



Strasbourg, 29 September 2005
[T-PVS Emerald 09e.05]

T-PVS/Emerald (2005) 9

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

**Group of experts for the setting up of the Emerald Network
of Areas of Special Conservation Interest**

**Joint meeting of the Ecological Networks of the Council of Europe
Strasbourg (France), 10-11 October 2005**

Development of the Emerald Network

**General principles of the procedure for examining
and approving Emerald sites proposed by States**

Secretariat's proposals

*Document prepared by
the Directorate of Culture
and Cultural and Natural Heritage*

The Group of Experts is invited to:

- take note of this document containing, *inter alia*, proposals for the adoption by the Standing Committee of the Bern Convention of a procedure for examining and approving Emerald sites based on those identified by states;
- discuss these general principles, to be forwarded to the Standing Committee of the Bern Convention.

Introduction

The creation of the Emerald Network of areas of special conservation interest was decided by the Standing Committee in 1989 and actually implemented in 1996 [Recommendation No. 16 (1989) and Resolution No. 3 (1996)]. The rules for the network were likewise adopted by the Standing Committee in 1996 [Resolution No. 5 (1996)] (Appendix I).

The states invited to set up the Emerald Network across their national territory are the Contracting Parties to the Bern Convention and observer countries. This means all the European Union states, European states which are not members of the European Union and some African states.

Participation in the Emerald Network is recommended by the Standing Committee but in contrast to the Natura 2000 network set up under the Habitats Directive, members of the Emerald Network benefit from the “soft law” approach characteristic of recommendations. While membership of the Network is optional, the obligations on the Contracting Parties to protect natural habitats are rigorous requirements clearly set out in the Convention and forming part of international law.

The European Community, as such, is a Contracting Party to the Bern Convention. In order to fulfil its obligations arising from the Convention in respect of habitat protection, it produced the Habitats Directive which in turn marked the launch of the Natura 2000 Network. As a result, implementation of the Bern Convention by EU member states is achieved mainly through full compliance with the Habitats Directive and the requirements of the Bern Convention with regard to habitats are met by designating sites for the Natura 2000 Network. According to Resolution No. 5 (1998) of the Standing Committee concerning the rules for the network of areas of special conservation interest “*for Contracting Parties which are Member States of the European Union, Emerald Network sites are those of the Natura 2000*”. The provisions of the Birds and Habitats Directives are thus the only procedures that apply to these countries.

Designation and approval of Emerald sites

The following proposals therefore apply only to sites identified by non-EU countries.

These proposals concern the following aspects of the development of the Emerald Network, to be discussed by the Standing Committee where appropriate:

- the priorities of the Emerald Network’s programme of pilot projects;
- the procedure for examining and selecting Emerald sites to be approved by the Standing Committee, as an extension of the Natura 2000 Network;
- co-operation with the European Commission, the European Environment Agency and its European Topic Centre for Nature Conservation and Biological Diversity, under the procedure for examining sites proposed by states, as mentioned above;
- the sustainable management of Emerald Network sites;
- consistency with the Pan-European Ecological Network.

Countries to which these proposals apply

The proposals apply to four groups of countries:

- European Contracting Parties which are not members of the European Union (including the four EU applicant states): Albania, Andorra, Azerbaijan, Bulgaria, Croatia, Iceland, Liechtenstein, Moldova, Monaco, Norway, Romania, San Marino, Switzerland, Turkey, Ukraine and “the former Yugoslav Republic of Macedonia”;
- Council of Europe member states which are not yet Contracting Parties: Armenia, Bosnia and Herzegovina, Georgia, Russian Federation, Serbia and Montenegro;
- countries which are not members of the Council of Europe and which have been invited as observers to the Convention: Belarus, the Holy See, Kazakhstan, Kirghizistan, Tadjikistan, Turkmenistan, Uzbekistan;
- a number of African countries, the four Contracting Parties: Tunisia, Morocco, Senegal, Burkina Faso and the three observer countries: Algerian, Cape Verde and Mauritania.

Priorities of the Emerald pilot projects programme

The launch phase of the network began in 1999 with a series of pilot projects, the main aim of which is to develop a pilot database on selected areas representative of the habitat types found in the countries concerned, these being identified in accordance with the relevant recommendations and resolutions. The pilot projects are also designed to form national multidisciplinary teams responsible for developing the Emerald programme and to give them the skills and methodology required to accomplish this task.

Twenty-seven pilot projects have been launched to date (including two in Africa). Ten of the twenty-seven countries concerned have since joined the European Union. Switzerland has developed the Emerald Network across its national territory without taking part in the pilot project phase. A summary of the available results appears in Appendix II to this document.

The priorities of the Emerald network are now as follows:

- launch pilot projects in those Contracting Parties and observer countries to the Bern Convention which have not yet joined this programme;
- implement regional (as is currently the case in the countries of South-East Europe, with the support of the European Environment Agency) or national programmes to carry on in various countries the work begun under the pilot projects, with a view to completing the process of identifying potential sites;
- ensure full consistency in terms of the criteria for designating Emerald and Natura 2000 sites.

Timetable for designating and selecting sites

There is no mention of any deadline for designating and selecting sites in the relevant texts produced by the Standing Committee. A rough timetable was nevertheless adopted by the Emerald Network's Group of Experts at its 7th meeting (Riga, 2-3 October 2002), as set out in Appendix III. This provisional timetable is still valid.

Procedure for examining scientific data pertaining to sites

In the interest of ecological consistency, it is best if similar principles are used when examining data pertaining to sites in the Natura 2000 and Emerald networks, so that the same system applies Europe-wide.

The study and analysis of sites identified by states and submitted to the Standing Committee should therefore be done within a biogeographical framework, based on the rules laid down by the European Commission's Habitats Committee.

This procedure – the scientific analysis of data and site selection – should accordingly be undertaken in association with the European Environment Agency, under the Memorandum of Co-operation signed by the Agency and the Council of Europe, with scientific assistance from the European Thematic Centre for Nature Conservation and Biodiversity. It is worth noting that the scientific data forwarded by states under the Emerald pilot projects have already been passed on to the Agency and included in its information systems (CDDA and EUNIS).

The Natura 2000 Network spans seven biogeographical regions (Alpine, Atlantic, Boreal, Continental, Macaronesian, Mediterranean and Pannonian) whereas the Emerald Network covers eleven such regions, ie four more (Arctic, Anatolian, Black Sea and Steppe).

There should therefore be two separate procedures for examining data:

- one for Emerald sites situated in biogeographical regions shared with the European Union,
- and another for Emerald sites identified in the other four biogeographical regions.

In the case of sites situated in regions shared with the European Union, the analysis should be carried out in connection with sites already identified for Natura 2000; this procedure should obviously be undertaken in agreement with the European Commission and its Habitats Committee.

Approval by the Standing Committee

The approval of sites by the Standing Committee should be done biogeographical region by biogeographical region, in keeping with the procedure followed by the European Commission. The approval procedure could take place once roughly 80% of potential Emerald sites in a given region have been identified and examined. A special session could be devoted to approving sites in the region concerned at the Standing Committee's annual meeting, in the light of scientific information derived from the data analysis. National lists of sites could thus be compiled, for each biogeographical region in question.

It could be foreseen – at close or medium term – to analyse the sites of some specific biogeographic regions:

- the Alpine region of Caucasus (Armenia, Azerbaijan, Georgia, Russian Federation);
- the Pannonian region (Croatia, Romania, Serbia and Montenegro, Ukraine);
- the Adriatic Alpine region (Albania, Bosnia and Herzegovina, Serbia and Montenegro and “the former Yugoslav Republic of Macedonia”);
- the Arctic region (Iceland, Norway, Russian Federation).

Managing the Emerald sites

Approving sites and compiling national lists is not the end but rather the beginning of the Emerald process, in that states are invited [Recommendation No. 16 (1989)] to take a number of (legislative and other) measures to ensure that the areas are properly managed. Resolution No. 5 (1998) concerning the rules for the Emerald Network stipulates for example (Article 4, 4.1) that governments shall undertake surveillance of the conservation status of species and natural habitats in designated ASCIs.

Building the Emerald Network is designed to be a dynamic process, requiring:

- proper management;
- the maintenance or, if necessary, the restoration of a favourable conservation status for the natural habitat types and species habitats concerned across their traditional range; and

- regular updates on the area in order to keep the Secretariat advised of any important changes likely to affect negatively in a substantial way the ecological character of the designated ASCIs (Article 4.2).

Consideration should also be given to ways of monitoring the management process, in keeping with whatever is decided for Natura 2000, under sustainable spatial planning programmes.

Consistency with the Pan-European Ecological Network

The areas of special conservation interest – like the Natura 2000 sites – are regarded as core areas for the Pan-European Ecological Network (PEEN). As such, they represent key components of the pan-European network. The introduction of a vast natural infrastructure, of the kind ultimately envisaged by the Pan-European Ecological Network, will make the areas identified for the Emerald Network even more important and will focus attention on their possible linkage with other protected areas. A degree of policy convergence between the various networks concerned (PEEN, Natura 2000 and Emerald) should therefore be encouraged.

APPENDIX I

Resolution No. 5 (1998) concerning the rules for the Network of Areas of Special Conservation Interest (Emerald Network)

(adopted by the Standing Committee on 4 December 1998)

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the convention,

Having regard to its Resolution No. 1 (1989) on the provisions relating to the conservation of habitats;

Having regard to its Recommendation No. 14 (1989) on species habitat conservation and on the conservation of endangered natural habitats;

Having regard to its Recommendation No. 16 (1989) on Areas of Special Conservation Interest;

Having regard to its Resolution No. 3 (1996) on the setting-up of a pan-European Ecological Network;

Having regard to its Resolution No. 4 (1996) listing endangered natural habitats requiring specific habitat conservation measures;

Having regard to its Resolution No. 6 (1998) listing the species requiring specific habitat conservation measures;

Considering that for Contracting Parties which are Member States of the European Union Emerald Network sites are those of the Natura 2000 Network. Thus the procedures established by European Council Directives 79/409/EEC and 92/43/EEC will be the only rules to apply;

Noting that, following points 3 and 4 of Resolution No 3 (1996), the use of the term "governments" in this resolution means the governments of the States Contracting Parties to the Convention, of other Council of Europe States and of other States which are observer States in the Standing Committee of the Convention,

Resolves to adopt hereby the Rules for the Emerald Network of Areas of Special Conservation Interest:

Article 1

Any area, whether land or sea, where that area fits one or several of the conditions established in Recommendation No. 16 (1989), point 1, may form part of the Emerald Network.

Article 2

2.1. Areas of Special Conservation Interest (ASCIs) to be included in the Emerald Network shall be designated by the governments.

2.2. The Standing Committee may advise the government concerned on the advisability of designating one or more ASCIs that are of a particular interest to the Emerald Network.

Article 3

3.1. Any government designating an ASCI shall deposit a standard Data Form with the Secretariat. A model for this Standard Data Form, derived from and compatible with the Natura 2000 Standard Data Form, is found as appendix to this resolution. Governments are encouraged to provide the information for the Standard Data Form on electronic support.

3.2. Where the designations conform with the provisions of Article 1 of this resolution, the Secretariat shall notify the government of the fact and shall register them.

3.3. If not, the Standing Committee shall advise the government concerned to withdraw the designation. If the government nevertheless maintains the designation, the Standing Committee may decide not to accept it.

3.4. The information on ASCIs shall be public and stored in a database, except for information communicated as confidential. Governments are requested not to send any confidential information in electronic form, but to do it separately, mentioning its confidentiality. Confidential information shall not be included in the database and shall not become public.

Article 4

4.1. The governments shall undertake surveillance of the conservation status of species and natural habitats in designated ASCIs

4.2. The governments shall inform the Secretariat of any important changes likely to affect negatively in a substantial way the ecological character of the designated ASCIs or the conditions having justified their designation.

4.3. Where any such changes come to light, the Standing Committee may advise the government concerned on steps to be taken to ensure conformity with the provisions of Recommendation No. 16 (1989).

4.4. Exceptions to the provisions of Articles 4, 5, 6 and 7 of the Convention in designated ASCIs shall be regulated by Article 9 of the Convention.

Article 5

5.1. The Group of Experts on the Setting-up of the Emerald Network shall follow the progress of the Emerald Network under the aegis of the Standing Committee. It will endeavour, under the aegis of the Standing Committee, to publish regularly lists of designated ASCIs and their character and to make that information available in electronic form.

5.2. The Standing Committee shall periodically review the contribution of the Emerald Network towards the achievement of the objectives of the Convention. In this context a designated ASCI may be considered for declassification where this is warranted by natural developments noted as a result of the surveillance provided for in Article 4.1.

Article 6

The Standing Committee shall encourage governments to implement Recommendation No. 16 (1989) on designated ASCIs and shall use its best endeavours to solve any difficulty that may arise in the implementation or interpretation of this resolution.

Appendix to Resolution No. 5

Model data form to be adapted following the list of species in annexe 1 of Resolution No. 6

APPENDIX II

Overview of the progress in Emerald projects

Country	Workshop	Pilot project report	Pilot Data Base Sites	Pilot Data Base Boundaries	Resolution 4 Habitat list per Biogeographical Region	Resolution 6 Species list per Biogeographical Region	Agreed Designation codes	Comments on Admin. Regions (NUTS)
Iceland	14-15 June 1999				Yes	Yes		
Bulgaria	18-19 Oct. 1999	Yes	Yes 7		Yes	Yes	Yes	
Russian Federation	28-29 Oct. 1999	Yes	Yes 26 + (1)		?	?	(Yes)	
Slovenia	18-19 Nov. 1999	Yes	Yes 7		(Yes)	(Yes)	Yes	Yes
Slovakia	9-10 Dec. 1999	Yes	Yes 19		(Yes)	(Yes)	(Yes)	
Turkey	10-11 April 2000	Yes	Yes 10		Yes	Yes	(Yes)	
Poland	12-13 May 2000	Yes	Yes 31		(Yes)	(Yes)	Yes	
Czech Republic	22-23 June 2000	Yes	Yes 46	Yes	Yes	Yes	Yes	
Estonia	16-17 Nov. 2000	Yes	Yes 15	Yes	Yes	Yes	(Yes)	
Latvia	2-3 October 2000	Yes	Yes 5		Yes	Yes	(Yes)	
Romania	7-8 Dec. 2000	Yes	Yes 7	Yes	Yes	Yes	Yes	
Moldova	9-10 Nov. 2000	Yes	Yes 2	(Yes)	Yes	Yes	(Yes)	
Ukraine	29-30 March 2001	Yes	Yes 15	Yes	Yes	Yes	(Yes)	
Lithuania	17-18 March 2001	Yes	Yes 8		(Yes)	(Yes)		
Cyprus	7-8 June 2001	Yes	Yes (38) N2000					
Switzerland	12 June 2001				Yes	Yes		
Hungary	6-7 Sept. 2001	Yes	Yes 10		Yes	Yes		
Malta	15-16 Nov. 2001	Yes	Yes 23 N2000					
Croatia	14-15 Feb. 2002	Yes	Yes 6	Yes	Yes	Yes	Yes	
F.Y.R.O.M.	21-22 March 2002	Yes	Yes (6)		Yes	Yes	(Yes)	
Albania	22-23 April 2002	Yes	Yes 6		Yes	Yes	(Yes)	

Country	Workshop	Pilot project report	Pilot Data Base Sites	Pilot Data Base Boundaries	Resolution 4 Habitat list per Biogeographical Region	Resolution 6 Species list per Biogeographical Region	Agreed Designation codes	Comments on Admin. Regions (NUTS)
Georgia	23-24 May 2002	Yes	Yes 17		Yes	Yes	(Yes)	
Senegal	1-2 April 2003							
Burkina Faso	24-25 May 2004							
Norway	16-17 November 2004							
Bosnia and Herzegovina	8-9 March 2005							
Serbia and Montenegro	26-27 April 2005							
Azerbaijan	26-27 July 2005							

APPENDIX III

Calendar

2003-2004 Phase II.A.	<ul style="list-style-type: none"> ➤ Pilot projects for Azerbaijan, Bosnia and Herzegovina, Morocco, Senegal, Tunisia, Federal Republic of Yugoslavia ➤ Second implementation phase in all of the countries having carried out a pilot project, aimed to identify at least 30% of the potential ASCIs to be identified; ➤ Continuation of the designation of sites in Switzerland and Iceland, which started the network, without going through a pilot project programme; ➤ Work on identifying sites in the countries which have not been participating in the pilot project programme: Andorra, Liechtenstein, Monaco and Norway; ➤ Start of verification of the validity of data.
2005-2006 Phase II.B.	<ul style="list-style-type: none"> ➤ Identification and designation of all of the potential ASCIs in the Emerald Network in all of the states concerned; ➤ Establishment of the national lists; ➤ Continuation of verification of the validity of data received; ➤ Start of registering of ASCIs and notification to governments.
2007-2009 Phase III.A.	<ul style="list-style-type: none"> ➤ Examination and analysis of the scientific data to detect possible gaps; ➤ Publication of the lists of the Emerald Network of areas of special conservation interest; ➤ Establishment of a first European list of ASCIs; ➤ Continuation of unfinished work in phase II; ➤ Negotiation with states concerning possible designation of new ASCIs; ➤ Start of drafting and implementing management plans for ASCIs.
2010 Phase III.B.	<ul style="list-style-type: none"> ➤ Continuation on unfinished work in previous phases; ➤ Designation of ASCIs for Emerald Network completed; ➤ Update of Resolutions Nos. 4 and 6; ➤ Drafting and implementing management plans for 100% of ASCIs.