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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

31st meeting
Strasbourg, 29 November – 2 December 2011

APPLICATION OF THE CONVENTION
- Summary of case files and complaints -

APRIL 2011

*Secretariat memorandum
prepared by
the Directorate of Culture and Cultural and Natural Heritage*

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1. IMPLEMENTATION OF THE CONVENTION: FILES

1.1 Specific sites - Files open

a. Ukraine: Project for a waterway in the Bystroe estuary (Danube delta)

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.

The first phase of the project was conducted in 2004.

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 I, and not to proceed with phase II of the project until certain conditions were met.

Ukraine did not send a delegate to the Standing Committee meeting in 2008, but they sent information to the Secretariat afterwards, concerning the repeal of the Final Decision regarding Phase II of the Project and confirming that the amended and updated EIA documentation would be sent to the Secretariat, and that measures would be undertaken to ensure public consultation and participation on this Project. Furthermore, the Secretariat was informed that a document entitled “Draft Time-Schedule” had been signed with the Romanian authorities for further mutual implementation of the steps to be taken by both countries.

In March 2009, the Ukrainian authorities reported to the Secretariat confirming the repeal of the Final Decision regarding Phase II of the Project, in line with Recommendation 111 (2004) of Bern Convention. The report also confirmed that “the works on the Phase II never started and are not going to start until the appropriate procedures are being implemented”.

At the 2009 meeting of the Standing Committee, the delegate of Ukraine outlined the measures taken by his government, including 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 Standing Committee welcomed the positive co-operation underway between Ukraine and Romania, but it agreed to keep the case file open and asked Ukraine to continue to report to 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. Ukraine decided 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 Bystroe Channel project.

The Secretariat asked Ukrainian authorities to inform on the issue; however, the national report was only sent on 1st December 2010.

At the 2010 meeting of the Standing Committee, the delegate of Ukraine presented the government report, highlighting that consultation with all stakeholders, including public hearings, had been carried out in 2004-2009 to evaluate the project as well as its EIA before adopting the decree launching Phase II of the project was adopted. He stressed that the authorities had examined ten alternative variants routes for the navigation before choosing the Bystroe estuary. He further stressed that the management plan for the Danube Biosphere Reserve was adopted by decree in October 2010. Pursuant to item 10 of the Recommendation 111 of the Standing Committee, adopted on 3 December 2004, regarding the Trilateral Agreement for the Creation and Management of a Cross-boarder Protected Area between Moldova, Romania and Ukraine in the Danube Delta and the Lower River Prut, the delegate of Ukraine has reminded to the Committee on the necessity to hold under the umbrella of the Council of Europe a meeting of States Signatories of the Agreement in order to discuss relevant matters concerning this and other issues dealt within the Agreement. He concluded his presentation by affirming that Ukraine considers having implemented all the requirements of the Recommendation No. 111 (2004) and thus

requested the file to be closed. He proposed to organise a trilateral meeting of the concerned parties, under the auspices of the Council of Europe, for establishing an ad hoc working group on the elaboration of joint measures for the conservation of the species and habitats protected by the Bern Convention in the Danube delta area.

The delegate of Romania noted that the late presentation of the report of the Ukrainian authorities left insufficient time for a meaningful analysis as well as for a comprehensive reply from the Romanian side. He highlighted that Ukraine has failed to comply with its obligations under the Espoo Convention, and has shown disregard for the decisions of the meetings of the State Parties to that Convention. The delegate further pointed out that the authorities of Ukraine have failed to inform Romania about the developments and implementation of the project. In addition, he noted that the EIA prepared by Ukraine is focused on the impacts on the Ukrainian side of the Delta, while disregarding the transboundary dimension of the project; he stressed that Romania has repeatedly informed the authorities of Ukraine about the persistence of important gaps in the EIA. The delegate highlighted the risk of a supplementary flux of sediment which will occur in extremely sensitive areas like *Musura* and *Stambulul Vechi* branches, as a result of massive dredging as well as of the construction of the flowing guide dam. He also mentioned that the Romanian authorities had tried again to convene in Romania, in mid-December 2010, the first meeting of the Trilateral Commission established under the Agreement mentioned above, but the Ukrainian authorities had asked for a postponement of such meeting for the first semester of 2011. In conclusion, the delegate of Romania recalled the will to host such a meeting in the first semester of 2011, and asked the Standing Committee to keep the file open and continue its follow-up, in co-operation with other international instruments.

The delegate of the European Union expressed its full support to the proposal made by Romania requesting the file to be kept open.

The Committee decided to keep the case file open and agreed to the creation of a Select Group of Experts to facilitate dialogue on the issue. The Group should meet after relevant Parties and the Chair of the Standing Committee agree on the terms of reference.

On 26 January 2011 the Chair of the Bern Convention Standing Committee, Mr. Jan Plesnik, addressed a letter to both Ukrainian and Romanian authorities proposing the terms of reference (ToR) for the Select Group of Experts. According to these, the Group of Experts should “support the Standing Committee and the Bureau in the follow-up of the implementation of Recommendation No. 111 (2004), analysing the information received from Parties and observers and making proposals to improve both the implementation of the recommendation and the conservation of the Danube Delta and its unique biological diversity”. The membership would include representatives of all concerned parties, as well as officials of the main concerned International Conventions and Agreements, and the European Union. The reports of the meetings of the Group would be forwarded to the Bern Convention Bureau and Standing Committee as well as to all members of the select group. For technical matters the Secretariat would be supported by independent experts appointed by the Secretary General of the Council of Europe. The first meeting was scheduled in spring 2011.

On 17th February 2011 the Secretariat was informed by Ukrainian authorities that Ukraine is not in a position to accept the proposed ToR as they “do not correspond to the decision of the 30th Standing Committee meeting, aimed at the creation of a Select Group of Experts to facilitate dialogue”. Ukrainian authorities propose to prepare amended ToR at the Secretariat request.

On 21st February 2011 Mr Plesnik addressed again both Parties inviting them to contact each other in view of discussing some new terms of reference acceptable to both Parties and communicate them before 1st of April 2011.

On 28th February 2011 Romanian authorities addressed the Secretariat proposing an amendment to the first paragraph of the ToR initially forwarded by the Chair to both Parties.

In March 2011 the Ukrainian authorities sent an updated report on the state of progress of the development projects concerning the Danube River.

The authorities inform that early 2011 Ukraine, Romania and Moldova started the implementation of the project "Joint environmental monitoring, assessment and exchange of information for integrated management of the Danube Delta region", under the auspices of the International Commission for the Protection of the Danube River (ICPDR) and UNECE. This is considered to be the first step towards the Integrated Management Plan of the Danube as well as to improve cross-border cooperation to facilitate harmonization of monitoring systems in the area.

The reports stresses that one of the main priorities of Ukraine is its active involvement into the process of preparation and further implementation of the activities under the EU Strategy for the Danube Region (EUSDR), which will provide new opportunities for sustainable development while addressing both environmental concerns and the need for economic developments in the region.

On 16th March 2011 the Secretariat received by fax an invitation from Minister László Borbély (Romania) to attend - on 22nd March 2011 - a meeting of the Joint Commission established under the Agreement between the Ministries responsible for environment of Moldova, Romania and Ukraine for the creation of a cross-border protected area of the Danube Delta and the lower River Prut. Due to an extremely short notice, the Secretariat regretted to inform its unavailability.

Finally, the European Commission informed that the next meeting of the EU-Ukraine Sub-Committee "Energy, Transport, Nuclear Safety and Environment" would take place on 24th and 25th March in Brussels and that the implementation of International environment agreements including the Aarhus Convention and the Espoo Convention, particularly in relation to the Bystroe Channel, would be among the agenda items. The Commission additionally informed about the preparation of a meeting between the EU and the Ukrainian authorities, to be held in April to discuss further EU assistance to Ukraine on Espoo Convention.

b. Cyprus: Akamas Peninsula

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

In 2008, the Standing Committee asked Cyprus to send the management plan as soon as it would be ready, and wished that the area of Limni would also get adequate protection. The Committee asked Cyprus to fully implement Recommendation No. 63 (1997); to create a National Park and ensure the maintenance of the ecological integrity of the area; as well as to apply the ecosystem approach to the Akamas peninsula, including Limni.

At the 29th meeting of the Standing Committee, the delegate of Cyprus informed that there had been no great changes since the previous year.

At the 2010 Standing Committee meeting, noting the absence of delegates from Cyprus, the Secretariat briefly summarised the government report, stressing that a part of the Akamas Peninsula was officially proposed to integrate the Natura 2000 Network and that the final boundaries of the area, as well as the management plan, have been forwarded to the Secretariat. However, regarding the latter it was impossible to assess its content as the plan is only available in Greek. In addition, the Secretariat informed that the authorities of Cyprus are implementing a Plan for the management of the entire area of Akamas Peninsula, which includes provisions for the improvement of the infrastructure, the restriction of certain human activities taking place in the area (i.e., safari, rally, etc.), the promotion of ecotourism. With regards

to the Natura 2000 area of Limni ("Polis-Gialia"), the Secretariat informed that a draft Management Plan for the Natura 2000 site was presented to local communities in March 2010, but negotiations were still on-going. The Secretariat further informed that the European Commission recently received a complaint claiming insufficient designation and protection of the Akamas Peninsula. In that context the Commission will assess the sufficiency of the designated site as well as the measures implemented to safeguard its conservation values, with a view to ensuring compliance with relevant provisions under EU nature legislation.

The representative of Terra Cypria recalled that Recommendation No. 63 (1997) requested Akamas peninsula to be declared National Park. Instead, government proposals for the protection of Akamas have continuously been reduced to a level which is inadequate for both a Specially Protected Area designation under the Birds Directive as well as for Sites of Community Importance under the Habitats Directive. Regarding the area of Limni, an EU Natura 2000 site, although its management plan has yet to be implemented, it will still be ineffective as the area proposed for conservation is only a narrow strip of coast.

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

In February 2011 the Secretariat received a short letter sent by Cyprus authorities informing that the Management plan for the Limni area is only available in Greek.

In March 2011 the European Union informed that the Commission is analysing the reply recently submitted by Cyprus authorities in the framework of the complaint lodged for insufficient designation and protection of the Akamas Peninsula under the Natura 2000 network.

c. Bulgaria: Wind farms in Balchik and Kaliakra – Via Pontica

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.

An on-the-spot visit was carried out in September 2005, on the basis of which the Committee adopted Recommendation No. 117 (2005), asking the Bulgarian government to reconsider its decision to approve the proposed wind farm in Balchik in view of its potential negative impact on wildlife and taking account of Bulgaria's obligations under the Convention.

In 2006, the Bulgarian government informed the Secretariat that it did not intend to review the decision approving the wind farm project. The Secretariat received information from NGOs on a similar case involving plans to build 129 windmills 20 kms away from Balchik, between the town of Kavarna and the Kaliakra Cape.

A new on-the-spot appraisal was carried out on 20-22 June 2007. On the basis of the expert's conclusions the 27th meeting of the Standing Committee adopted Recommendation No. 130 (2007) "on the windfarms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria)".

In June 2008, the European Commission opened an infringement procedure against Bulgaria because of insufficient designation of 6 sites as SPAs under the Bird Directive, one of which is the Kaliakra IBA.

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.

At the Standing Committee meeting in 2010, the delegate of Bulgaria presented the government report, informing -among others- of measures taken concerning the preventive protection of NATURA 2000 sites. Furthermore, she confirmed that no new authorisations for development in SPA Kaliakra and IBA Kaliakra have been issued in 2010.

The delegate of the European Union informed that the Commission is currently monitoring windfarm developments in the region of Kaliakra and Balchik, particularly in the framework of three infringement procedures, namely on insufficient designation of Kaliakra IBA, on windfarm developments and other urbanization projects breaching the Birds Directive's provisions, and on systematic failure to provide adequate protection to birds. However, the delegate stressed that the EU noted progress and efforts from national authorities, although she requested the case-file to be kept open for ensuring international co-ordination and support on the issue.

The representative of BirdLife noted that cumulative impacts have to be taken into account as, for instance, collisions of birds nearby protected areas are still an issue. He recognised that the government undertook positive steps, although he pointed out that the problem is far to be solved.

The representative of AEWA stressed that this is a case of great concern for the Agreement since the number of turbines in the area has exponentially increased since the case-file was opened. He noted that the location of the windfarm is critical because it is on a migratory route and pointed out that the plan for the development of windfarms coincide with some critical feeding areas.

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

In March 2011 the European Commission confirmed that no new authorisation for further developments has been issued in Kaliakra. In addition, the Commission received updated information by both Bulgarian Government and the NGO in January 2011 but this is still being assessed. DG ENV will meet Bulgarian authorities at the beginning of April, in Sofia, and will take the opportunity to further discuss the Kaliakra case.

d. France: Habitats for the survival of the Common Hamster (*Cricetus cricetus*) in Alsace

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.

At the Standing Committee in November 2007, the French delegation presented the range of measures taken, including a restoration scheme approved by the *Conseil national de la protection de la nature* (National Nature Conservation Board).

The Standing Committee decided to open a case-file, not calling into question the efforts already made by the authorities, but wanting to highlight the urgent need for action in the field.

In June 2008, the European Commission sent to France a final written warning for failing to implement proper measures to safeguard the great 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.

At the 29th Standing Committee meeting, the delegate of France reported on the recent 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.

The delegate of the European Commission reported on the conclusions of the meeting held in June with the French authorities, including that agri-environmental schemes remain insufficient despite the progress made. 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.

At the 2010 Standing Committee meeting the French delegate announced that the situation of the species was stabilising and was even improving as a result of the application of the 2007-2011 Action Plan. The increase in numbers since 2007 showed how co-ordinated and effective the measures had been.

The findings of the prospection campaign had confirmed the presence of the common hamster in 25 different municipalities (24 in *Bas-Rhin*, 1 in *Haut-Rhin*). The target of 22% of suitable crops in protected agricultural areas (ZAPs) had been reached and there had been a significant increase in the surface area of land covered by agreements. The increase in wild populations was continuing. The species' needs were taken into account when drawing up urban planning documents. As to public road-building projects, particularly significant compensatory measures were planned (Strasbourg Western bypass and Southern ring road, *Piémont des Vosges* expressway).

The representative of ASFS said that the policy that had been implemented had failed. Many relict populations had disappeared, not enough account was taken of species in urban planning documents and the impact of agreements with farmers was limited. He asked for the common hamster to be added to Appendix II to the Habitats Directive and for the case file to remain open.

The European Commission delegate informed that a hearing on this subject had been held at the European Court of Justice. The conclusions would be published in January 2011.

In light of the small size of the hamster population, as well as of the current management, the Committee decided to keep the case file open and continue to follow it up in close co-operation with the European Commission.

On 20 January 2011 the conclusions of the EU Advocate General on the case pending before the European Court of Justice concerning France and the protection of the Common Hamster were made public (the hearing took place in October 2010). The opinion recognises that agro-environmental measures were put in place in 2008, to protect the species, while pointing out that these measures are insufficient. The Advocate General considers that agricultural practices and inappropriate development of road infrastructures threaten the habitat of the species. According to the opinion, this leads France to the violation of article 12, paragraph 1d of the Habitat directive concerning the conservation of the natural habitats as well as of wild fauna mainly because:

- The agro-environmental measures taken in favour of the Common Hamster only target 60% of the surfaces populated by this species and were not applied to zones other than those of priority action;
- The measures undertaken are insufficient for granting the long-term survival of the species, and
- The coherent and coordinated measures undertaken for the preventive protection of the Common Hamster against the deterioration of its habitat are still incomplete.

The Advocate concludes that France has failed to fulfil its obligation to strictly protect the Common Hamster under the Habitats Directive and requests that the country is fined by the Court. The judgment has not been issued yet.

In March 2011 the French authorities reported on the implementation of the Action plan for the Common Hamster (2007-2011), mostly confirming that measures mentioned in previous reports are continuing being performed. The report informs on the monitoring of the populations as well as on the reinforcement of wild populations through the application of the new protocol tested in 2010 to a larger number of individuals. The authorities additionally inform that the installation of electric fences around the parcels of land where hamsters are released was so far successful.

With regards to the effects of the actions of mobilisation of the farmers, the report stresses that the objective of 22% of favourable cultures is now largely achieved in the Northern ZAP and almost reached in Southern ZAP (772 hectares of favourable crops for a total of 3,451 ha).

Regarding the road infrastructures, the last section of the expressway of *Piémont des Vosges* is now operational, while for the project of the Strasbourg Western ring road 200 hectares of favourable crops are foreseen as compensatory measures.

Finally, the report mentions that the exchanges with German and Dutch partners will be intensified.

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

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.

The main conclusions of the expert's visit were that the presence of the American grey squirrel in Italy was a serious threat for the survival of the protected native Red squirrel, and that this expansive trend had the full potential to turn the invasion into a continental problem, where France and Switzerland would become the next countries to be invaded.

In 2008, the Standing Committee agreed to open a case file and decided that a new Recommendation was not necessary. Instead it asked the Secretariat to communicate a list of actions to the Italian government.

In September 2009, the Italian government reported on progress to finalise the signature of a Memorandum of Understanding between the regions concerned, and the preparation of a LIFE+ project on: "Eradication and control of grey squirrel: actions for preservation of biodiversity in forest ecosystems", with the involvement of the three regions (Lombardia, Piemonte and Liguria), and the Ministry of Environment. Regarding the decree to ban the trade and keeping of American grey squirrel which will cover the whole national territory, the final text was agreed in late July 2009, and it will shortly be examined by the legal offices of the three Ministries involved (Agriculture & Forestry; International Trade; and Public Health).

At the 29th meeting of the Standing Committee, the delegate of Italy announced that the Ministry of Environment was fully committed to implementing Recommendation No. 123 and therefore had concluded a MoU in August 2009 with the three regions involved and two research institutions. A number of activities had been planned, including control of the species, monitoring of Grey and Red squirrels and awareness campaigns. The Ministry was preparing a decree to prohibit the trading and keeping of the Grey squirrel.

The Committee took note of the information presented and welcomed progress in the conclusion of a MoU among all the actors involved in the control of the species, as well as plans to pass legislation banning trade on the species. However, it considered that there had been no action on the ground nor legislation approved, so it decided to keep the case file open, asking Italy to fully implement Recommendation No. 123 (2007).

At the 2010 Standing Committee meeting, the delegate of Italy presented the report from the government, informing that in August 2009 a Memorandum of cooperation was signed by the three concerned Regions, although this is still awaiting the signatures of the competent Provinces for entering into force. He continued by informing that the draft decree for banning the trading and keeping of the Grey squirrel is currently under discussion of the competent legal offices. He further highlighted some measures recently undertaken in the field of the control and eradication of the species, focusing on a Life+ Project, launched in September this year which is likely to contribute to solving the situation. The delegate also mentioned that, at last CITES Committee of the EU member states management authorities, Italy successfully proposed the inclusion of the Grey Squirrel in Annex B of Regulation No. 338/97, which concerns the introduction in the EU of species which are particularly dangerous to native species of flora or fauna. He concluded by asking the Standing Committee to recognize the progresses made to the case-file.

The delegate of Switzerland considered that much still remains to be done in future, and so far the measures undertaken have been only a few. He recalled that the listing of species under CITES Convention concerns the control of international trade, while in the current case-file it is the national control on domestic trade which is questioned.

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

In March 2011 Italian authorities communicated to the Secretariat that no new information is available to date; however, they promised to provide a proper update for next Bureau meeting.

1.2 Possible files

- **France: Conservation of the European Green Toad (*Bufo viridis*) in Alsace**

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 French delegate and by the NGO, and considering the very limited progress achieved, decided to treat this pending complaint as a "possible case file" at its next meeting in 2010.

At 2010 Standing Committee meeting, the French delegate announced that the National Action Plan was to be validated in the spring by the Ministry of Ecology. Activities had already started. Attempts to find out more about the species and consult a very wide range of stakeholders had held up the finalisation of the plan.

The representative of the regional environment, planning and housing directorate (DREAL) said that the regional implementation of the plan would be a priority in 2011 and that all planning files were carefully monitored.

The representative of ASFS said that the population was at threat of extinction.

According to the representative of *Societas Europaea Herpetologica* (SEH), the plan was still at the drafting stage, nothing had actually been done and development projects were continuing.

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

In March 2011 the French authorities informed that the continuous replacement of persons in charge of the drafting of the National Action Plan within BIOTOPE (the Agency which awarded the call for tenders for the elaboration of the Plan) has resulted in an additional delay for the finalisation of the

document. Indeed, it appeared very recently that BIOTOPE didn't undertake consultations with many important stakeholders, and that the comments of some of those who were consulted are still not reflected in the document.

As a result, the DREAL Lorraine held a meeting with BIOTOPE Direction and urged the agency to finalise the Action Plan by beginning of summer 2011. A meeting for the scientific assessment of the Draft Plan is scheduled in March 2011. The plan should be submitted to the National Council of the Protection of Nature by the autumn.

In the meantime the European Commission has received a petition against the motorway bypass around Strasbourg, which would impact the population of Green Toad, a species which is strictly protected under the Habitats Directive. The Commission is assessing the case.

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

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 the 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. The County Administrative Board's decision has now been appealed to the Swedish Government and the Swedish Environmental Protection Agency awaits the decision of the Swedish Government on this issue.

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".

At the 2010 Standing Committee meeting the delegate of Sweden confirmed that there would not be a decision in 2010, although he stressed that the plan is not implemented and no other exploitation have taken place so far.

The Committee decided to keep the complaint as a possible file, and asked the delegation of Sweden to inform the Secretariat as soon as the decision on the appeal will be available. It agreed to review the possible case-file at the next Standing Committee meeting.

The Secretariat has no new information to date.

1.3 Complaints in stand-by

- Morocco: Tourism development project in Saïdia affecting the Moulouya wetland site

A complaint was lodged in 2009 by the *Espace de Solidarité et de Coopération de l'Oriental* (ESCO), based in Oujda, Morocco. It related to the 4 500-hectare Moulouya estuary site, which ranks as a "zone of biological and ecological interest" (SIBE, in the French acronym), and has been a Ramsar site since 2005. The organisation denounced the huge project for a new tourist resort in Saïdia, which formed part of the country's 'Blue plan' for the strategic development of the tourist industry. The project was, they claimed, devised without prior environmental impact studies and the planned infrastructure (roads, canals, water treatment plants) would damage the Ramsar site of Moulouya, which was very important for migratory

bird species and hosted two thirds of Morocco's total known bird species. The organisation had submitted a complaint to the public prosecutor at the Berkane Court of First Instance in 2006, to which it had had no response to date. They had also organised a petition to safeguard the Moulouya site, which had been signed by 680 people.

The Moroccan authorities have informed the Secretariat that this 700-hectare project along a 6 km-long beachfront lies outside the limits of the SIBE and the Ramsar site. It is part of the strategic priorities for the region's development and was agreed to, launched and encouraged by the Government. The authorities have stressed that the studies carried out under the MedWestCoast project are completely reliable.

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

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

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

The report of the Ramsar consultative visit was to be made public in February 2011; however, due to the political crisis in the region the Ramsar Secretariat is not yet in a position to disseminate it as the report is still waiting for the validation by the National competent authorities.

- Ukraine: threat to natural habitats and species in Dniester River Delta

In April 2010, the International Non Governmental Organization "Environment – People – Law" sent a complaint to the Secretariat for the possible breach of Articles 4 and 6 of the Bern Convention by Ukraine concerning development plans (commercial ports and touristic infrastructures) in Dniester River Delta, which would affect several protected species and habitats under the Bern Convention. In particular, the NGO expresses concerns over the significant threats to the natural habitats of severely threatened species (although it only mentions several bird species in the complaint), as well as over the quality of the Environmental Impact Assessment (EIA), and the lack of adequate planning and development policies.

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

In May 2010 the Secretariat contacted Ukrainian authorities on this topic and informed the Ramsar Convention on the presumed massive commercial prawn fishing taking place in the Black Sea Biosphere Reserve, which includes Ramsar sites "Tendravska Bay" and "Yagorlytska Bay". The Secretariat of the Ramsar Convention expressed concerns on the compatibility of these activities with the maintenance of the ecological character of the sites and asked the State Agency for Protected Areas of Ukraine to report on these activities as well as on potential threats and possible sustainable solutions.

Noting the lack of response from Ukrainian authorities the Bureau, meeting in September 2010, decided to re-consider the case as a complaint in stand-by at the first Bureau meeting in 2011. It asked the Secretariat to contact Ukrainian authorities for further information.

In February 2011 the Ministry of Environmental Protection of Ukraine sent a report on the ecological situation of the Ramsar sites of "Tendravska Bay", "Yagorlytska Bay" and "Norther part of the *Dniester Liman*". The report informs on the activities carried out by the administration of the Black Sea Biosphere Reserve to protect *Tendravska* and *Yagorlytska* bays, namely through regular inspection raids by the

gamekeepers as well as specific actions to protect water-birds while breeding in the wetlands. The report also informs about the work of the scientific staff of the Biosphere Reserve, in charge of several targeted studies as well as of the inventory of flora and fauna, and of rare species of the regions.

The authorities stresses that the natural resources of the Reserve are not commercially exploited. However, the guards of the Park discovered that illegal catching of shrimps occurs in the territory of the Ramsar site of *Yagorlytska* bay. The State Ecological Inspection of the North-West Black Sea Region has been informed and asked to take appropriate actions. However, the report does not provide information on measures foreseen or already undertaken in this respect.

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

Finally the report informs that two development projects are currently ongoing within the wetland on the banks of the Dniester River, following the approval of the competent authorities given on the basis of appropriate documentation. One of these projects is run by a private enterprise called “First Dniester Fish Plant” devoted to fishery activities. According to the report, the State Ecological Inspection in Odessa Oblast recently found violation of environmental laws by the private enterprise while verifying compliance with environmental legislation. It appeared that the area of construction is polluted by waste, and that project environmental measures are not implemented; from the report it is not clear if the damage amounts to 3264.02 UAH or if the company has been fined for 3264.02 UAH (which correspond to approximately 300 Euros). The Secretariat has requested a clarification which has not arrived to date.

In March 2011 the Ramsar Secretariat informed that a request for update concerning the situation in the three Ramsar sites was sent on 21st October 2010 but that this has not received any clarification since. The Standing Committee Meeting of the Ramsar Convention is scheduled in May 2011 and written National reports should be submitted by September 2011.

1.4 Complaints received by the Secretariat (since the last Bureau meeting)

- France: culling of badgers in Côte d’Or

In October 2010, the Secretariat received a complaint from a French citizen regarding a possible breach of the Bern Convention related to the culling of Badgers (*Meles meles*) in *Côte d’Or* (Eastern France, in the Burgundy region), a species which falls under Annex III of the Convention. The complainant is concerned about the entry into force, in April 2010, of two prefectural ordinances (the complaint refers in fact to two decrees) allowing the capture and, with some limits, the cull of badgers, as measures to tackle bovine TB. The ordinances foresee a reward of 10 Euros per captured animal.

The complainant states that 2,000 badgers had been killed in June 2010. Only 25% of these had been analysed, with only 0.6% found to be affected by TB.

According to the documents submitted by the complainant, in July 2010 the State Secretary for Ecology questioned the application of the decree and addressed a letter to the Prefecture stating that the measures undertaken to deal with the situation appeared to be extreme.

On 10 January 2011, the Secretariat received copy of a letter sent by the NGO AVES (*Association de Protection des Espèces Menacées*) to the Prefect of *Côte d’Or* denouncing the renewal of the ordinances for 2011, as in 2010 almost 3,000 badgers had been culled or trapped in the whole *Département*.

In March 2011, the French authorities sent a report detailing the measures undertaken to halt the increase of bovine TB which had potentially serious consequences on both public health and the agricultural economic sector.

The authorities note that the *Côte d'Or* is an area particularly vulnerable to bovine TB; in 2007-2008, disease prevention campaigns revealed an increase of the infection in bovine breeding, with 11 cases registered in 2007 and 18 cases in 2008.

Following the findings of an expert mission carried out in July 2009, the Ministry of Agriculture began systematically monitoring all bovines of over twelve months of age in *Côte d'Or*. As a result, around 250 exploitations had to suspend their activities and 784 bovines were slaughtered with an incidence of the disease representing 3% in the cattle population. The contamination of wildlife was also proven, particularly with regard to badgers (*Meles meles*), stags (*Cervus elaphus*) and wild boar (*Sus scrofa*).

In this context, the veterinary department of the Ministry of Agriculture, Food, Fishing, Rural and Spatial Planning (MAAPRAT) elaborated specific risk management measures, including the monitoring of Bovine TB in wild fauna. These measures were implemented in the framework of the general action plan against bovine TB in *Côte d'Or* and included the trapping of badgers for monitoring purposes, as well as their culling in the areas where the cattle population was most severely affected by the disease.

The authorities highlight that the trapping of badgers took place over a short period, between the end of March 2010 and the beginning of July 2010, in both disease-affected and non-affected areas in order to assess the geographical distribution of bovine TB within the whole *Département*. The monitoring should have initially concerned a minimum of 400 badgers (200 in the contaminated area and 200 in the non-contaminated one). However, as the trapping resulted in being geographically heterogeneous, the authorities in charge were obliged to increase the number of operations to include 1,471 badgers trapped in the contaminated area and 1,679 in the safe one.

Analysis was carried out on 300 badgers from the contaminated area (revealing a significant percentage - 6% - of contaminated animals) and on 253 badgers from the safe zone, confirming the absence of infection there. These results are particularly relevant for the future development of an appropriate action plan to fight against bovine TB in a sustainable way.

The campaign to be implemented in 2011 will serve to complete the information collected to date on the evolution of the sanitary situation in the *Côte d'Or Département* and will be limited to the monitoring of 300 badgers from the contaminated area and 300 badgers from a buffer zone in the non-contaminated area, to ensure that the disease does not spread. The trapping of badgers will start in March 2011.

Furthermore, the authorities advise that they have requested the opinion of the National Agency for Sanitary Security of Food, Work and Environment (ANSES) on possible management measures to face the risks of contamination of the cattle population by wild fauna. The opinion is expected by April 2011. Finally, the National Office for Hunting and Wild Fauna is carrying out a project aimed at analysing the interactions between wild and domestic fauna. The authorities advise that they will take the findings of this project into consideration in the implementation of mid-term strategies.

- Greece: threats to marine turtles in Thines Kiparissias

On 22nd August 2010 the Secretariat received a complaint from MEDASSET (The Mediterranean Association to Save the Sea Turtles) regarding development plans in a NATURA 2000 site (THINES KYPARISSIAS - GR2550005) which would affect *Caretta caretta*, a threatened species protected under the Bern Convention. The NGO reports about uncontrolled development on the site (summer houses building, construction of coastal roads, occupation of the beach by, among others, bars, umbrellas and deck chairs) and expresses concerns over the intensive pressure on the nesting activity of turtles, which can lead to reducing the unique population of *Caretta caretta*.

The complainant refers to the obligations for the Contracting Parties mentioned in articles 4 and 6 of the Bern Convention, and highlights that *Caretta caretta* is also protected by other international agreements, among which CMS, CITES and the Barcelona Convention for the protection of the Mediterranean Sea against pollution, and the EU Habitats Directive.

At the second Bureau meeting in 2010, the Secretariat informed the Bureau that a letter requesting further information had been addressed to Greek authorities on 7 September. The Bureau took note of the information provided; due to the very short notice given to the Greek authorities to provide a reply, the Bureau decided to re-consider the complaint at its next meeting.

In March 2011 the Greek authorities forwarded to the Secretariat the response sent on 22nd December 2010 to a letter of the European Commission in relation to the protection of priority species in the Natura GR 2550005 site.

The response informs that a law concerning Conservation & Biodiversity has recently been approved by the Greek Parliament to ensure a more effective protection regime for the priority species in all Natura 2000 sites. The law will enter into force as soon as it is published in the Government's official Gazette (probably at the end of March). In addition to that, the Ministry of Environment is drafting a Joint Ministerial Decision, based on a specific environmental study of 2002, which will regulate all activities within the GR 2550005 Natura 2000 site by providing a specific legal protection regime. The Joint Ministerial Decision will allow facing conservation problems in an integrated way for the whole *Thines Kyparissias* Natura 2000 site.

Among the measures taken, national authorities have forwarded to Local Authorities the specific environmental study mentioned above, along with a Presidential Draft Decree which includes a Management Plan for the Area, with the request of taking these into account to enforce the necessary Environmental Protection measures. The response additionally informs that a recently adopted Ministerial Decision requires the official approval of the Ministry of the Environment for any license of exploitation of the sandy seashore sites issued by the Local Authorities. However, the responsibility concerning the compliance with obligations related to the exploitation itself lies down to the Local Authorities and the State Property Service.

As complementary information, the National authorities confirmed to the Secretariat that the State Property Service of the Prefecture of *Messinia* has recently issued "demolition protocols" for all the constructions illegally built in the area. These protocols are being executed by the responsible authorities of the Peloponnesus Region.

- **United Kingdom: increase in turtle mortality in Episkopi and Akrotiri areas**

On 16th August 2010 the Secretariat of the Bern Convention received a complaint from MEDASSET (The Mediterranean Association to Save the Sea Turtles) and Terra Cypria reporting an important increase in sea turtle mortality rates (particularly significant for *Chelonia mydas* and *Caretta caretta*) in Episkopi area, which is an area under the control of the British Sovereign Base Area Administration (SBAA) and nearby Akrotiri. *Chelonia mydas* and *Caretta caretta* are both threatened species protected under the Bern Convention.

MEDASSET submitted the complaint to react to a warning they received from Episkopi Turtlewatch (ETW), an NGO working closely with (ATW) Akrotiri Turtlewatch. The complaint reports that the increase in sea turtle mortality is observed since the change in the net fishing regulation operated by SBAA at the end of 2007. Available evidence indicates that nearly 100% of the deaths recorded by Episkopi Turtlewatch were a result of interaction with fishing activities and specifically net fishing. MEDASSET fears a localised extinction of the nesting population and in a longer term an impact on nesting levels elsewhere.

The complainant refers to the obligations for the Contracting Parties mentioned in articles 4 and 6 of the Bern Convention, and highlights that *Chelonia mydas* and *Caretta caretta* are also protected by other international agreements, among which CMS, CITES and the Barcelona Convention for the protection of the Mediterranean Sea against pollution.

At the second Bureau meeting in 2010, the Secretariat informed the Bureau that a letter requesting further information had been addressed to the authorities of the United Kingdom, with copy to Cyprus

authorities, on 7 September. The Bureau took note of the information provided; due to the very short notice given to the UK authorities to provide a reply, the Bureau decided to re-consider the complaint at its next meeting.

In February 2011 UK authorities sent a comprehensive report informing on the death of turtles as well as on the enforcement of legislation, and on measures taken to address the issue. The report questions some of the data submitted by the NGO and which are considered to be inaccurate. For instance, the Government informs that the current SBAA Fisheries Ordinance and Regulations were not amended after 2007 and that the 5 metre limit for casting nets is in place since 2005, a period during which Turtlewatch reported very few deaths. In addition, these regulations mirror the equivalent of the Republic of Cyprus Fisheries Regulations. UK authorities also challenge the supposed danger of localised extinction of the Loggerhead population which, according to them, is not based on scientific grounds.

The Government informs that the main cause of death appears to be incidental entanglement in fishing nets but it argues that the conflict between fishing and marine turtles is general and not isolated within Episkopi Bay and that it interests the whole of the Mediterranean.

The report provides an overview of the measures taken to address the issue, among which regular coastal land and marine patrols for the enforcement of the Fisheries Ordinance and the Protection and Management of Nature and Wildlife Ordinance by the Customs, the SBA Police and Marine Units; the pursue of Foreshore offences through written or verbal cautions and warnings; individual liaison meetings between the Custom Officers and professional fishermen; turtle boat and/or diving/snorkelling surveys to gather more specific information on turtles and their habitat association; the distribution to fishermen of education leaflets on turtles, co-operation with the Republic of Cyprus Department of Fisheries and Marine Research.

In conclusion, the report considers that the trends in turtle mortality cannot be established with accuracy as previous searching effort cannot be confirmed. In addition, general information seems to suggest that there have been many more sightings of marine turtles in Cyprus during the last few years in comparison with the past and that the nesting interest at both Akrotiri and Episkopi is showing an increasing trend. The report concludes that the proposed change of fishing depth from 5 to 10 metres does not, preliminarily, seem to be an effective measure to address the issue, although this needs further investigation, and it suggests that appropriate actions should be eventually agreed with the authorities of the Republic of Cyprus.

The NGO report which was sent in February 2010 informs that, during a meeting held on 31st January, the British Bases reassured Terra Cypria that the turtle survey will continue and be completed by the end of March 2011. Once the survey finalised, a meeting will be organized between the British Bases, MEDASSET, Terra Cypria, Episkopi Turtle Watch and the Republic of Cyprus to discuss its findings as well as possible solutions. Terra Cypria informs that since the complaint was submitted, seven more turtles were found dead in the area: three adult loggerheads (*Caretta caretta*), one sub-adult and three juvenile green turtles (*Chelonia mydas*).

The NGO asks the Bureau to keep the situation on the 2011 agenda.

- **Norway: management of carnivores**

On 3rd March the Secretariat of the Bern Convention received a complaint from WWF Norway concern with the Norwegian management of wolves and bears as the population targets are extremely low, and illegal hunting and culling of individuals are quite frequent.

In fact, the wolf population is regulated by culling of a quota if the population is above the politically set target or if individuals are outside the politically designated management zone. Culling is also permitted to limit loss of sheep livestock or domestic reindeer.

The current wolf population target (both a maximum and a minimum) for Norway has been set at 3 litters of cubs to be born each year within a defined management area for breeding wolves. This was reached for the first time in 2010, 6 years after the adoption of the target.

The current bear population target has been set at 15 litters to be born each year, distributed across five unconnected administrative areas. During recent years, between 3 and 6 litters have been registered or estimated to have been born in Norway, meaning that Norway is lagging far behind the politically agreed population target.

The complainant stresses that the management policies are very much based on political agreements with the parliamentary majority and that the on-going process to review the population targets for both wolf and bear will probably end with even lower targets than the current ones.

WWF additionally regret that there is no official agreement on a joint management approach with Sweden, neither for wolf nor for bear, while many individuals have their home range in both countries and several international panels of experts already underlined the need for a large and interconnected population to maintain genetic viability of the species.

The complainant requests the mediation of the Bern Convention (statement or opinion) to remind to National authorities the obligations related to the Convention before a decision on new population targets is taken (summer 2011).

- **France: threat to *Riella helicophylla* in the Department of the Bouches-du-Rhône**

On 17th March the Secretariat of the Bern Convention received a complaint from the NGOs NACICCA, *Les Amis des Marais du Vigueirat* (AMDV) and the *Collectif Santé Environnement de Port Saint Louis* (CCSE) concerning the creation of an inland waterway as well as of logistic and industrial infrastructures in the commune of *Port Saint Louis du Rhône*, which would represent a threat to some of the species protected under the Bern Convention (*Phoenicopterus roseus*, *Anthus campestris*, *Sylvia conspicillata*, *Burhinus oedicephalus*, *Bufo calamita*, *Pelobates cultripipes*, *Miniopterus schreibersii*). Among these, the NGOs are particularly concerned for the long-term survival of the *Riella helicophylla*, an endemic plant species listed in Appendix I of the Bern Convention which does not benefit of any specific protection status in French legislation. The species is also protected under Annex II of the Habitats Directive, it is listed in the European Red Book of Bryophytes and it is present in only 4 European Union countries where it is a rare species. Part of the area where the project should be implemented (*anciens salins du Caban*) is a SPA under the Birds Directive and is located in the transition zone of the Biosphere Reserve of *Camargue*.

The complainants fear the extinction in France of the *Riella helicophylla* and denounce:

- A possible breach of article 5 of the Bern Convention regarding the *Riella helicophylla* as France would have failed to the obligation of taking the appropriate legislative measures to ensure its strict protection. In fact, the species does not appear in the French ministerial decree of 20 January 1982 which lists the plant species to be protected on the national territory. Its presence is however proven in France since 1968; in addition, the area chosen for the development of the inland waterway is also known for hosting one of the largest populations of *Bufo calamita* in France which, according to the complainants, would also be severely threatened;
- A possible breach of article 4 of the Bern Convention with regards to the obligation of taking appropriate legislative measures to ensure the conservation of the habitats of the wild flora species, especially those specified in Appendices I and II of the Convention. The development project could in fact provoke the destruction of 650 hectares of coastal lagoons and Mediterranean salted steppes.

The complainants stress that the public authority in charge of the development projects in object (the *Grand Port Maritime de Marseille*) has not looked for an alternative solution which would have allowed for derogation under article 9 of the Convention.

The complaint includes the following support documents:

- ✓ A letter sent on October 2010 to the Ministry of Ecology requesting that the old saline of *Caban* is proposed as a Special Area of Conservation under the Habitats Directive, and that the *Riella helicophylla* is integrated in the national list of protected species, in compliance with art. 5 of the Bern Convention;
- ✓ An opinion by the National Museum of Natural History museum confirming the need to ensure the protection of both the site as a SAC and the concerned species;
- ✓ Some extracts of the development project planned by the *Grand Port Maritime* de Marseille.

It should be noted that the development project is in principle meant to diminish road traffic in order reduce gas emissions.

2 FOLLOW-UP OF RECOMMENDATIONS AND EVOLUTION OF THE SITUATION IN

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

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 was prepared in 2010 (document TPVS/Files (2010) 11) following the reports received by 14 Contracting Parties. The NGO report from 2009 was 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.

At the 2010 Standing Committee meeting the representative of the NGO presented the updated report, focussing on its recommendations.

The representative of Birdlife highlighted that the issue is not controversial but a technical one. He informed that BirdLife is preparing a European conference on this topic, to be held in April in 2011 and hosted by the Hungarian national electricity company under the Hungarian Presidency of the European Union. The conference will be a high level event focussing on banning the use of dangerous power lines.

The delegate of Germany informed on the successful experience of German authorities to tackle this issue and explained that there are several solutions which are not necessarily expensive. He offered his country's assistance to other contracting parties to share the examples of good practices contained in the national guidance on the "Protection of Birds on Powerlines" as well as to present them at next Standing Committee meeting.

The delegate of Norway expressed concerns regarding the NGO's recommendation of introducing a temporarily two-years reporting system.

The delegate of Slovakia suggested that it would be good to have a catalogue of good examples to be inspired on, as well as to introduce a ban on dangerous power-poles through national legislation. She stressed that solving the problem of electrocution is a long process demanding time and capacity to tackle two different issues: the one of the new poles and the one of securing the old powerpoles.

The Committee reiterated the need to develop and implement, or reinforce, as appropriate the work aimed at improving technical standards, and to adopt mitigation measures and encouraged the dissemination of technical and ornithological research related to bird safety.

It asked the Bureau to analyse the recommendations included in the updated NGO report, particularly with regards to the proposal of introducing a temporarily reporting requirement on a 2-years follow-up basis on progress made towards the effective implementation of Recommendation 110 (2004).

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

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

At the 2010 Standing Committee meeting, the delegate of Norway presented the national report on the implementation of the Recommendation, including information on the EIA regulation with regards to wind-farms projects; on a coordinated licensing process for addressing cumulative effects, as well as on conservation policies. She emphasized that the population trends as regards white-tailed eagle are positive on Smøla as well as in Norway, and that the species could by now comprise more than 3000 pairs (in Norway). She noted that all the successful breeding on Smøla in 2010 took place outside the wind farm area. She further informed that the research project on windfarm power generation and birds launched in 2007 is expected to be completed next year. As part of this project a large international conference will take place on 2-5 May 2011 in Trondheim (Norway), on wind energy and wildlife impacts, including debates on challenges and solutions. She proposed to invite one of the scientists involved in the research programme to present its findings at the next Standing Committee meeting. She concluded by informing on administrative procedures.

The representative of BirdLife informed the Committee on some gaps in the government report, highlighted by the Norwegian Society of Ornithology. The gaps concern information on the mortality caused directly by the windfarm. He noted that losses have been increasing if compared with previous years. He appreciated the research presented in the national report, noting however that only few information are provided on the cumulative impact.

The delegate of Norway explained that the mortality figures are public and correspond to 9 fatal collisions accidents for white-tailed eagles in 2008, seven in 2009 and ten in 2010. She confirmed that these figures are source of concern for the authorities and that they constitute a worrying trend but argued that the population of white-tailed eagles in Smøla is increasing and that this increase is likely to be reflected in the mortality numbers.

The Committee decided to review Recommendation No. 144 (2009) at next Standing Committee meeting.

- **Recommendation No. 120 (2006) on the European Strategy for the Conservation of Invertebrates**
- **Recommendation No. 132 (2007) on the conservation of fungi in Europe**
- **Recommendation No. 136 (2008) on improving the conservation of the Common hamster (*Cricetus cricetus*) in Europe**
- **Recommendation No. 151 (2010) of the Standing Committee, adopted on 9 December 2010, on protection of the Hermann tortoise (*Testudo hermanni*) in the Massif des Maures and Plaine des Maures localities (Var) in France**