

Strasbourg, 25 October 2010  
[tpvs19e\_2010]

**T-PVS (2010) 19**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

Strasbourg, 6-9 December 2010  
30<sup>th</sup> meeting

Opening of the meeting: 9:30 am Monday 6<sup>th</sup> December 2010, Room 5

---

# **ANNOTATED DRAFT AGENDA**

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

---

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

## PART I – OPENING

### 1. OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

Relevant documents: T-PVS (2010) 1 - Draft agenda  
T-PVS (2010) 19 - Annotated draft agenda

The 30<sup>th</sup> meeting of the Standing Committee will be opened by the Chair, Mr Jón Gunnar Ottósson, at the Council of Europe (Strasbourg) at 9:30 am on Monday 6<sup>th</sup> December 2010.

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

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

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

Relevant documents: T-PVS (2010) 3 and 16 - Reports of the Bureau meetings in March and September 2010

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

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

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

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

**The Secretariat will inform the Committee on the general implementation of the work programme for 2010, presenting at the same time the reports of the meetings of the Bureau of the Committee.**

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

## PART II – MONITORING AND IMPLEMENTATION OF LEGAL ASPECTS

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

#### 3.1 Introductory report from Georgia and Montenegro

Relevant documents: T-PVS/Inf (2010) 18 - Introductory report from Georgia  
T-PVS/Inf (2010) 19 - Introductory report from Montenegro

The new Contracting Parties will have the opportunity to make a brief introductory report to the Committee.

### **3.2 Biennial reports 2007 - 2008 concerning exceptions made to Articles 4, 5, 6, 7 or 8 and quadrennial reports 2005 - 2008**

Relevant documents: T-PVS/Inf (2010) 13 - Biennial Reports 2005-2006  
T-PVS/Inf (2010) 14 - Biennial Reports 2007-2008  
T-PVS/Inf (2010) 15 - General Reports 2001-2004  
T-PVS/Inf (2010) 20 - General Reports 2005-2008

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

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

PARTIES NOT HAVING SENT THEIR 2007-2008 BIENNIAL REPORTS ARE KINDLY REQUESTED TO SEND THEM AS SOON AS POSSIBLE BY E-MAIL ([veronique.decussac@coe.int](mailto:veronique.decussac@coe.int)) AND BRING A COPY TO THE MEETING

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

## **PART III - INSTITUTIONAL MATTERS**

### **4. INTERPRETATION OF ARTICLE 9.1 OF THE BERN CONVENTION**

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

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

The consultant, Ms Clare Shine, will present her report on the legal analysis of the interpretation of Article 9.1 of the Bern Convention.

The delegates will have the opportunity to comment on the report.

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

Relevant documents: T-PVS (2010) 21 – Draft Model form for Biennial reports

The Secretariat will present the Draft Revised Resolution No. 2 (1993) and the Draft Model for Biennial Reports, elaborated upon request of the Bureau and in line with the recommendations proposed in the report “Legal analysis of the interpretation of Article 9.1 of the Bern Convention”.

**Decision:** The Standing Committee is invited to

- Take note of the legal report on the Interpretation of Article 9 of the Bern Convention;
- Examine and, if appropriate, adopt the Revised Resolution No. 2 (1993) on the scope of articles 8 and 9 of the Bern convention (Adopted by the Standing Committee 3 December 1993, as amended in December 2010)
- Examine and, if appropriate, adopt the revised Model form for Biennial reports.

## PART IV – MONITORING OF SPECIES AND HABITATS

### 5. MONITORING OF SPECIES AND HABITATS

#### 5.1 Group of Experts on Biodiversity and Climate Change – Draft Recommendations

Relevant documents: T-PVS (2010) 6rev - Comments of the Standing Committee of the Bern Convention on Recommendation 1918 (2010) of the Parliamentary Assembly of the Council of Europe on Biodiversity and Climate Change  
 T-PVS/Inf (2010) 5 - Report on Biodiversity and climate change by the Committee on the Environment, Agriculture and Local and Regional Affairs (APCE) - Rapporteur: Ms Francine JOHN-CALAME  
 T-PVS (2010) 7-8-9 – Draft recommendations on Biodiversity and Climate Change  
 T-PVS (2010) 10 - Meeting report of the Group of Experts on Biodiversity and Climate Change (Reykjavik, Iceland, 21-22 June 2010)  
 T-PVS/Inf (2010) 6 - National Reports on Biodiversity and Climate Change  
 T-PVS/Inf (2010) 8 - Impacts of Climate change on Mountain Biodiversity in Europe  
 T-PVS/Inf (2010) 9 - Climate change and the biodiversity of European islands  
 T-PVS/Inf (2010) 10 - Climate Change, Wildland Fires and Biodiversity in Europe

The Chair of the Group of Experts on Biodiversity and Climate Change, Mr Snorri Baldursson, will present the report of the meeting held in Reykjavik on 21-22 June 2010.

The Secretariat will present the Comments of the Standing Committee on Recommendation 1918 (2010) of the Parliamentary Assembly and the draft recommendations.

**Decision:** The Committee is invited to:

- Thank the authorities of Iceland for the excellent preparation of the meeting;
- Take note of the report of the meeting and of the 3 reports presented on:
  - Climate change and mountain biodiversity,
  - Climate change and island biodiversity,
  - Climate change, wildland fire and biodiversity in Europe;
- Take note of the Comments of the Standing Committee on Recommendation 1918 (2010) of the Parliamentary Assembly on Biodiversity and Climate Change, submitted by the Bureau to the Committee of Ministers of the Council of Europe;
- Examine and, if appropriate, adopt the three draft recommendations proposed by the Group:
  - Draft Recommendation on guidance for Parties on biodiversity and climate change in mountain regions;
  - Draft Recommendation on guidance for Parties on biodiversity and climate change in European islands;
  - Draft Recommendation: Guidance for Parties on wildland fires, biodiversity and climate change;
- Take note of the proposals by the Group for its future work.

#### 5.2 Group of Experts on Island Biodiversity in Europe

Relevant documents: T-PVS (2010) 12 - Report of the meeting of the Group of Experts on European Island Biological Diversity (Svalbard, Norway, 26-27 July 2010)  
 T-PVS/Inf (2010) 11 - National Reports on European Islands and Biological Diversity  
 T-PVS/Inf (2010) 12 - Charter on the Conservation and Sustainable Use of Biological Diversity in European Islands – First draft July 2010

The Chair of the Group of Experts, Mr Oystein Storkersen, will present the report of the second meeting of this Group of Experts.

**Decision:** The Committee is invited to:

- Thank the Norwegian conservation authorities and the Environment Office of the Governor of Svalbard for the excellent hospitality and most professional organisation of the meeting;
- Take note of the report of the meeting, in particular on the progress towards preparing a Charter on the Conservation and Sustainable Use of Biological Diversity in European Islands;
- Take note of the proposals by the Group for its future work;
- Establish an advisory group in partnership with IUCN ISSG and EPPO to provide support and advice on eradication of IAS in islands.
- Thank the government of France for the invitation to host the next meeting of this Group of Experts, in 2011.

### 5.3 Large Carnivores and Herbivores:

#### a. Progress report and draft recommendation on Large Carnivores in the Caucasus

Relevant documents: T-PVS (2010) 11 - Report of the meeting on the "Large Carnivores in the Caucasus", 18 May 2010, Tbilisi (Georgia)  
T-PVS (2010) 14 - Draft Recommendation on conservation of large carnivores in the Caucasus

The Secretariat will present the outcomes of the meeting on Large Carnivores in the Caucasus, as well as the Draft Recommendation on the conservation of large carnivores in the Caucasus.

#### b. Large Carnivores in Western European countries

The Committee is invited to hold a discussion on the need to further explore the issue of Large Carnivores in Western European countries.

**Decision:** The Committee is invited to:

- Thank IBA, NACRES and IUCN Cats Specialist Group for their support in the organisation of the workshop;
- Take note of the report of the workshop;
- Examine and, if appropriate, adopt the draft Recommendation on conservation of large carnivores in the Caucasus.

### 5.4 Invasive Alien Species:

#### a. Progress report

Relevant document: T-PVS (2010) 17 - EPPO/CoE Workshop on Invasive Alien Plants (Trabzon, Turkey, 2-6.8.2010)- Conclusions

The Secretariat or Ms Brunel (EPPO) will present the Conclusions of the Workshop on Invasive Alien Plants, jointly organised by EPPO and the Council of Europe.

#### b. Code on Invasive Alien Species and Companion Animals

Relevant documents: T-PVS/Inf (2009) 16 - Code of Conduct on companion animals and Invasive Alien Species (including ornamental fish) in Europe  
T-PVS (2010) 15 - Draft Recommendation on the European Code of Conduct on Companion Animals and Invasive Alien Species  
T-PVS/Inf (2010) 21 - Eradication of the Ruddy duck *Oxyura jamaicensis* in the Western Palearctic: a review of progress and a revised Action plan, 2011–2015  
T-PVS (2010) .... – Draft recommendation on the Ruddy Duck

The consultant, Mr Keith Davenport, will present the Code on Invasive Alien Species and Companion Animals.

The Secretariat will present the Draft Recommendation on the European Code of Conduct on Companion animals and Invasive Alien Species.

### c. European Action Plan on the Ruddy Duck

The consultant, Mr. Peter Cranswick, will present the European Action plan for the eradication of the Ruddy Duck.

The Secretariat will present a possible draft recommendation.

**Decision:** The Committee is invited to:

- Take note of the report of the Workshop on Invasive Alien Plants;
- Examine and, if appropriate, endorse the Code of Conduct on Companion Animals and Invasive Alien Species;
- Examine and, if appropriate, adopt the Draft Recommendation on the European Code of Conduct on Companion Animals and Invasive Alien Species;
- Examine and, if appropriate, adopt the Draft Recommendation on the Ruddy Duck.

## 5.5 Draft European Charter on Recreational Fishing and Biodiversity

Relevant documents: T-PVS (2010) 4 - Report of the Working Group on the Elaboration of a European Charter on Angling & Biodiversity (Strasbourg, 9 April 2010)  
 T-PVS/Inf (2010) 3rev - European Charter on Recreational Fishing and Biodiversity: Final Draft  
 T-PVS (2010) 20 - Draft Recommendation on the European Charter on Recreational Fishing and Biodiversity

The Secretariat will present the report of the meeting of the Working Group, held in Strasbourg on 9<sup>th</sup> April 2010.

The consultant, Mr. Scott Brainerd, will present the draft European Charter on Angling and Biodiversity.

The Secretariat will present the Draft Recommendation.

**Decision:** The Committee is invited to:

- Take note of the report of the meeting,
- Examine and, if appropriate, endorse the European Charter on Angling and Biodiversity;
- Examine and, if appropriate, adopt the Draft Recommendation on the European Charter on Recreational Fishing and Biodiversity

## 5.6 Illegal killing of Birds

Relevant Documents: T-PVS/Files (2009) 23 - Report by the NGO on illegal trapping, killing and trade of birds in Cyprus  
 T-PVS/Inf (2008) 25 - Information note from the Secretariat on the issue of illegal killing of birds in Mediterranean Parties

The issue of the illegal killing of birds in Cyprus and more widely, the illegal capture of birds in Mediterranean Parties, was discussed at the Standing Committee meeting in 2007 and 2008, at the initiative of some Contracting Parties. The Standing Committee considered that trapping should be examined on a pan-Mediterranean basis, and decided to revisit its Recommendation No. 5 (1986) “on the prosecution of persons illegally catching, killing or trading in protected birds”.

In 2008, the Secretariat informed the Standing Committee that there had not been a good response from Parties to report on this issue, and therefore no conclusions could be drawn, except that the illegal killing of birds is still carried out in some parts of the Mediterranean where implementation of national legislation is weak. The Committee took note of information presented and expressed its concern of the apparent lack of progress in Cyprus and many other Mediterranean states.

The Bureau discussed the lack of progress in getting more information from Parties on this issue, and the need for new approaches. They stressed the need for increased awareness for the new generation

of hunters, and agreed to ask Parties to disseminate widely and follow the principles of the European Charter on Hunting and Biodiversity, endorsed by the Standing Committee in 2007.

In 2009, the Standing Committee expressed its concerns for the continuation of such practices in Europe, and especially in the Mediterranean. It requested the Bureau to have a discussion on this issue and make proposals at its next meeting.

The Secretariat proposed to organise, in June 2011, a Conference on this topic with the aim of preparing specific recommendations to the Contracting Parties. The Secretariat will inform on the state of preparation of the conference, which will count with the cooperation of Birdlife (NABU) and FACE, as well as with the participation of the European Union.

The Committee is invited to discuss this issue and make proposals.

## 5.7 Habitats

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

Relevant Document: T-PVS/PA (2010) 11 - Report of the meeting of the Group of Experts on Protected Areas and Ecological Networks, Strasbourg, 14-15 September 2010

The Group of Experts met in Strasbourg on 14-15 September 2010. The Vice-Chair of the Group of Experts, Mr. Jacques Stein, will present the report of the meeting.

### b. Setting up of the Emerald Network : strategic development and steps forward

Relevant Documents: T-PVS/PA (2010) 13 - Second progress report of the CoE/ EU joint programme: "Support for the implementation of the CBD's Programme of Work on Protected Areas in Armenia, Azerbaijan, Belarus, Georgia, Moldova, the Russian Federation and the Ukraine  
T-PVS/PA (2010) 7 - Report of the Emerald Pilot Project in Morocco  
T-PVS/PA (2010) 8 rev – Draft Calendar for the implementation of the Emerald Network of Areas of Special Conservation Interest 2011-2020  
T-PVS/PA (2010) 12 – Draft criteria for assessing the National Lists of proposed Areas of Special Conservation Interest and procedure for examining and approving Emerald candidate sites  
T-PVS/PA (2010) 2 – Draft Information form for species and habitats to be integrated in the Bern Convention Annexes and Resolutions  
T-PVS/PA (2010) 10 – Draft Revised Annex I of Resolution 4 (1996) of the Bern Convention using the EUNIS Habitat Classification  
T-PVS/PA (2010) 14 - Revised Biogeographical regions' map

The Secretariat will present the state of progress of the implementation of the Emerald Network, with a particular focus on the preliminary outcomes of the CoE / EU Joint Programme for the setting-up of the Emerald Network in seven Central and Eastern European countries, on the pilot project in Morocco, as well as on the co-operation with the European Environment Agency.

The consultant for the Emerald Network, Mr. Marc Roekaerts, will present the Draft Calendar (workplan) for the implementation of the Emerald Network 2011-2020, as well as the Draft criteria for assessing the National lists of proposed sites, the Draft Information form for species and habitats, the revised biogeographical regions' map, and the Revised Annex I of Resolution 4 (1996) using EUNIS Habitat classification.

**Decision:** The Committee is invited to:

- To take note of the report of the Group of Experts as well as of the activities proposed for 2011;
- To congratulate the authorities of Morocco for the completion of the Emerald pilot project;
- To examine and, if appropriate, endorse the proposed calendar for the implementation of the Emerald Network of Areas of Special Conservation Interest 2011-2020;
- To examine and, if appropriate, adopt the proposed criteria for assessing the National Lists of proposed Areas of Special Conservation Interest and the procedure for examining and approving Emerald candidate sites;
- To examine and, if appropriate, establish the status of "official candidate sites" for proposed Emerald sites delivered to the Secretariat;
- To take note of the updated map of biogeographical regions;

- To examine and, if appropriate, adopt the revised Annex I of Resolution 4 (1996) of the Bern Convention;
- To examine and, if appropriate, adopt the draft Information form for species and habitats to be integrated in the Bern Convention Annexes and Resolutions;
- To take note of the Declaration “Working together for Biodiversity” and to welcome the common work by the different bodies of the Council of Europe in the field of biodiversity, protected areas and climate change;
- To express its full support to the EEA with regards to the cooperation with the Council of Europe; to support the EEA in its work towards EUNIS updates; to encourage ETC’s commitment towards future updates of the EUNIS system in the light of the progress made within the Emerald Network.

**c. European Diploma of Protected Areas: review of the draft resolution concerning the renewal of the European Diploma of Protected Areas awarded to the Bílé Karpaty Protected Landscape Area (Czech Republic)**

Relevant documents: T-PVS/DE (2010) 16 Report of the meeting of the Group of Specialists of the European Diploma of Protected Areas (Strasbourg, 4-5 March 2010)  
 T-PVS/Inf (2010) 17 - Renewals of the European Diploma of Protected Areas in 2010 – Adopted texts  
 T-PVS/DE (2010) 17 - Draft Revised Resolution on the renewal of the European Diploma of Protected Areas to the Bílé Karpaty Protected Landscape Area (Czech Republic)

The Chair of the Group of Specialists, Mr Michael Usher, will present the report of the meeting of the Group of Specialists held in March 2010.

The Secretariat will present the document including the adopted texts regarding the renewals of the European Diploma of Protected Areas in 2010. It will then inform on the decision of the Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C), which decided to refer back to the Standing Committee of the Bern Convention the draft resolution concerning the renewal of the European Diploma of Protected Areas awarded to Bílé Karpaty Protected Landscape Area (Czech Republic) for further discussion following the request of the Czech authorities.

**Decisions:** The Committee is invited to:

- Take note of the meeting report;
- Take note of a new application of the Sumava National Park (Czech Republic);
- Consider, with a view to forwarding it to the Committee of Ministers for adoption, the draft Resolution on the renewal of the European Diploma of Protected areas to the Bílé Karpaty Protected Landscape Area;
- Consider for follow-up the conclusions of the Group concerning the non-renewal of the European Diploma of Protected Areas for Belovezhskaya Pushcha National Park (Belarus) and Białowieża National Park (Poland).

## **PART V – MONITORING OF SPECIFIC SITES AND POPULATIONS**

### **6. SPECIFIC SITES AND POPULATIONS**

#### **6.1 Files opened:**

##### **➤ Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta)**

Relevant documents: T-PVS (2010) 2 rev - Summary of case files

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



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

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

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

In 2009, the Delegate of Ukraine presented a report to the Standing Committee, highlighting Ukrainian openness and willingness to have a dialogue and fruitful co-operation with the Romanian authorities regarding this project. He further informed the Committee of the initiative to collaborate with the International Commission on the Protection of the Danube River regarding research and monitoring of the transboundary part of the Danube Delta.

The Committee welcomed the positive co-operation underway between Ukraine and Romania. However, it agreed to keep the case file open and asked Ukraine to continue to report to the next meeting of the Standing Committee in 2010.

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

No information from the Government has been received in 2010.

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

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

#### ➤ **Cyprus: Akamas peninsula**

Relevant documents: T-PVS (2010) 2 rev - Summary of case files  
T-PVS/Files (2010) 16 – Report by the Government  
T-PVS/Files (2010) 27 –Report by the NGOs

This case concerns plans for the tourist development in the Peninsula of Akamas (Cyprus), with detrimental effect on an ecologically valuable area with many rare plant and animal species protected under the Bern Convention.

This case was first discussed at the 16<sup>th</sup> meeting of the Standing Committee in 1996. Two on-the-spot appraisals were carried out in 1997 and 2002 and a recommendation adopted in 1997 (Recommendation No. 63 (1997) on the conservation of the Akamas peninsula in Cyprus and, in particular, of the nesting beaches of *Caretta caretta* and *Chelonia mydas*).

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

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

The delegate of Cyprus will present the government report.

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

➤ **Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica**

Relevant documents: T-PVS (2010) 2 rev - Summary of case files  
T-PVS/Files (2010) 30 - Government report  
T-PVS/Files (2010) 22 – Report by the NGO

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

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

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

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

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

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

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

Relevant documents: T-PVS (2010) 2 rev - Summary of case files  
T-PVS/Files (2010) 14 - Government report  
T-PVS/Files (2010) 24 – Report by the NGO

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

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

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

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

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

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

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

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

Relevant document: T-PVS (2010) 2 rev - Summary of case files  
T-PVS/Files (2010) 28 - Report by the Government

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

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

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

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

In October 2010 the Italian government sent an updated report, informing on the measures undertaken in the field of the control and eradication of the species, namely through a Life+ Project, launched in September this year.

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

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

## **6.2 Possible files**

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

Relevant documents: T-PVS (2010) 2 rev - Summary of case files  
T-PVS/Files (2010) 18 - Government report  
T-PVS/Files (2010) 6rev – Report by the NGO

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

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

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

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

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

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

➤ **Sweden: Natterjack (*Bufo calamita*) population on the coastal island of Smögen**

Relevant documents: T-PVS (2010) 2 rev - Summary of case files

In December 2007, the Secretariat received information from the Chair of the Bern Convention's Group of Experts on Amphibians and Reptiles concerning the threat presented by a residential housing project in Hasselösund Väster, Smögen, to the northernmost population of the worldwide distribution of the Natterjack toad (*Bufo calamita*), a species listed in Appendix II of the Bern Convention.

At the 2008 meeting of the Standing Committee, the Swedish delegation informed that the decision regarding the plan for the residential housing project had been appealed to the County Administrative Board of Västra Götaland and that, in the meantime, the plan had come to a halt pending the outcome of the decision by that County Administrative Board.

In September 2009, the Swedish government reported that the County Administrative Board rejected the appeals of the Municipality's decision, as it considered that the habitats for the Natterjack toad had been taken into account in a satisfactory manner. However, the County Administrative Board's decision has been appealed to the Swedish Government and the Swedish Environmental Protection Agency awaits the decision of the Swedish Government on this issue. There is no set timeframe for the Swedish government to take a decision on the appeal. In the meantime, the plan has come to a halt and, according to the County Administration board, no exploitation has yet been started.

At the 29th meeting of the Standing Committee, the delegate of Sweden confirmed that the decision of the government on the appeal was pending and the project had been stopped in the meantime (the decision was expected in early 2010). The Standing Committee took note of the information presented by the delegation of Sweden and asked them to inform the Secretariat when the decision on the appeal will be available. It agreed to review this case in 2010 as a "possible case file".

No new information has been received by the Secretariat in 2010.

The delegate of Sweden will be invited to inform the Committee.

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

➤ **Italy: Wind farm threat to wildlife in Alta Maremma, Grosseto**

Relevant documents: T-PVS (2010) 2 rev - Summary of case files  
T-PVS/Files (2010) 29 - Government report  
T-PVS/Files (2010) 4 – Report by the NGO

In September 2008, the Secretariat received a complaint from the *Comitato Nazionale Paesaggistico*, based in the Alta Maremma region, concerning plans for a wind-farm of 6 mega turbines at Bellaria (Roccalbegna), less than 3km away from an existing 10 turbine plant in the town of Scansano (built without EIA and therefore declared illegal but still operating). The location of the turbines at Roccalbegna would worsen the damage already caused by the turbines at Scansano, and would interrupt an important ecological corridor between the sites of the Albegna valley and those of the Trasubbie and Trasubbino.

The Bureau discussed the complaint in March 2009 and asked for more information about the status of the project and on the affected populations.

In February 2010, the NGO (*CNP/Comitato Civico per Roccalbegna*) reported on the status of the project, highlighting that the existing wind farms in the area are located in an IBA. The planned turbines, with masts 80 metres height and blades span of 90 metres, are to be sited less than 3 km away from the existing 10 turbines of Poggi Alti. According to the NGO report, the project presented by ENEL Green Power is largely based on data that the NGO considers distorted and misleading, as it ignores the cumulative impacts, and does not indicate the bird species present in the area, such as the Lanner. In addition WWF estimates that the project would impact a number of species protected under the Bern Convention. Finally, ISPRA, the Italian environmental research institute "proposes an unfavourable verdict to the realisation of this installation".

Noting the lack of information available from Italian authorities in September 2010, the Bureau decided to consider the case as a possible case-file.

The delegate of Italy will be invited to present the updated report, sent to the Secretariat in October 2010, including the analysis of cumulative impacts.

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

### 6.3 On-the-spot appraisal

#### ➤ France: Impacts on the Hermann tortoise (*Testudo hermanni*) of a waste management plan (1) and a housing project in the Var region (2): Draft Recommendation

Relevant documents: T-PVS (2010) 2 rev - Summary of case files  
T-PVS/Files (2010) 25 – Report of the on-the-spot appraisal  
T-PVS (2010) 18 – Draft Recommendation on the Hermann tortoise (*Testudo hermanni*) in the Var region

(1) This case concerns a complaint received in May 2008 from Dr. Marcel Barbero, president of the Regional Scientific Committee for Natural Heritage, about the construction of a waste management plant in the Var region. The project would affect the population of Hermann tortoise in the commune of Cabasse, some 20 kms away from the Massif des Maures, where lie few core places for the species. Dr. Barbero informed that this area covers the only viable western population of Hermann tortoise on calcareous and calcareous-dolomite substrate, which has been decreasing for 40 years. The Regional Scientific Committee for Natural Heritage has stated that the impact study did not sample this population correctly and that data is insufficient. The effects that the construction of this waste plant could have on the population would be devastating as it would split up its habitat, affecting breeding, feeding and nesting areas and causing the total extinction of the species in this particular area.

(2) This case concerns a complaint received in July 2008 from the association “*Les amis de Ramatuelle*” against a housing project (of 120 units) over 10 ha in the town of Ramatuelle (Var department) in a forested area known as “Combes Jauffret”, situated less than 2 kms away from a Natura 2000 site (the “3 Caps”), and where around 30 individuals of Hermann tortoises have been recorded (with an estimated population of 41 and a population density of 8.2 individuals per hectare) and which is also a site of reproduction (three independent inventories have been carried out recently).

In 2009, the delegate of France reported on both complaints. Regarding the first complaint, the delegate of France considered that it has a direct link with the Recommendation No. 118 (2005) inviting the French authorities to find a feasible alternative solution to the waste storage center of Balançon, located in the heart of the *Plaine des Maures*. He declared that Cabasse represents a possible step for alternative solutions. The project manager has decided to reshape and reduce the size of the project and the choice of the site has been made after an impact study and significant compensatory measures have been foreseen. In the end, the *Conseil national pour la protection de la nature* has given a positive opinion. He stressed the Committee of his government’s genuine commitment on this matter.

Regarding the second complaint, he said that on the basis of the results of the diagnosis fauna-flora-habitats, the initial version of the project had been modified in order to delete, reduce or compensate the effects on the Hermann Tortoise. He referred to the *SRU* law (on urban solidarity and renewal) which imposes the obligation for the municipalities to build 20% of social housing, but at the moment no decision has been taken.

The Standing Committee decided to organise an on-the-spot appraisal in 2010, which has been carried-out by Mr Guy Berthoud, in June 2010. In his report, Mr Berthoud highlights not only the existence of major ecological issues but also a desire on the part of the promoters of the projects to minimise their impact. Some recommendations concerning the procedures to be applied in relation to the known threats are suggested.

The independent expert will present his report of this on-the-spot appraisal visit.

The Secretariat will present the Draft Recommendation.

**Decision:** The Committee is invited to discuss the issue and examine, and if appropriate adopt, the Draft Recommendation.

## 6.4 Complaints in stand-by

### ➤ **France: Black Grouse (*Tetrao tetrix*) in Drôme and Isère**

Relevant documents: T-PVS (2010) 2 rev - Summary of case files  
 T-PVS/Files (2010) 15 – Government report  
 T-PVS/Files (2010) 32 –ONG Report

In April 2009, the association ASPAS (*Association pour la Protection des Animaux Sauvages*) sent a complaint to the Secretariat for the possible breach of Articles 7 and 9 of the Bern Convention by France concerning the Black Grouse (in Appendix III species) in the departments of Drôme and Isère. In particular, the complaint stated that human activities such as tourism and sport developments in mountain areas are destroying the winter and reproduction sites of this species, causing also disturbances in these areas and in their calling sites, while hunting compounds the problems for the species.

The ASPAS association reports that current population levels in France are estimated at 16000-20000 individuals, with an “unfavourable conservation status” at the national level and a strong decrease in numbers, especially in the Drôme region where estimates are at about 100 individuals. ASPAS contests the French hunting regulations, which do not favour the repopulation of Black grouse nor prevents their destruction, given the unfavourable conservation status of the species, and therefore are not in line with the Bern Convention. The NGO has also lodged a complaint to the European Commission in June 2010.

In July 2010, the French authorities submitted a report describing the monitoring of the distribution area, as well as the breeding and hunting situations. The report informs that in 2009, the regional environment, planning and housing directorate (DREAL) worked with Rhône-Alpes Region to devise and implement a regional action plan, which the OGM was asked to run. It is planned to extend it to the Region of Provence-Alpes-Côte d’Azur as soon as possible. The main aims of this plan are to enhance, add to and co-ordinate the conservation measures introduced in the French Alps since the beginning of the 1990s. Most of these measures were based on hunters’ ideas. Their support on the ground is essential to promote and/or facilitate the implementation of the action plan at local level, particularly outside protected areas.

The European Union is also examining the situation in the area.

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

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

### ➤ **Morocco: Ecological impacts of a tourism centre in Saïdia**

Relevant documents: T-PVS (2010) 2 rev - Summary of case files  
 T-PVS/Files (2010) 2 – Government report  
 T-PVS/Files (2010) 26 – NGO report

A complaint was received in 2009 from the “*Espace de Solidarité et de Coopération de l’Oriental*” (ESCO), based in Oujda, Morocco. It concerns the Moulouya site, a “zone of biological and ecological interest” (SIBE, in the French acronym), as well as a Ramsar site, since 2005.

The organisation denounced the project “New tourist site in Saïdia”, part of the country’s ‘Blue plan’ for the strategic development of the tourism industry. They claimed that this project was developed without prior environmental impact studies and that the infrastructures planned (roads, canals, water treatment plants) will damage the Ramsar site of Moulouya, very important for migratory bird species and hosting two thirds of the total bird species known in Morocco. The organisation had submitted a complaint to the public prosecutor at the Court of first instance of Berkane in 2006, without follow-up so far. They also organised a petition to safeguard the Moulouya site, which was signed by 680 people.

The authorities from Morocco have informed the Secretariat that their project, which is a part of the strategic priorities of the region’s development, has been initiated, encouraged and accepted by the Government. The authorities have underlined that the studies carried out within the project MedWet Coast are of unquestionable reference.

The Ramsar Secretariat has foreseen an assessment visit in October 2010. The complaint will be reconsidered by the Bureau at its next 2011 meeting, in the light of the findings of Ramsar Secretariat.

The Committee is invited to discuss this issue.

## 6.5 Follow-up of previous Recommendations

- **Recommendation No. 66 (1998) on the conservation status of some nesting beaches for marine turtles in Turkey**
- **Recommendation No. 98 (2002) on the project to build a motorway through the Kresna Gorge (Bulgaria)**
- **Recommendation No. 113 (2004) on military antenna in the Sovereign Base Area of Akrotiri (Cyprus)**
- **Recommendation No. 137 (2008) on population level management of large carnivore populations**
- **Recommendation No. 144 (2009) of the Standing Committee, on the wind park in Smøla (Norway) and other wind farm developments in Norway**

Relevant documents: T-PVS/Files (2010) 23 - Government report on the follow-up of Recommendation No. 66 (1998)  
 T-PVS/Files (2010) 8 - NGO report on the follow-up of Recommendation No. 66 (1998)  
 T-PVS/Files (2010) 31 - Government report on the follow-up of Recommendation No. 98 (2002)  
 T-PVS/Files (2010) 17 - Government report on the follow-up of Recommendation No. 113 (2004)  
 T-PVS/Files (2010) 20 - NGO report on the follow-up of Recommendation No. 113 (2004)  
 T-PVS/Files (2010) 12 - Governments' reports on the follow-up of Recommendation No. 137 (2008)  
 T-PVS/Files (2010) 33 - Government report on the follow-up of Recommendation No. 144 (2009)

Relevant States are invited to report (preferably in writing) on the follow-up of the above recommendations.

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

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

Relevant documents: T-PVS/Files (2010) 11 - Governments' reports on the follow-up of Recommendation No. 110 (2004)  
 T-PVS/Files (2010) 21 - Report of the NGO

In 2009, the Standing Committee recognised that this is an important issue which requires further follow-up and agreed to include this topic in its 2010 meeting agenda, with a view to discussing a draft recommendation on the basis of the information and assessments received.

A compilation of national reports has been prepared in 2010 (document TPVS/Files (2010) 11) following the reports received by 12 Contracting Parties. The NGO report from 2009 has been reviewed in 2010 (T-PVS/Files (2010) 13, including recommendations to expedite the work in Western and Central Europe, avoid new legacy of dangerous power poles in Eastern Europe and raise awareness for avoiding electrocution in Northern Europe. The NGO report also suggests to temporarily introduce a bi-annual reporting system to collect regular update on progress made in the implementation of the recommendation. A decision on the issue could be eventually taken by the Standing Committee at its 30th meeting.

Relevant states are invited to report (preferably in writing) on the follow-up of the Recommendation.

**Decisions:** The Committee is invited to:

- Take note of the information presented;
- To examine, and if appropriate adopt, a temporarily system of bi-annual reporting for the implementation of Recommendation No. 110 (2004).

## PART VI – STRATEGIC DEVELOPMENT OF THE CONVENTION

### 7. STRATEGIC DEVELOPMENT OF THE CONVENTION

#### 7.1 European Conference on “Post-2010 vision and targets: The role of Protected Areas and Ecological Networks” (Madrid, 25-27 January 2010)

Relevant documents: T-PVS/Inf (2010) 1 – Conclusions of the Madrid Conference

The Secretariat will outline the main outcomes of the above mentioned Conference.

**Decision:** No decisions are expected from the Committee under this agenda item.

#### 7.2 Implementation of CBD COP-10 decisions: re-enforcing the role of the Convention in implementing 2020 Biodiversity targets in Europe

The Secretariat will outline the main activities carried out in 2010 in the framework of ongoing co-operation with the CBD and the implementation of the MoC signed in May 2008, as well as the impact of CBD COP-10 decisions in the implementation of the Convention’s Programme of Activities.

**Decision:** The Committee is invited to take note of this information and decide on the possible follow-up.

#### 7.3 Presentation of the Council of Europe Declaration “Working together for Biodiversity: protection of natural areas and the fight against climate change”

The Secretariat will present the Council of Europe Declaration.

**Decision:** The Committee is invited to take note of this information.

#### 7.4 Draft Programme of Activities for 2011

Relevant documents: T-PVS (2010) 5 – Draft Programme of Activities

The Secretariat will present a proposal of activities for the year 2011, prepared following discussions at the Bureau.

**Decision:** The Committee is invited to examine and, if appropriate, adopt its Programme of Activities for the year 2011.

#### 7.5 States to be invited as observers to the 31<sup>st</sup> meeting

The Secretariat will remind the Committee that the following States have been invited to attend this 30<sup>th</sup> meeting as observers:

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

**Decisions:** The Committee is requested to decide unanimously which States, not members of the Council of Europe, are to be invited to attend its 31<sup>st</sup> meeting.  
(Suggestions of change of States: none).



## **PART VII - OTHER ITEMS**

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

In accordance with Article 18(e) of the Rules of Procedure “The Chair, Vice-Chair and two additional Bureau members shall be elected at the end of each meeting. They shall execute their respective terms of office from their election onwards until the end of the meeting following the meeting where they were elected. Their terms of office may be renewed, but the total length of term of office shall not exceed four years or, as appropriate, the end of the first meeting following the expiry of this period of four years ([T-PVS (2009) 16]).

### **9. DATE AND PLACE OF THE 31<sup>ST</sup> MEETING, ADOPTION OF THE REPORT**

In accordance with Article 1 of the Rules of Procedure, the Committee will be invited to decide on the date of its 31<sup>st</sup> meeting.

The Secretariat will make a proposal (28 November – 1 December 2011, in Strasbourg).

### **10. ADOPTION OF THE MAIN DECISIONS OF THE MEETING**

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

### **11. OTHER BUSINESS (ITEMS FOR INFORMATION ONLY)**

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

## DRAFT PLAN FOR DISCUSSION OF THE AGENDA

MORNINGS 9.30 am - 12.30 pm	AFTERNOONS 2.30 - 5.30 pm
MONDAY 6 December	
<b>1. Opening, adoption of agenda</b> <b>2. Report from Chairman &amp; Communications</b> <b>3. Monitoring of the implementation of the legal aspects of the Convention</b> 3.1 Introductory reports from Georgia and Montenegro 3.2 Biennial and quadrennial reports <b>5. Monitoring of Species and Habitats</b> 5.1 Group of Experts on Biodiversity and Climate Change – Draft Recommendations 5.2 Group of Experts on Island Biodiversity in Europe 5.3 Large Carnivores and Herbivores: Progress report and draft Recommendation on Large Carnivores in the Caucasus	5.7 Habitats: a. Group of Experts on Protected areas and Ecological networks: Report b. Setting up of the Emerald Network: strategic development and steps forward 5.4 IAS: Progress report + Code of conduct on IAS and Companion animals + Revised Action Plan on the Ruddy Duck 5.5 Draft European Charter on Recreational Fishing and Biodiversity 5.6 Illegal killing of birds
TUESDAY 7 December	
<b>6. Specific sites and populations</b> 6.1 Files opened ➤ Ukraine: Proposed navigable waterway in the Bystroe Estuary (Danube delta) ➤ Cyprus: Akamas peninsula ➤ Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica ➤ France: Habitats for the survival of the common hamster ( <i>Cricetus cricetus</i> ) in Alsace ➤ Italy: Eradication and trade of the American Grey squirrel ( <i>Sciurus carolinensis</i> ) 6.2 Possible file: ➤ France: Protection of the European Green Toad ( <i>Bufo viridis</i> ) in Alsace ➤ Sweden: Natterjack ( <i>Bufo calamita</i> ) population on the coastal island of Smögen ➤ Italy: Wind farm threat to wildlife in Alta Maremma, Grosseto 6.3 On-the-spot appraisal ➤ France: Impacts on the Hermann tortoise ( <i>Testudo hermanni</i> ) of a waste management plan and a housing project in the Var region	6.4 Complaints in stand-by: ➤ France: Black Grouse ( <i>Tetrao tetrix</i> ) in Drôme and Isère ➤ Morocco: Ecological impacts of a tourism centre in Saïdia 6.5 Follow-up of previous Recommendations ➤ No. 66 (1998) on the conservation status of some nesting beaches for marine turtles in Turkey ➤ No. 98 (2002) on the project to build a motorway through the Kresna Gorge (Bulgaria) ➤ No.113 (2004) on military antenna in the Sovereign Base Area of Akrotiri (Cyprus) ➤ No. 110 (2004) on minimising adverse effects of above-ground electricity transmission facilities (power lines) on birds ➤ No. 137 (2008) on population level management of large carnivore populations ➤ No. 144 (2009) of the Standing Committee, on the wind park in Smøla (Norway) and other wind farm developments in Norway
WEDNESDAY 8 December	
5.7 Habitats: c. European Diploma of Protected Areas <b>4. Interpretation of Article 9.1 of the Convention</b> 4.1 Legal analysis of the interpretation of Article 9.1 of the Bern Convention 4.2 Guidelines for the reporting system set under article 9.2 of the Bern Convention <b>7. Strategic development of the Convention</b> 7.1 European Conference on “Post-2010 vision and targets: The role of Protected Areas and Ecological Networks” (Madrid, 25-27 January 2010) 7.2 Implementation of CBD COP-10 decisions: re-enforcing the role of the Convention in implementing 2020 Biodiversity targets in Europe 7.3 Presentation of the Council of Europe Declaration “Working together for Biodiversity: protection of natural areas and the fight against climate change” 7.4 Draft Programme of Activities for 2011 7.5 States to be invited as observers to the 31st meeting	
THURSDAY 9 December	
<b>8. Election of Chairman and Vice-Chairman, and Bureau members</b> <b>9. Date and place of the 31<sup>st</sup> meeting and adoption of report</b> <b>10. Adoption of the main decisions of the meeting</b> <b>11. Any other business</b>	

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