat briefly informed on the state of preparation of the meeting of the Group of Experts on Protected Areas and Ecological Networks, scheduled to take place in September 2014, back-to-back to the second Bureau meeting. The meeting will concentrate on further developing the legal and regulatory framework for the Emerald Network, as well as its tools.

Answering questions from the Bureau members, the Secretariat confirmed that the EEA and the Secretariat are working intensively to ensure the use of the same software for both the Emerald and the Natura 2000 Networks. The users will only have to select in the system the Network for which they want to report for.

On a question concerning the need for continuous development and improvement of the EUNIS habitats classification system, the Secretariat informed that there is no established working group of Experts in charge of this task. However, the EEA and ETC/BD are taking care of eventual requests submitted. The Chair of the Standing Committee proposed to convey to the ETC/BD, EEA respectively a request for the establishment of an ad-hoc Group in charge of the development of EUNIS.

DECISION: The Bureau noted the good progress achieved since the beginning of the year and thanked the EEA and its ETC/BD for the continuous support provided to the Convention and, in particular, to the constitution process of the Emerald Network. Moreover, the Bureau praised the initiative of preparing a Study on socio-economic activities at Emerald sites as such a document will help stakeholders to put forward the numerous benefits produced by the sites when addressing the issues related to the development of ecological networks with the local people.

2.3 Select Group of Experts on Invasive Alien Species: report of the meeting and draft Resolutions

[T-PVS/Inf (2014) 3 – Summary of the main conclusions]

The Secretariat recalled that the recent adoption of a regulation on Invasive Alien Species by the European Union can be considered as an opportunity for increasing the relevance of the work carried out under the Bern Convention, as there will be room for encouraging the adoption of a similar approach by non-EU Contracting Parties. In addition, the interest of Parties in issues like the identification of invasive alien species' pathways or the cooperation in the setting-up of common information and early-detection/warning systems is likely to increase.

The Secretariat further summarised the main outcomes of the meeting of the Select Group of Experts on Invasive Alien Species, and recalled that the Convention is carrying out a thorough work on the pathways through the elaboration of voluntary instruments such as codes of conduct and guidelines. However, the Group agreed that these documents need to be better disseminated so to be used by a greater number of people (for instance, within the pet industry, the horticulture, the hunters, the anglers, the foresters, the managers of protected areas, botanic gardens, zoos, and *aquaria*, etc.). The Secretariat proposed to publish shorter versions of all the codes and guidelines elaborated so far, in electronic format, to be used for awareness raising purposes.

Moreover, the Secretariat informed that a presentation of the European guidelines on protected areas and IAS will be done in Sydney at the IUCN World Park Congress in November 2014. In addition, a side event on the Convention's longstanding work on IAS will be organised at next CBD SBSTTA Meeting. Finally, some joint awareness initiatives on "communicating on IAS" are being prepared in cooperation with the European and Mediterranean Plant Protection Organization (EPPO).

2.4 Follow-up to the Tunis Action Plan 2020 on Illegal killing, trapping and trade of wild birds

[T-PVS/Inf (2014) 4 – Questionnaire on IKB]

The Secretariat informed about a number of internal meetings aimed at building possible partnership and securing additional funds for the implementation of the Tunis Action Plan 2020 for the eradication of illegal killing, trapping and trade of wild birds (Tunis AP-2020).

The Secretariat recalled that INTERPOL offered its assistance in this field, but also needs to secure some funds for the implementation of the actions which follow under its own domain of competence.

Following a meeting with the Council of Europe's Directorate of Programmes, the Secretariat started looking into the possibility of streamlining the efforts of both the Parties and the interested stakeholders through a joint project proposal which would be used for submitting an application for EU grants. The Council of Europe would be the main applicant but any interested stakeholder could be co-applicant and lead its own domain of competence, ensuring the implementation, monitoring and evaluation of its tasks.

The Secretariat explained the advantages and constraints of such a strategy, stressing that the project proposal should aim at building up the tools needed by the Parties for the implementation of the different actions foreseen under the Tunis AP 2020. The project should last three/four years and should operate in parallel to the work of the Parties (not substitute to that); the Parties would be called to take over the ownership of the project's outcomes and the responsibility of the final achievement of the goals pursued by the AP.

One of the main constraints of such a procedure would be the identification of the appropriate call for grants: in fact, the source of funding should benefit all the Contracting Parties (therefore sub-regional grants should be excluded), and cover a wide range of topics, involving for instance the judiciary, the education, and the biological fields.

The Secretariat presented its ideas at an informal coordination meeting convened by the European Commission in Brussels in March 2014. Representatives of the UNEP/AEWA, INTERPOL, IMPEL, BirdLife International, and the FACE also attended the meeting.

The INTERPOL and BirdLife International expressed strong support to the possibility of preparing a joint project proposal, and invited the other stakeholders to link their own activities to the implementation of the Bern Convention's Plan, which was considered by all the participants as being the most tangible and comprehensive instrument available at the moment.

Furthermore, the Secretariat presented the work-plan elaborated for the implementation of the Tunis AP-2020 in the current year, based on a step-by-step approach. The work-plan lists the actions whose implementation is foreseen to be launched or completed already this year in order to ensure the achievement of the Plan's expected results. The work-plan has been sent to all Contracting Parties, together with a questionnaire which will be used for the preparation of the list of criteria for

establishing national policing/investigation priorities, and the list of gravity factors to be taken into account when sentencing. Both lists will be integrated in draft recommendations to be submitted to the Standing Committee's attention at its next meeting.

Moreover, the Secretariat requested the Parties to nominate a special National Focal Point for illegal killing of birds, in view of the setting-up of a network for knowledge and information sharing. The Focal Points will also be the contact persons of the Secretariat for the follow-up of these issues as well as the officials in charge of handling communications and requests from the Secretariat to the most appropriate person at the national level.

Finally, the Secretariat informed that a first meeting of the Focal Points will take place in Strasbourg on 19th May to discuss the further implementation of the plan, the distribution of tasks, and the methodology.

At the request of a Bureau member, the Secretariat explained that the focal point should be chosen among those civil servants most aware of the administrative structure of the country, as well as of the legislation and infrastructure related to the prevention and repression of wildlife crime, and who would better know whom to contact for each of the action foreseen in the Plan.

The Chair thanked the Secretariat for the huge efforts deployed in ensuring coordination on this important issue and emphasised on the key and innovative approach of the network of National Focal Points which will certainly be very useful in ensuring the mainstreaming of activities and the concrete move from the planning phase to the phase of the implementation.

2.5 State of preparation of the meeting of the Group of Experts on biodiversity and climate change

The Secretariat recalled that the Group of Experts on Biodiversity and Climate Change held its last meeting in 2012. The meeting had a very interesting agenda, and assessed the implementation by Parties of all the related adopted recommendations, identifying the successes and remaining gaps. The Group forwarded to the Standing Committee two draft recommendations, and recognised having practically fulfilled its mandate, particularly bearing in mind the interesting developments in the field of biodiversity and climate change resulting from the work of other institutions specifically devoted to these issues. The Group agreed to meet in two years' time to discuss on the opportunity of renewing its mandate, where appropriate.

Therefore the Secretariat explained that this year's meeting (Strasbourg, 19th of June) will be built around an agenda aimed at providing Parties with as much as possible information on the work carried out by the other institutions so to give the participants the elements for debating, in a brainstorming session foreseen in the afternoon, about the relevance of a possible renewed mandate for this Group.

The Chair recalled that the meeting in 2012 counted with the participation of very high level speakers and that, unfortunately, only a dozen of Parties attended it. He therefore considered it useful to encourage the Parties to reflect on the best way to deal with climate change issues under the Convention.

3. IMPLEMENTATION OF THE CONVENTION: FILES

*[T-PVS/Notes (2014) 1 – Summary of case files and complaints]
[T-PVS/Inf(2014) 2 – Register of Bern Convention's case-files]*

(Note: a detailed summary of each case-file is available in document T-PVS/Notes (2014) 1 – 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 (2014) 6 – Report of the meeting of the trilateral Joint Commission]

[T-PVS/Files (2014) 15 – Report of the ESPOO Convention]

[T-PVS/Files (2014) 2 – Government report Romania]

[T-PVS/Files (2014) 1 – Government report Ukraine]

The Secretariat summarised the case file and recalled the decision adopted at the last Standing Committee meeting. Furthermore, the Secretariat informed that, as requested by the Standing Committee, Romania sent the report of the 2nd meeting of the Joint Commission in January 2014. The latter confirms the adoption of a list of priority activities based on a proposal by Romania. These include the coordination of the initiatives of the parties concerning the natural protected area of the Danube Delta and the Lower Prut River, the development of joint management and monitoring programmes, the identification of possible EU grants, the possible setting up of a trilateral UNESCO biosphere reserve, among others. The meeting was also the occasion for an exchange of knowledge and information on the status of the respective nationally protected areas subject to the Agreement, as well as on the advancement of the common projects developed within the framework of the trilateral cooperation. However, from the report it is clear that Ukraine and Romania could not find agreement on the findings of the respective impact assessments, as confirmed by the discussions held at the last Standing Committee meeting.

Moreover, the Secretariat informed about the update addressed by the ESPOO Convention Secretariat in March 2014. It reported about the latest developments following the 29th session of the ESPOO Committee. In fact, although Ukraine had submitted a report to the attention of the ESPOO Committee for its December session, the latter found that the information provided was not sufficient to allow for the conclusions on the matter. The issue was reported at the February session, the last before the MOP (June 2014) where the Committee welcomed the timely submission by Ukraine of the requested information, but regretted that Ukraine had still failed to provide complete and specific information on the progress concerning the implementation of the ESPOO Convention, the adoption of the necessary legislation, and the specific actions to bring the project for the Bystroe Canal Project in full compliance with the Convention. Moreover, the Committee considered that the decisions by Ukraine to continue dredging activities might indicate a further breach of the obligations under the ESPOO Convention. The conclusion of the Committee is that it had no basis to recommend to the MOP to revise its recommendations set out in decision V/4 concerning compliance by Ukraine, including that the caution issued at MOP-4 remain effective.

In general terms, the Bureau members regretted to admit that, in dealing with this case-file, the governing institutions of the Convention have somehow reached their limits. The different views of the two main concerned Parties regarding the possible negative impact of the work on the ecosystem, as well as the diverging positions regarding the status of implementation of the Phase II of the project were still considered to be a major obstacle to the identification of a satisfactory solution of the case, despite the very good progress made by the Parties regarding cooperation.

In these uncertain circumstances, the discussions quickly moved to the need to reduce at minimum levels any negative impact and ensure that adequate compensatory measures are implemented and monitored by a supervisory body.

DECISION: The Bureau took note of the information provided by the ESPOO Convention Secretariat and expressed once more its gratitude for the timely cooperation on the follow-up of this complaint. The Bureau further decided to keep this case-file open and to re-assess it at its next meeting. In this context, the Bureau instructed the Secretariat to prepare a short note about how the Convention has in the past dealt with similar case-files, and possible scenarios for handling the present one at its next Committee meeting. The Bureau will then prepare an opinion with a draft decision to be submitted to the delegates of the Bern Convention at the 34th meeting of the Standing Committee.

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

[T-PVS/Files (2014) 23 – Government report + Annexes]

The Secretariat summarised this complaint and recalled that Cyprus authorities did not attend last Standing Committee meeting, and didn't provided the Committee with an updated report. After taking note of the presentation of the NGO, the Committee decided to keep the case file open and encouraged Cyprus to fully implement its Recommendation No. 63 (1997) and to report namely on the concrete measures implemented to avoid further deterioration of the concerned habitats. Furthermore, and taking into account the urgent need of protecting these unique sites from further destruction, the Committee invited Cyprus government to undertake any necessary step aimed at providing an early warning system against illegal damage and to inform the Committee on their implementation.

The decision of the Committee was forwarded by the Secretariat to the Cyprus authorities in January 2014. By the end of March, the authorities addressed an updated report affirming that the areas proposed as SCI for Akamas and Limni are considered to be adequate and that further development of the area is subject to the necessary impact assessment as foreseen by both international and national legislation.

The authorities further inform that the Management Plan for the "Polis-Yialia" Natura 2000 site is being implemented but the management plan for the Akamas Natura 2000 site (expected to be completed by the end of 2013) is still under preparation.

Additionally, the authorities inform that a wider residential and rural area around the Akamas Natura site will be subject to special regulations and restrictions so to ensure the highest possible protection of the peninsula.

Besides, the report provides short but specific information on the implementation of operational paragraphs 7, 9 and 10 of the Standing Committee Recommendation No. 63 (1997), which are specific to Lara-Toxeftra Reserve area and to seagrass communities in Akamas.

Finally, the government report also addresses the recommendation by the Standing Committee to adopt an early warning system against illegal damage and considers that the regular monitoring mechanism already in place is both appropriate and effective. However, the authorities declare to be ready to evaluate any specific recommendations regarding the issue.

The Secretariat concluded its presentation by informing that, in an e-mail sent on 28th March, Terra Cypria expressed disagreement with several points of the government report and committed to address to the Secretariat in two weeks-time a detailed note to present its arguments. In the meantime, Terra Cypria requested the Bureau to keep the matter on the agenda of its next meeting.

DECISION: The Bureau stressed once more the outstanding ecological and biological value of the area. It further thanked the authorities for the report submitted, although it noted that some of the recommended actions have not been implemented yet, and general poor enforcement of legislation still poses a problem. The Bureau stressed that probably the best way to comply with the recommendations of the Standing Committee would be to establish a well-managed protected area for the whole Akamas Peninsula. The Bureau decided to keep the case file open and to re-assess it at its September meeting, in order to be able to take into account the coming position of the NGO. It further instructed the Secretariat to contact the European Union for updated information.

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

The Secretariat reminded that Greek authorities didn't attend the 33rd Committee meeting but addressed a report in October 2013 which was submitted for information to the delegates.

However at last Standing Committee meeting, following the presentation by the complainant, the Committee expressed worries for the continued developments in the Natura 2000 site and the possible threats that these may cause to the habitats and species of the area. Considering the matter as urgent,

the Committee decided to keep the case file open and instructed the Secretariat to seek the agreement of Greece on an on-the-spot appraisal to be carried out in the first half of the next year.

The Secretariat informed that two letters were sent to Greek authorities with a request to agree on the principle of an assessment visit, but that these have remained unanswered to date. The issue was also raised by the Secretariat during an informal discussion with the delegate of Greece at the March meeting of the EU Coordination Group on Biodiversity and Nature. Moreover, the Secretariat recalled that a request of agreement on an on-the-spot appraisal was already addressed to Greece in June 2012, following instructions of the Bureau, when the complaint was still a possible file.

During the discussions, all the Bureau members expressed worries about the situation, and some raised the issue of the lack of comprehensive information on the legal and administrative framework put in place by Greece on nature conservation in general and, more concretely, for the implementation of the Bern Convention.

DECISION: The Bureau decided to keep the case-file open and gave mandate to the Chair for approaching –if necessary - the Minister of Environment of Greece regarding the possibility of an on-the-spot appraisal. The Bureau further instructed the Secretariat to consider the opportunity of identifying an independent expert who could prepare a study on the legislative and administrative framework for nature conservation in Greece, as it has been done in the past for other Parties under the frame of the “Reports on the implementation of the Bern Convention in Contracting Parties”.

Finally, the Bureau considered it necessary to ensure coordination with the European Union on the follow-up to this complaint, including by envisaging possible joint actions, and instructed the Secretariat to approach the EU for updated information.

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

[T-PVS/Files (2014) 25 – Government report]
[T-PVS/Files (2014) 16 – NGO report]

The Secretariat recalled the background of the complaint and summarized the discussions held at last Standing Committee meeting, when the Committee decided to open the file as a mean for encouraging relevant bodies at national level to work towards greater accountability, co-operation, and responsibility. Following the instructions of the Committee, the Secretariat approached Turkish authorities for an updated report on the progress towards the management of the area.

The Secretariat received first the report of the complainant, expressing particular worries for the lack of preparatory actions by the authorities to improve the management and conservation of sea turtle nesting beaches in view of the forthcoming tourism season. Moreover, in Fethiye the complainant particularly deplored the promotion by the authorities of a “public interest decision” to allow for the relocation and construction of a shipyard/drydock on Akgöl nesting beach. This is an “old” project regularly denounced by MEDASSET since its construction could undermine conservation efforts in the area and have a severe impact on a pristine habitat. The Secretariat recalled that in October 2011, a letter by the Chair to the Minister of Environment of Turkey, already echoed the worries expressed by the Co-Chairs of the Marine Turtle Specialist Group under the International Union for Conservation of Nature, which asked the authorities to reject the proposed location of the shipyard.

Regarding Patara, the main concern – although not the only one – regards the future construction of another 300 villas inside the protected area which, according to the NGO, has been documented in several press articles since January 2014. In conclusion, the NGO requested the Bureau: to consider the possibility of an on-the-spot assessment as a way forward in case no relevant information is communicated by the national authorities on the complaint; to request the authorities to clarify their position regarding the construction of the villas and the scale of the project; to provide an official update on the status of the shipyard construction project in Akgöl; and reiterate its request towards the Turkish authorities to reject the proposed location of the shipyard.

The Secretariat further summarized the content of the government report, which informed about a few activities undertaken in 2013 to protect marine turtles and their nests in both Fethiye and Patara.

In addition, regarding Patara, the authorities noted that the area where the villas are to be constructed is about 2 km away from the beach, and that the project underwent all administrative steps and received the authorisations prescribed by the law. Moreover, the report affirms that scale of the initial plans has been already reduced of approximately 75%.

DECISION: The Bureau acknowledged the information submitted by the Turkish authorities and took note of the report prepared by the NGO. The Bureau considered it necessary to receive more detailed information on the plans of the authorities for the forthcoming tourism season, as well as on the measures to be implemented for ensuring the proper conservation of the areas in the near future. Regarding Agköl, the Bureau noted that no information was provided by the authorities on possible plans to construct a shipyard dock and invited the authorities to address this issue in their next report.

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

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

[Letter of the UNEP/AEWA to Bulgarian authorities]

Although the above complaint was not meant to be discussed at the first Bureau meeting, the Secretariat wished to inform the Bureau that it recently got copy of a letter from the Acting Executive Secretary of the AEWA to the Head of the International Cooperation Department of the Bulgarian Ministry of Environment and Water, about a bilateral meeting in Bulgaria between the competent national authorities and the AEWA Secretariat.

The letter has a positive focus and lists the commitments undertaken by the authorities regarding the Durankulak Natura 2000 site. However, the Secretariat stressed that the complaint pending under the Bern Convention has a wider geographical scope and that a reporting request will be soon sent also to the European Commission to get updated information on time for next Bureau meeting.

3.2 Possible file

➤ **2011/4: Turkey: threat to the Mediterranean Monk Seal (*Monachus monachus*)**

[T-PVS/Files (2014) 24 – Complainant report]

The Secretariat recalled that this complaint was assessed at the last SC meeting as a possible file because of the importance of the Monk Seal and the presumed serious threats that the species was facing in the area as a result of the construction works affecting the Balikli cave.

Following the report by the Delegate of Turkey, the Committee particularly welcomed and appreciated the information according to which all the works in the vicinities of the cave had been stopped. Moreover, the Committee took note of the results of the on-the-spot investigation which, as reported by the authorities, seemed to show that the Monk seal came back to the cave soon after the interruption of the works. The complaint was kept as a possible file while waiting for the decision of a National Court before which the affair was pending.

However, the Secretariat regretted to inform that, according to a report submitted in March by the complainant, it seems that the construction of the marine structure has never stopped and that - in fact - the marine terminal is almost finalised, as shown by a series of dated photos. According to the complainant the pool of experts sent to the area by the Ministry witnessed the continuation of the works. Moreover, the photo traps show a worrying decrease in seal activity in the cave during 2013, the disappearance of a pup aged 50 days, and the death of a 90 days pup on 28 February. According to the complainant, the autopsy performed by authorised veterinarians at the Institute of Marine Sciences on 29 February 2014, reveals clear indications of the severe malnutrition of the new born pup. This opinion is supported by the evidence provided by the camera photos of the pup in the cave in a very

weak and undernourished condition. In fact, the complainant explains that the Seals stopped using the cave in July, presumably because of the works. The pregnant Seal came back for whelping and abandoned the cave in January.

The Secretariat concluded by informing that the report was urgently forwarded to the authorities with a request of feedback. However, no new information was submitted to date.

DECISION: The Bureau expressed strong disappointment for the lack of information from the Turkish government, as well as for the apparent contradictions between the report presented by the authorities at the last Standing Committee meeting and the evidence now submitted by the complainant. Once more, the Bureau stressed that the Mediterranean Monk Seal is one of the world's most endangered mammals and regretted the apparent severe impact of the already built marine terminal on the Monk Seal population at the Balikli cave.

The Bureau instructed the Secretariat to urge the official position of the authorities on the matter, as well as the necessary clarifications and a detailed report on the government's plans for recovering the habitats, stimulating the return of the species the next season, and avoid repeating such a sad situation in the future. Moreover, the Bureau would appreciate receiving information on the general status and management of the Monk Seal populations in Turkey.

➤ **2012/3: Poland: Possible spread of the American Mink**

The Secretariat reminded that the Standing Committee, at its last meeting, particularly welcomed the announcement of the decision of the Polish Minister of the Environment to amend the "Regulation on the list of non-native plants and animals which – if released to the environment - might endanger the native species or natural habitats", so to include in its Annex I both the American mink (*Mustela vison*) and the Raccoon (*Procyon lotor*).

The Committee decided to keep this complaint under scrutiny as a possible file, until the amendments to the Regulation are notified to the Secretariat and the Bureau.

In January 2014 Secretariat sent the decision of the Committee to the authorities, with a request of being informed as soon as the amendment to the Regulation enters into force. However, no new information was received since then.

During the discussions on this case, several Bureau members noted that it should be quite easy to amend instruments like the regulations, and that this process should not take a long time. They received with a bit of surprise the lack of progress on this matter.

DECISION: The Bureau decided to keep the complaint as a possible file and instructed the Secretariat to contact again Polish authorities for information on the state of progress towards the amendment of the Regulation. The Bureau will re-discuss the complaint as a possible file at its next meeting.

3.3 Complaints in stand-by

➤ **2009/2: Morocco: Ecological impacts of a tourism centre in Saïdia**

The Secretariat reminded that the complaint, lodged in 2009 and related to Moulouya estuary - which is also a Ramsar site - denounced the huge project of a tourist resort in Saïdia. A Ramsar Advisory Mission was conducted on the site in October 2010 after which a series of recommendations were addressed to Moroccan authorities. According to the information provided by the Ramsar Convention and the Moroccan authorities in 2012, the situation was promising and a number of actions had already been implemented. However, the complainant continued to express concerns regarding the situation of the wetland, and no more concrete feedback was addressed by the Ramsar Secretariat.

In September 2013, the Bureau instructed the Secretariat to send a last request for information to the Ramsar Secretariat and considered the possibility of dismissing the complaint in case of lack of new elements.

In February 2014 the Secretariat of the Ramsar Convention informed that the case has not been closed yet, and that efforts were concentrating on re-establishing a constructive dialogue with the government of Morocco in view of a possible meeting in the current year.

The Secretariat offered its assistance in the process and requested further information on the nature of the meeting, the dates and the topics to be discussed; however no further reply was received.

DECISION: The Bureau instructed the Secretariat to approach the Moroccan authorities for an update on the implementation of the recommendations adopted under the Ramsar Convention, as well as for renewing its proposal of assistance and advice, if needed. In addition, the Bureau requested the Secretariat to address an official reporting request to the colleagues of the Ramsar Secretariat, in order to gather all necessary information on their follow-up of the case on time for the next Bureau meeting. The complaint will remain on stand-by in the meantime.

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

The Secretariat summarized the background of this complaint, and recalled that the Bureau assessed it at its meeting in September 2013. On that occasion, the Bureau welcomed the suspension of the works pending the court's decision and decided to keep it in stand-by until the publication of the judgment. The Secretariat sent a reporting request to the Turkish authorities in January 2014 but no new information is so far available.

DECISION: The Bureau decided to keep the complaint on stand-by and to re-assess it at its next meeting. Furthermore, the Bureau instructed the Secretariat to contact the Turkish authorities for information on the status of the trial and the estimated delays for the court's decision; finally the Secretariat should contact the complainant for an update in view of next Bureau meeting.

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

*[T-PVS/Files (2014) 12 – Government report]
[T-PVS/Files (2014) 8 – NGO report]*

The Secretariat summarized the background of this complaint and was pleased to note that the good information exchanges with both the authorities and the complainant continue on a constructive ground.

The report submitted by the Maltese authorities in March 2014 provided detailed information on some recent institutional and policy developments, as well as on measures aimed at enforcement of the relevant legislation. A table on the latest Court's decisions on cases disclosed during the period autumn hunting season was also produced.

On its side, the report submitted by BirdLife Malta acknowledges the institutional changes, but denounces an incongruent legislation whose enforcement is still poor. According to the complainant, the changes in regulations have not resulted yet in any significant improvement in implementation, and enforcement, while the controls remain insufficient for meaningfully tackle the issue. For instance, the use of bag limits and their calculation is particularly questioned, mainly because BirdLife considers this measure as very difficult to be enforced. Moreover, the complainant strongly denounces the consequences of the specific derogation regime under the EU legislation which, in BirdLife's Malta views, allow for spring hunting and autumn trapping in the country.

DECISION: The Bureau was pleased to acknowledge the timely and precise communications from the Maltese government, as well as the seriousness with which the authorities try to address the problem. The changes in the national legislation are undoubtedly an expression of the authorities' good will, although the results of their practical application may not be always encouraging. However the Bureau expressed again concern for poor enforcement, noted the worrying reports about illegal killings still widespread across the country, and called on an even stronger political will towards eradicating these practices.

The Bureau further instructed the Secretariat to contact the Maltese authorities for an updated report about the output of next spring season, enforcement of legislation, and checks of the bag limits. Coordination with the European Union, namely on the issue of derogation reports, may be an asset. The complaint will be reconsidered as a complaint on stand-by at the next Bureau meeting.

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

[T-PVS/Files (2014) 3 – Government report]
[T-PVS/Files (2014) 4 – Complainant report]

The Secretariat summarised the background of the complaint and reminded the decision taken by the Bureau at its last meeting. In fact, the authorities didn't have the opportunity to reply to the latest concern expressed by the complainant, namely regarding the presumed underestimation by the Environment Agency (EA) of the local impacts on the bryophyte, as well as the criticism expressed on the methodology applied when analysing the possible impact of the incinerator plant on the species, as the latter was based on data related to plants with roots.

The Bureau decided to keep the complaint on stand-by and instructed the Secretariat to seek for the authorities' opinion on the last concerns expressed by the complainant.

The Secretariat further summarised the content of a report addressed by the U.K. in November 2013, in which the authorities explained that, since there are no critical levels specific to the Western rustwort, the EA used generic critical levels for the protection of vegetation and ecosystems and – in doing so- it followed the advice of Natural England, which didn't raise specific concerns regarding the proposed methodology.

The complainant wished to reply to the government report and maintained his opinion according to which the assessment was not carried out in compliance with the requirements of the EU Habitats Directive and is still in possible breach of the Bern Convention. Moreover, the complainant informed that he has submitted a complaint to the European Commission for which he awaits a reply.

DECISION: The Bureau thanked both the U.K. authorities and the complainant for their reports. It noted that *Marsupella profunda* is an endemic European species, red-listed by the IUCN, only present in a few countries, among which the U.K., where the species is rare.

The Bureau decided to keep the complaint on stand-by and instructed the Secretariat to contact the European Union to check if the Natura 2000 site UK0030282 has been designated because of the occurrence of the species in question, as well as for any useful information on the complaint they received.

➤ **2012/12 : Impact of a project for the regulation of the Danube River on the river's biodiversity (Croatia)**

[T-PVS/Files (2014) 9 – Government report]
[T-PVS/Files (2013) 4 – Complainant report]

The Secretariat reminded the background of this complaint, submitted in December 2012 by the WWF to denounce the planning of an "over dimensioned" project for the regulation of the Danube river in Croatia for navigation purposes. According to the complainant, the implementation of this

project could affect a number of species and habitats listed in the Appendices I-II-III of the Convention, as well as some national and international key protected areas, leading to the deterioration of the ecological and hydro-morphological quality of the Danube River.

At its last meeting the Bureau discussed the complaint but regretted the lack of updates from both the Croatian authorities and the Ramsar Convention, and instructed the Secretariat to reiterate its reporting requests. The complaint was kept as a complaint on stand-by pending the completion of the EIA, with a possibility to request the opinion of the ESPOO Convention on it.

In January 2014 the Secretariat approached the authorities, the Ramsar Secretariat and the complainant with reporting requests. However, only the authorities submitted an update, with additional details on the three projects planned for the Drava and Danube rivers: waterway regulatory works at the Danube River; the development of the Danube River waterway at Sotin; and regulation works on the Drava River. Where the EIA were done, the authorities clarified that these didn't produce worrying results.

DECISION: The Bureau thanked the Croatian authorities for the detailed information submitted for its meeting. Furthermore, the Bureau instructed the Secretariat to request the opinion of the complainant on the last available update, and to contact again the Croatian authorities for information on the state of implementation of the authorised projects as well as on the EIA still pending for one of them.

➤ **2012/13: Cutting of trees for the expansion of the railway network in Kent (UK)**

[T-PVS/Files (2014) 14 – NGO report]

[T-PVS/Files (2013) 29 – Government report + Annexes]

The Secretariat reminded that the complaint concerns the vegetation clearance programme already implemented by Network Rail (NR) along the railway embankment in Whitstable, Kent (UK). The Secretariat further summarised the background of the complaint, recalling the decision taken by the Bureau at its meeting in September 2013, when the Bureau expressed some perplexity regarding the admissibility of the complaint. In fact, the Bureau noted that the issue could perfectly fall within the domestic jurisdiction as it primarily concerned a vegetation clearance programme and the management of green areas. However, the Bureau finally asked the Secretariat to suggest to UK authorities to contact the complainant for an internal settling of the issue.

The Secretariat requested the position of the U.K. authorities on the matter, and reminded to the complainant that in order to benefit of the mechanisms offered by the Bern Convention the complaint should better specify which species included in the relevant appendices would be threatened by the clearance programme. The Secretariat concluded by noting that its requests remained unanswered.

DECISION: After re-assessing the complaint, the Bureau decided to dismiss it as it considered that the issue denounced does not fall within the scope of the Bern Convention. The Bureau asked the Secretariat to forward its decision to both the authorities and the complainant.

➤ **2013/1: Hydro power development within the territory of Mavrovo National Park ('the former Yugoslav Republic of Macedonia')**

[T-PVS/Files (2014) 22 – Government report]

[T-PVS/Files (2014) 18 – Complainant report]

The Secretariat recalled that this complaint was submitted in March 2013 to denounce a possible breach of the Convention by "the former Yugoslav Republic of Macedonia" with regards to the development of hydro-power projects within the territory of Mavrovo National Park, an Emerald candidate site since 2011.

At its meeting in September 2013, the Bureau assessed the information available at that time and decided to keep the complaint on stand-by pending more detailed elements on the possible impacts of the hydropower projects implementation.

The Secretariat informed that, in a short report submitted in January 2014, the complainant mentioned a lawsuit which was pending before the Administrative court against the decision of the Ministry of the Environment to approve an incomplete EIA study for the Boshkov Most Hydropower Plant Project (HPP). The complainant underlined that the irregularities on the EIA study are confirmed by an EBRD compliance review report (January 2014) which concludes that the EIA is “not sufficiently comprehensive and conclusive”.

In a short report submitted in March 2014, the national authorities informed that the EIAs for the Boshkov Most HPP was prepared and confirmed that the study was amended to include information on measures which would be in compliance with both the national Law of Environment and relevant international conventions. Regarding the Lukovo Pole HPP, the authorities informed about some possible delays due to the change of the company initially hired for the preparation of the EIAs. The Ministry committed to send official information to the Secretariat after assessing the study.

Before concluding, the Secretariat underlined that the reports submitted by the national authorities were unfortunately not detailed enough to allow for a good comprehension of the status of the works and conclusions of the EIAs on the two HPPs. In addition, the authorities do not mention the pending lawsuit at the national level.

DECISION: The Bureau instructed the Secretariat to contact again the authorities of “the former Yugoslav Republic of Macedonia” for more detailed and comprehensive information on what has been added to the EIAs study further to the biodiversity monitoring, what has been already implemented on the site and under which conditions, as well as on the pending lawsuit. The Bureau decided to reassess the complaint as a complaint on stand-by at its next meeting.

➤ **2013/2: Implantation of an asphalt plant in a flood risk area with possible threats to the Eurasian otter (*Lutra lutra*) and the European Mink (*Mustela lutreola*), France**

[T-PVS/Files (2014) 13 – Government report + annexes]
[T-PVS/Files (2014) 11 – Complainant report]

The Secretariat reminded that this complaint was lodged end of March 2013 to denounce the presumed threats to the Eurasian otter (*Lutra lutra*) and the European mink (*Mustela lutreola*), as a result of the supposed pollution of the habitat of these species due to the implantation of a bitumen manufactory LGE (Lot & Garonne Enrobés) in a floodplain of the Avance valley.

In March 2014, the complainant sent to the Secretariat the copy of a leaflet dated of October 2012, showing a picture of an otter in the basin of the *Avance*, so to prove the species' occurrence in the area. This information seemed relevant since the complainant noted that the Otter had not been considered as potentially present within the geographical sector of the implantation in the request of authorisation to implant the LGE factory.

On their side, the French authorities informed that an inventory list of fauna was drawn up for the Garonne, where it is located the only Natura 2000 site which could suffer (from its location at 4.6 km from the asphalt plant) the impact of a presumed pollution. The authorities also stressed that the Otter is not present in the Garonne.

The government's report further stated that the operating conditions of the LGE site, the absence of rejection of industrial waters, the treatment of the rejections of rainwaters, the constructive capacities of the basins of retention taking into account the potential risk of flood, allowed the inspection of the classified installations to conclude that the risk of infringement towards the natural environment, in particular the *Avance* basin, is mastered.

DECISION: The Bureau thanked the French government and the complainant for the information submitted. After carefully analysing all the elements in its hands, the Bureau decided to dismiss the complaint, since it considered that it did not directly fall under the scope of the Convention as the issue mainly concerns technological pollution and the presumed impact on the Eurasian otter is not sufficiently argued.

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

*[T-PVS/Files (2014) 10 – Government report]
[T-PVS/Files (2014) 7 – Complainant report + annexes]*

The Secretariat summarised the background of the complaint, recalling that – following the last Bureau meeting- the Secretariat was charged to request to both the Party and the complainant further clarification concerning the presence of protected species and, in particular, of the European Pond turtle, in the area where the OHL should be built.

The Government submitted an updated report in March, recalling that surveys for informing on the presence of the EP turtle can only be carried out in April or May, if weather permits. They committed to study the situation this spring and to report back the Secretariat. The survey will be carried out by a national NGO, renown for being the main organisation implementing projects for the protection of the European Pond turtle in Lithuania.

Despite this positive feedback, the Secretariat also reported about a more worrying information since the construction works are expected to start in spring 2014 and the government didn't mention any suspension pending the decision of the Standing Committee. However, the government report explains that in the building contract, special clauses foresee mandatory ecological supervision and works and direct inspection of the future construction sites before the works start by an expert in ecology.

On its side the NGO provides a list of amphibian, reptile and bird species whose occurrence in the EIA assessment zone seems as confirmed. Moreover, the complainant affirms that the impact of the OHL on bird species present at the 3 Natura 2000 sites in the vicinities has not been assessed during the EIA and, although the NGO couldn't find the European Pond turtle in the area during the short survey carried out last year, the major expert on the species in Lithuania confirms that the habitat is suitable for the species. In addition, the Zuvintas Lake Reserve, physically bordering the OHL route, is indicated in the Red List of Lithuania as the state-protected habitat of the European Pond Turtle. Another suitable habitat is indicated in the western part of the Polish Natura 2000 site by the on-line database on the amphibians and reptiles in Poland, prepared by the Institute for Nature Protection of the Polish Academy of Science. The Polish Natura 2000 site also directly borders the OHL route.

DECISION: The Bureau welcomed the good response from the Lithuanian authorities and the information submitted by the NGO, but regretted to learn that, despite the ongoing assessment of the complaint, the works are due to start very soon. The Bureau recommends postponing the construction of the OHL, at least until the survey on the occurrence of the European Pond turtle is carried out and its results analysed. In addition, the Bureau fears that the starting of the works could interfere with the survey.

Therefore the Bureau instructed the Secretariat to convey to the Lithuanian authorities its concern and recommendation regarding the starting of the works, together with the request of considering the possibility of associating the complainant to the survey to be carried out by the selected NGO. Moreover, the Secretariat has been charged to contact the European Union for coordination and information sharing, about both the possible impacts on the Natura 2000 sites and the presence of the turtle in there.

➤ **2010/3: Ukraine: threats to natural habitats and species in the Dniester River Delta**

[T-PVS/Files (2014) 26 – Government Report + Annex]

The Secretariat recalled that the Bureau changed the status of this complaint from Possible file to Stand-by after the Ukrainian authorities had informed that almost all of the issues addressed by the complainant were dealt with, and that additional funds were allocated to the developments of management plans for the wetlands of international importance “Northern part of Dniester Liman” and “Dniester-Turunchak Crossriver area”. The government ensured that the Secretariat would receive a notification as soon as these documents would be ready.

The complaint was not discussed at the first Bureau meeting last year, but the Secretariat was notified by the Ramsar Convention the closing of file N°765 (under Ramsar Convention’s mechanism) on the basis of a government report sent in July 2012 stating that the Ramsar site had been included in the newly established Lower Dniester Nature Park and that it profited from a special legal entity, administration, and government funding.

The Secretariat was pleased to inform that Ukrainian authorities have now adopted the necessary management plans, and forwarded them to the Secretariat for information.

DECISION: The Bureau thanked the Ukrainian authorities for the prompt feedback, as well as for the positive outcome given to the complaint. Noting that the case has been already closed under the Ramsar Convention, that the complainant has not added any new information in the past year, and that Ukraine did comply with the requests of the Bureau, the latter decided to dismiss the complaint and instructed the Secretariat to notify its decision to the competent authorities.

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

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

1.4. Other complaints

➤ **2013/7: Presumed risk of national extinction of badgers (*Meles meles*) in England**

[T-PVS/Files (2014) 5 – Government report + Annexes]

[T-PVS/Files (2014) 20 – Complainant report]

While introducing this complaint, the Secretariat stressed that since September 2013 the Convention has incessantly received complaints, e-mails and calls about the presumed risk of national extinction of the European badgers (*Meles meles*) in England as a result of indiscriminate cull of the species, in the absence of updated census. Many applicants also questioned the humaneness of the practice. The complaint registered under the reference 2013/7 is the most comprehensive received so far and includes all the concerns expressed by the other complainants.

The complaint concerns the extension of the period and sites in England where a trial free-shooting of badgers takes place, in view of reducing Bovine TB.

According to the complainants, the pilot badger culls in parts of England, through free-shooting of the species, were extended to the catching and killing of individuals. That situation, together with a presumed lack of clear data on badgers’ populations by national authorities, could potentially lead to the extinction of the species.

In a report submitted in November 2013 and complementary information submitted in February 2014, the U.K. authorities confirmed that the decision to extend the culling period concerned only the two pilot areas of Somerset and Gloucestershire, on the basis that further badgers needed to be culled from a disease control perspective after the initial 6-week period.

The estimates of the badgers' populations were collected immediately before the start of the culling and the estimates of the badgers removed in each area were done both after the initial 6-week period and after the extension period of 3 weeks for Somerset and 8 weeks for Gloucestershire. The objective was to remove at least 70% of the total badger population in each of the two areas.

According to the Chief Veterinary Officer of the UK, there are significant uncertainties in the estimates of the badger population and thus in what constitutes a 70% reduction. However, according to the culling efficacies of the randomised badger culling trial, benefits could be expected to accrue by effective culling over four consecutive years.

Regarding the two areas concerned by the culling, the national authorities have taken a precautionary approach and will monitor the 20-30% remaining badger activity.

The national authorities also reminded that the badger's natural range stretches across the whole of Great Britain and that the badger's population's conservation status is uniform across this natural range.

The Secretariat further informed about a press article published on the BBC News on 3 April 2014 informing that the government said it will not expand badger culling to other areas this year since Defra's own independent assessment found that culls in two pilot areas were not effective.

DECISION: The Bureau thoroughly discussed the issue. It showed understanding for the concern about the apparent cruelty of the culls, but stressed again that animal welfare issues do not fall under the scope of the Convention (except for the prohibited means and methods of killing, capture and other forms of exploitation listed in Annex IV) and cannot be taken into account when examining complaints. Regarding the species, the Bureau recalled that badgers are included in Annex III of the Convention, and that therefore they benefit from a less strict degree of protection than the one accorded to species listed in Annexes I and II. In addition, the badger is a very common species which, according to the latest data available from the IUCN, is present in at least 36 Contracting Parties. Moreover, the species is listed as Least Concern in view of its wide distribution, relatively large population, it occurs in a number of protected areas, and because it is unlikely to be declining at nearly the rate required to qualify for listing in a threatened category.

Taking all the above into account, the Bureau decided to dismiss the complaint, and instructed the Secretariat to prepare for the next Bureau meeting a short, general guidance document on the admissibility of complaints regarding the European badger under the Convention, and the conditions which may lead to a presumed breach of the Convention. The document will be intended to better inform the possible complainants before they submit applications under the case-file system.

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

[T-PVS/Files (2014) 19 – Complainant report]

This complaint was submitted in October 2013 by a French citizen, to denounce a possible breach of the Convention by France with regards to the policy of control of the European badger (*Meles meles*) and its possible eradication on the national territory.

The Secretariat provided a summary of the report sent by the complainant, listing among others, several examples of French departments where badgers' capture and drastic regulation for the purpose of testing for bovine tuberculosis and population control have been ordered. Moreover, the complainant raises possible problems of compliance with Annex IV of the Convention by quoting some regulations (mainly administrative orders) allowing – under certain conditions – the use of snares and artificial light sources for the capture and killing of the badgers.

The complainant's report also mentions a draft ministerial order on certain measures to fight against tuberculosis in wildlife, which was open to public consultation on 21 July 2013. Among the prevention and control measures, there is an article which states that for the badger, in case of proven

infection on individuals, a program of population control and eradication of infected specimens and their burrows can be implemented.

The Secretariat informed that a report was requested to the French authorities but that this has not reached the Secretariat on time for the Bureau meeting.

DECISION: The Bureau recalled that – as specified in Article 8 of the Bern Convention- “in respect of the capture or killing of wild fauna species specified in Appendix III (...), Contracting Parties shall prohibit the use of all indiscriminate means of capture and killing (...) and in particular, the means specified in Appendix IV.

Noting the lack of information from the French authorities, the Bureau decided to consider this complaint as a complaint on stand-by at its next meeting. The Bureau further instructed the Secretariat to reiterate its reporting request to French authorities, asking them to namely address the adverse allegations concerning the possible use of the prohibited means and methods of killing listed in Appendix IV of the Convention.

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

[T-PVS/Files (2014) 17 – Government report]
[T-PVS/Files (2014) 21 – Complainant report]

The Secretariat informed that this complaint was submitted in November 2013 and concerns the presumed destruction of important habitats of bats and rare bird species due to the issuing of permits (ceiling limits) for the boating of tourists along the cliffs and the walking tours of caves in two Nature Reserves in Ukraine (Opuk and Karadag).

The Secretariat summarised the complainant’s report and noted that the Karadag Nature Reserve is an applicant for the award of the European Diploma of Protected Areas. During his on-the-spot appraisal in view of the possible award the Diploma, the independent expert appointed by the Council of Europe witnessed illegal recreational activities within the nominated area, like boating and jet skis, in particular in the marine area of the strict reserve.

In their report, national authorities inform they initiated an investigation immediately after receiving the letter from the Secretariat. The investigation was conducted with the involvement in the process of all relevant stakeholders (managers of the areas, NGOs, general public, experts, etc.). A workshop was held at the Ministry of Ecology and Natural Resources of Ukraine on 20 February on the same matter, to which the Head of the Nature Protection Squad ‘Green Future’ was also invited.

As a result of the meetings and expert conclusions, the Ministry issued some recommendations for the authorities of both Reserves, in particular to enhance the protective measures by warden services, to reconsider the terms, location and regime of marine eco-tourism visiting the Karadag Nature Reserve based upon scientific evidence from 2014, and to enhance the general public awareness on the need of protection of rare wildlife species.

DECISION: The Bureau welcomed the information submitted by the Ukrainian authorities and the efforts toward addressing the issues mentioned in the complaint. Furthermore, the Bureau considered that the issue could be further monitored within the European Diploma of Protected Areas’ monitoring mechanism, in case the Committee of Ministers decides to grant the award to the Karadag Nature Reserve.

Therefore the Bureau decided to keep the complaint on stand-by until its next meeting, pending the decision of the Committee of Ministers on the EDPA.

- **[2013/10: Impact of corn monoculture on the conservation status of protected species in Alsace, France]**
- **[2014/1: Presumed risk of national extinction of badgers in Ireland]**

3.5 Complaints declared inadmissible by the Secretariat (for information only)

The Secretariat wished to make a short information note on a number of complaints which didn't reach the Bureau since they were declared inadmissible or dismissed by the Secretariat following their pre-screening.

- **2013/4: Presumed threat to bat due to felling of trees in Ukrainian natural reserves**

This complaint was submitted in June 2013 and concerned the presumed breach of the Convention by Ukraine because of the sanitary felling of trees in natural reserves, resulting in the presumed destruction of habitats of 18 bat species (as well as of rare birds). The Secretariat assessed the complaint and sent a reporting request to the national authorities. In October 2013, the complainant wrote to the Secretariat to inform that, following the notification from the Bern Convention, the Ministry of Ecology and Natural Resources of Ukraine adopted a decision on a 20-fold decrease in the extent of the felling, thus satisfying the expectations of the complainant. The complaint was therefore dismissed.

- **2013/6: Presumed destruction of little mustelids in France**

This complaint was submitted in the second half of 2013 and was dismissed because the national policy denounced seemed to be in compliance with the Convention and the species mentioned in the complaint, most of which listed under Annex III, were not found to be under particular threat in France.

- **2013/11: Killing of Pilot whales (*Globicephala melas*) in the Feroe Islands (Denmark)**

This complaint denounced the ancestral practice of killing of Pilot whales in the Feroe Islands, but the Secretariat couldn't admit it because the Feroe Islands are excluded from the geographical scope of the Bern Convention.

- **2014/2: Flora species threatened by development plans in the Hérault region, France**

This complaint was not admitted because none of the species mentioned is listed under the Convention's appendices.

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. 144 (2009) of the Standing Committee, on the wind park in Smøla (Norway) and other wind farm developments in Norway**
- **Recommendation No. 110 (2004) of the Standing Committee on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds**
- **Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland**
- **Recommendation No. 25 (1991) on the conservation of natural areas outside protected areas proper**

The Secretariat informed that Standing Committee, at its 31st meeting, invited the concerned Parties to report on the implementation of Recommendations No. 144 (2009) and 110 (2004) at its 34th session, in 2014. Concerning Recommendation No. 95 (2002), its monitoring was decided at last

Standing Committee meeting, following the information submitted by MEDASSET on the situation in the Kazanli beach. Moreover, the Standing Committee also decided to follow-up the implementation of Recommendation No. 96 (2002) after the delegate of Iceland agreed to this proposal at the last Standing Committee meeting.

Concerning Recommendation No. 25 (1991) the Group of Experts on Protected Areas and Ecological Networks put forward this proposal in view of assessing the results of the monitoring of the implementation at its last meeting.

The Secretariat concluded by informing that reporting requests were sent to the concerned Parties for the September Bureau meeting.

5. STRATEGIC DEVELOPMENT OF THE CONVENTION

5.1 Follow-up to the CBD Strategic Plan for biodiversity

The Secretariat informed that the main activities foreseen in the Programme of Activities of the Convention for 2014 have been linked to the relevant Aichi targets so to ensure that their outcomes can be exploitable in the framework of the implementation of the CBD Strategic Plan for Biodiversity 2020. Moreover, the Secretariat will attend next SBSTTA meeting, where a side event on IAS will be organized, as well as the 12th Conference of the Parties to the CBD, which will take place in October 2014. For that occasion, the Secretariat will prepare an information document concerning the contribution given by the Bern Convention to the implementation of the CBD at national level in the past two year.

5.2 Setting-up the CMS Online Reporting System (ORS)

[T-PVS/Inf (2014) 5 – EC Note]

The Secretariat informed that in January 2014, and following the decision of the Standing Committee, contacts were made with the colleagues of the European Commission in view of the organization of a bilateral meeting to prepare the launch of the ORS under the Bern Convention.

In fact, at the last Standing Committee meeting, the delegates instructed the Secretariat to launch the system in the first half of 2014, but to give some time to the EU and its Member States to decide on their own internal arrangements for the specific reporting foreseen under article 9 of the Convention (biennial reports on the use of exceptions made).

The meeting took place in Brussels in February 2014. The Secretariat presented the Convention in brief, the ORS in more details, insisting on the main advantages deriving from the system, and the reporting cycles for which the ORS would be used. The Secretariat stressed that the ORS would not be exclusively used for replacing the tool currently in place for the biennial reports, and highlighted that the biennial reporting is the only cycle for which some specific arrangements between the EU and its MS do exist. Finally, the Secretariat recalled that the decision of the Standing Committee to move forward to the ORS was taken after four years of discussions with the sole purpose of reducing the administrative burden on Parties and harmonise the reporting tools under the Convention with those in force under many other Multilateral Environment Agreements (notably the CMS, the AEWa, the CITES and the Ramsar Convention so far).

The Secretariat further reported that at the meeting in Brussels the Commission informed that Habides (the tool used at EU level under the reporting foreseen by its Nature Directives) will be soon replaced by a new reporting tool, as explained by the European Union in the information note addressed to the Bureau. This reporting tool seems to have more or less the same characteristics of the ORS, and should be customized so to include questions related to the compliance of the Parties with the conditions of Article 9 of the Convention. However, it will not be able to streamline reporting as it can only be used for the reports on derogations. Nevertheless, as stated in its information note, the Commission underlines that this decision is without prejudice to the EU position on ORS for streamlining the reporting under biodiversity-related MEAs at the global level.

The European Commission further informed that the EU Member States would be informed about this new tool at the meeting of the EU Reporting Working Group.

The Secretariat further noted that the Council of Europe may help in issuing a legal opinion on the conditions set by Article 9 of the Convention, but it will not have the capacity to analyse in which measure the questions posed to EU Member States under the Nature Directives will satisfy the requirements of the Bern Convention or to what extent they would need to be completed with additional questions.

Finally, the Secretariat informed that the Commission announced that it will inform its Member States, through the Habitats Committee, that it does not intend to continue any further reporting to the Bern Convention about the exceptions that EU Member States have made from the provisions of Articles 4, 5, 6, 7 and 8 of the Bern Convention. This responsibility should in fact rely on the Member States alone.

The Bureau members expressed astonishment for the information received, and regretted to learn that a rival system is in the process of being created thus multiplying again the reporting tools, while the decision of the Committee was taken in an effort of standardising them as much as possible. In fact, the Bureau noted that the introduction of a competing reporting system in the EU may probably neutralise the efforts of reducing the reporting burden on European Union Member States which are also Contracting Parties to other MEAs, since EU Member States will in any case be obliged to use the ORS for all the reporting under Bern (and other) Convention(s) with the exception of the biennial reports.

DECISION: The Bureau took note of the information submitted by the EU on the setting-up of a new reporting tool at the EU level, and regretted to note that – as a consequence - the efforts to standardise the reporting systems of partners international organisations may be neutral particularly for EU Member States dealing with biennial reports. However, the Bureau confirmed its commitment to work towards ensuring that this decision has the less possible impact on the Parties to the Bern Convention and invited the European Commission to keep the Committee informed about the development of the new tool and the reaction of the Member States to the reporting arrangements.

Finally, the Bureau instructed the Secretariat to contact WCMC for agreeing on the dates for the training so to be able to launch the ORS in a smooth and efficient way.

6. ANY OTHER BUSINESS

The Chair recalled that he received mandate by the Standing Committee to follow-up the developments regarding the possible impact of neonicotinoid pesticides on bees, and he wished to share some fresh information on the subject, namely after the publication of a study by U.K. scientists, showing that even at minimum level, these pesticides seem to significantly affect the behaviour of the bees.

The Chair informed that he will prepare a short report on that issue for next Standing Committee meeting.

7. CLOSURE

The Chair warmly thanked the Bureau members and the Secretariat for the fruitful meeting.

Appendix 1



CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Strasbourg, 2 April 2014

Standing Committee
Bureau meeting

Strasbourg, 4 April 2014
(Room 17, opening: 9:30 am)

DRAFT AGENDA

1. ADOPTION OF THE AGENDA

[Draft agenda]

2. IMPLEMENTATION OF THE 2014 PROGRAMME OF ACTIVITIES

[Note for the Bureau]

[T-PVS (2013) 15 - Report of the 33rd meeting of the Standing Committee]

[T-PVS (2013) 8- Programme of Activities for 2014-2015]

2.1 Group of Specialists on the European Diploma of Protected Areas: report of the meeting

[T-PVS/DE (2014) 6 - Draft Resolutions]

2.2 Setting-up of the Emerald Network: state of progress and co-operation with the EEA

2.3 Select Group of Experts on Invasive Alien Species: report of the meeting and draft Resolutions

[T-PVS/Inf (2014) 3 – Summary of the main conclusions]

2.4 Follow-up to the Tunis Action Plan 2020 on Illegal killing, trapping and trade of wild birds

[T-PVS/Inf (2014) 4 – Questionnaire on IKB]

2.5 State of preparation of the meeting of the Group of Experts on biodiversity and climate change

3. IMPLEMENTATION OF THE CONVENTION: FILES

[T-PVS/Notes (2014) 1 – Summary of case files and complaints]

[T-PVS/Inf (2014) 2 – 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 (2014) 6 – Report of the meeting of the trilateral Joint Commission]

[T-PVS/Files (2014) 15 – Report of the ESPOO Convention]

[T-PVS/Files (2014) 2 – Government report Romania]

[T-PVS/Files (2014) 1 – Government report Ukraine]

- 1995/6: Cyprus: Akamas peninsula
[T-PVS/Files (2014) 23 – Government report + Annexes]
- 2010/5: Greece: threats to marine turtles in Thines Kiparissias
- 2012/9: Presumed degradation of nesting beaches in Fethiye and Patara SPAs (Turkey)
[T-PVS/Files (2014) 25 – Government report]
[T-PVS/Files (2014) 16 – NGO report]
- [2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica]
[Letter of the UNEP/AEWA to Bulgarian authorities]
- [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 (2014) 24 – Complainant report]
- 2012/3: Poland: Possible spread of the American Mink

3.3 Complaints in stand-by

- 2009/2: Morocco: Ecological impacts of a tourism centre in Saïdia
[T-PVS/Files (2014) X – Report of the Ramsar Convention]
- 2012/5: Sport and recreation facilities in Çıralı key turtle nesting beach (Turkey)
- 2012/7: Presumed illegal killing of birds in Malta
[T-PVS/Files (2014) 12 – Government report]
[T-PVS/Files (2014) 8 – NGO report]
- 2012/11: *Marsupella profunda* threatened by a waste burn incinerator at Rostowrack Farm St Dennis, UK
[T-PVS/Files (2014) 3 – Government report]
[T-PVS/Files (2014) 4 – Complainant report]
- 2012/12 : Impact of a project for the regulation of the Danube River on the river's biodiversity (Croatia)
[T-PVS/Files (2014) 9 – Government report]
[T-PVS/Files (2013) 4 – Complainant report]
- 2012/13: Cutting of trees for the expansion of the railway network in Kent (UK)
[T-PVS/Files (2014) 14 – NGO report]
[T-PVS/Files (2013) 29 – Government report + Annexes]
- 2013/1: Hydro power development within the territory of Mavrovo National Park (“the former Yugoslav Republic of Macedonia”)
[T-PVS/Files (2014) 22 – Government report]
[T-PVS/Files (2014) 18 – Complainant report]
- 2013/2: Implantation of an asphalt plant in a flood risk area with possible threats to the Otter (*Lutra lutra*) and the European Mink (*Mustela lutreola*), France
[T-PVS/Files (2014) 13 – Government report + annexes]
[T-PVS/Files (2014) 11 – Complainant report]
- 2013/5: Presumed impact of a construction of Overhead Power Line (OHL) in an environmentally sensitive area in the Lithuanian-Polish borderland
[T-PVS/Files (2014) 10 – Government report]
[T-PVS/Files (2014) 7 – Complainant report + annexes]
- 2010/3: Ukraine: threats to natural habitats and species in Dniester River Delta
[T-PVS/Files (2014) 26 – Government Report + Annex]
- [2006/1: France: Protection of the European Green Toad (*Bufo viridis*) in Alsace]

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

3.4 Other complaints

- 2013/7: Presumed risk of national extinction of badgers (*Meles meles*) in England
[T-PVS/Files (2014) 5 –Government report + Annexes]
[T-PVS/Files (2014) 20 –Complainant report]
- 2013/8: Presumed abusive eradication of the badger (*Meles meles*) in France
[T-PVS/Files (2014) X –Government report]
[T-PVS/Files (2014) 19 –Complainant report]
- 2013/9: Presumed destruction of birds' and bats habitats due to tourism developments in Ukrainian Natural Reserves (Ukraine)
[T-PVS/Files (2014) 17 – Government Report]
[T-PVS/Files (2014) 21 – Complainant report]
- [2013/10: Impact of corn monoculture on the conservation status of protected species in Alsace, France]
- [2014/1: Presumed risk of national extinction of badgers in Ireland]

3.5 Complaints declared inadmissible by the Secretariat (for information only)

- 2013/4: Presumed threat to bat due to felling of trees in Ukrainian natural reserves
- 2013/6: Presumed destruction of little mustelid in France
- 2013/11: Killing of Pilot whales (*Globicephala melas*) in Feroe Islands (Denmark)
- 2014/2: Flora species threatened by development plans in the Hérault region, France

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. 144 (2009) of the Standing Committee, on the wind park in Smøla (Norway) and other wind farm developments in Norway
- Recommendation No. 110 (2004) of the Standing Committee on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds
- Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland
- Recommendation No. 25 (1991) on the conservation of natural areas outside protected areas proper

5. STRATEGIC DEVELOPMENT OF THE CONVENTION

5.1 Follow-up to the CBD Strategic Plan for biodiversity

5.2 Setting-up the CMS Online Reporting System

[T-PVS/Inf (2014) 5 –EC Note]

6. ANY OTHER BUSINESS

Appendix 2

LIST OF PARTICIPANTS

ARMENIA / ARMÉNIE

Ms Hasmik GHALACHYAN, Head, Division of Plant Resources Management, Agency of Bioresources Management, Ministry of Nature Protection, Government Building 3, Republic Square, 0010 YEREVAN

Tel.: +374 10273890. E-mail: ghalachyanhasmik@yahoo.com

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Mr Jan PLESNIK, Adviser to Director in foreign affairs, Nature Conservation Agency (NCA CR), Kaplanova 1931/1, CZ-148 00 PRAGUE 11 – CHODOV

Tel +42 283 069 246. Fax +42 283 069 E-mail: jan.plesnik@nature.cz

ICELAND / ISLANDE

Dr Jón Gunnar OTTÓSSON, Director General, Director General, Icelandic Institute of Natural History, Urriðaholtsstraeti 6 – 8, 212 GARDABAER

Tel : +354 5900 500. E-mail : jgo@ni.is

NORWAY / NORVÈGE

Mr Øystein STØRKERSEN, Principal Advisor, Norwegian Environment Agency, P.O. Box 5672, Sluppen, N-7485 TRONDHEIM

Tel: +47 7358 0500. Fax: +47 7358 0501 or 7358 0505. E-mail: oystein.storkersen@miljodir.no

SLOVAKIA / SLOVAQUIE

Ms Jana DURKOŠOVÁ, Senior State Advisor, Division for Nature and Landscape Protection, Ministry of the Environment, Námestie Ľ. Štúra 1, 812 35 BRATISLAVA.

Tel: +421 2 5956 2211. Fax: +421 2 5956 2031. E-mail: jana.durkosova@enviro.gov.sk

SECRETARIAT / SECRÉTARIAT

Council of Europe / Conseil de l'Europe, Directorate of Democratic Governance / Direction de la Gouvernance démocratique, F-67075 STRASBOURG CEDEX, France

Tel : +33 3 88 41 20 00. Fax : +33 3 88 41 37 51

Mr Eladio FERNÁNDEZ-GALIANO, Head of the Democratic Initiatives Department / Chef du Service des Initiatives démocratiques

Tel : +33 3 88 41 22 59 Fax : +33 3 88 41 37 51 E-mail : eladio.fernandez-galiano@coe.int

Ms Ivana d'ALESSANDRO, Secretary of the Bern Convention / Secrétaire de la Convention de Berne, Biodiversity Unit / Unité de la Biodiversité

Tel : +33 3 90 2151 51. Fax : +33 3 88 41 37 51. E-mail : ivana.dalessandro@coe.int

Ms Iva OBRETENOVA, Administrator, Biodiversity Unit / Administrateur, Unité de la Biodiversité

Tel : +33 3 90 21 58 81. Fax : +33 3 88 41 37 51. E-mail : iva.obretenova@coe.int

Ms Tatiana STATE MASSON, Principal Administrative assistant, Biodiversity Unit / Assistante administrative principale, Unité de la Biodiversité

Tel : +33 390 21 43 98. Fax : +33 3 88 41 37 51 E-mail : tatiana.state-masson@coe.int

Ms Véronique de CUSSAC, Administrative assistant, Biological Diversity Unit / Assistante administrative, Unité de la Diversité biologique

Tel : +33 3 88 41 34 76 Fax : +33 3 88 41 37 51. E-mail : veronique.decusac@coe.int