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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Convention on the Conservation of European Wildlife and Natural Habitats
(Bern Convention): 34th meeting of the Standing Committee (Strasbourg,
2-5 December 2014)
- Compilation of EU and its Member States statements/speaking
points

Delegations will find in Annex for information a compilation of statements/speaking points delivered on behalf of the European Union and its Member States at the above meeting.

Agenda item 3.1: Biennial reports 2007-2008, 2009-2010, 2011-2012 concerning exceptions made to Articles 4, 5, 6, 7 or 8 and quadrennial reports 2009-2012

- The EU and its Member States thank the Council of Europe for the legal analysis of the reporting obligations under Article 9 of the Bern Convention in document T-PVS/Inf (2014) 23. This analysis clarifies a number of conditions stemming from Articles 4 to 8 of the Bern Convention and confirms that it is up to the Standing Committee to make the necessary amendments to the existing regulation in order to ensure effective implementation of the above article of the Convention.
- The EU and its Member States, together with the European Environment Agency (EEA), are actively involved in an ongoing initiative of enhancing efficiency and effectiveness of Multilateral Environmental Agreements through the use of online reporting systems, which would ensure a more streamlined way of reporting on issues that are covered by the biodiversity-related convention and protocols. In order to improve the quality of its reporting to the Bern Convention, the European Commission is making efforts towards ensuring in the near future a full and complete reporting of all derogations issued by Member States, while at the same time improving the reporting format and content.
- The EU now wishes to inform the Standing Committee that the tool used so far for the reporting of the Member States to the European Commission will be replaced by a more up-to-date technology. Habides+, as it is called, is based on an existing online reporting tools of the EEA that is already successfully used for other EU reporting streams. Several Member States are currently testing a prototype version of this new tool which is expected to be finalized by the end of 2014.
- The technical specifications of the new online tool are expected to substantially improve the completeness and quality of the reporting by the EU Member States, in particular for those where the actual derogation reports are prepared by local (e.g. municipal or district) rather than regional or national authorities.
- The new tool is designed to allow EU Member States to provide one single and full report that includes all derogations relevant for their reporting obligations to the European Commission and to the Bern Convention, thereby avoiding duplication of work. Further discussions will however be needed between the Secretariat of the Bern Convention and the European Commission as regards the way the reports submitted by the Member States are to be reported to the Bern Convention, so as to fully comply with all requirements identified in the note T-PVS/Inf (2014) 23.
- The species lists in the tool already include all species listed in the relevant Appendices I, II and III of the Bern Convention and the content of the web-forms in the prototype tool takes account of the wording of obligations deriving from EU Birds and Habitats Directives and the Bern Convention. However, a comprehensive assessment of the proper fulfilment of the obligations arising under Article 9 of the Bern Convention can only be done once the final version of the tool is available.

- The EU invites contracting Parties to the Bern Convention to test the prototype tool on the website <http://webforms.eionet.europa.eu/>. If there is an interest from the non-EU signatories to the Bern Convention, this tool could be adapted by extending species lists and adding information on sub-national administrative units outside the EU, so that they could also use it for their reporting of the exceptions made from the provisions of Articles 4, 5, 6, 7 and 8 of the Bern Convention.

Agenda item 5.1: Invasive Alien Species

a) Meeting of the Select Group of Experts on IAS

The EU and its Member States thank the Secretariat for the report of the meeting of the select group of IAS experts. We confirm our commitment and support to the future work on IAS under the Bern Convention. In particular, the EU and its MS:

- agree with the identification of (1) plantation forestry and (2) recreational boating and aquatic sports as possible issues for new codes of conduct, and raise the question in how far plantation forestry would also include biomass production?
- agree with the idea of having a look at the impact of alien melliferous plants planted by beekeepers;
- welcome the exploration of the possible future role of the Convention in relation to Regulation (EU) N° 1143/2014; possible initiatives for consideration include:
 - the development of guidelines on the identification of priority pathways and on the ways to address priority pathways;
 - the development of guidelines on the establishment of adequate surveillance systems, building upon existing surveillance systems and involving citizens;
 - the development of guidelines for the restoration of ecosystems damaged by invasions in order to avoid re-invasions after eradication;
 - cooperation in the development of the information support system.

Furthermore, the EU and its MS support the draft recommendation on the European code of conduct on recreational fishing and IAS.

b) Improving communication on Invasive Alien Plants: update on the cooperation with the EPPO

The EU and its Member States congratulate the Bern Convention and EPPO for the successful workshop on "Communicating Pest and IAS issues" and support the further involvement in such work, including the improved targeting of the communication.

c) Implementation of the Code of Conduct on Hunting and IAS: monitoring study prepared by the FACE and IAF

The EU and its Member States welcome the report on the implementation of the Bern Convention's code of conduct on hunting and IAS.

d) Monitoring of the European Strategy for the eradication of the ruddy duck

The EU and its MS take note of the progress made in the implementation of the Strategy for eradication of the ruddy duck. It is important that all relevant Parties commit themselves to the implementation of this Strategy. For the EU and its MS, the eradication strategy on ruddy duck is an important example of joint action on prioritised IAS.

Agenda item 5.2: Conservation of Birds

Sub-item 1: Eradication of illegal killing, trapping and trade of wild birds

b) Follow-up to the Tunis Action Plan 2020 - Draft recommendation

The EU and its Member States strongly support the work done by the Bern convention against illegal killing of birds. We welcome the setting up of the Network of Special Focal Points as a major step towards improving international coordination and action in this field, and exhort contracting parties who have not yet done so, to appoint their Special Focal Points as soon as possible.

The EU and its Member States call for close cooperation and coordination between the Bern Convention and the CMS, so as to avoid duplication of efforts and implement the Tunis Action Plan in the most efficient manner.

The EU and its Member States support the draft recommendation which invites Parties to the Convention and Observer States to implement at national level the actions proposed in the methodology document to tackle wild-bird crimes and offences, appended to this recommendation, by identifying policing/investigation priorities; by setting-up of the necessary infrastructures enabling for effective action at identified black-spots of illegal activities; by enhancing inter-sector cooperation at national level among institutions responsible for environment protection.

We consider that improved cooperation would enhance the results of bird conservation measures and contribute to the improved status of bird populations in general.

There are a few issues that may be raised as regards the recommendation:

- How the proposed criteria would play in policing/investigation priorities?
- The level of penalties provided by the legislation
- Public perception of the seriousness of the offence
- Public interest
- Why is 'Known regional black-spot of illegal activities' proposed to be only a complementary criterion?
- The wording "Stakeholders already involved" is unclear. Should it not also be about awareness raising beyond those who have already worked on some cases – general capacity building for enforcement?

Sub-item 2: Conservation of threatened birds

a) Draft Action Plan for the recovery and reintroduction of the Osprey (*Pandion haliaetus*)

The draft action plan is a preliminary working document and requires input from other specialists. Some details and basic information on the biology and status of the species are presented; however, as indicated in the document itself, all part related to actions to be taken is still to complete. It is therefore impossible to make a judgment on the structured document. Taking this into account, the EU and its Member States agree with the proposed approach: the Osprey is characterized by breeding populations basically in good health, especially in northern and eastern Europe. Such being the case, the need is not to encourage the conservation of an endangered species, rather the purpose of the plan is to facilitate the re-colonization of the large area where the species is extinct, probably, due to persecution by humans.

That said, the EU and its Member States recognise that a plan to encourage the spread of the Osprey in Europe would be useful.

Agenda item 5.3 : Conservation of other threatened Species

d) Dealing with wolf-dog hybrids: draft recommendation

02/12/2014

The EU and its MS appreciate the outcomes of the initiative organised with the contribution of the Bern Convention in favour of threatened species, in this particular case of the wild wolf.

We welcome putting the issue of hybridization between wolves and dogs on the agenda of the Standing Committee of the Bern Convention and appreciate the effort made in document T-PVS/Inf (2014) 15 to provide an analysis of the application of the Convention to this urgent problem.

The EU Parties broadly agree on the need for States to take adequate preventive and mitigation measures addressing hybridization. The EU and its MS overall consider to be of great importance to remove possible hybrids from the wild when appropriately detected as such. Due to the difficulty to visually distinguish them, there is indeed a common concern of using the wolf-dog hybrids as legal loophole to kill wolves illegally.

However, a few Parties find legally and politically problematic to extend protection also to wolf-dog hybrids, thus we need further room for discussion in order to reach and express a common position.

04/12/2014

During the Contact Group meeting held yesterday at lunch time the convened Parties (EU and its MS, Norway and Switzerland) had the opportunity to discuss the draft recommendation text including some amendments suggested by the EU and its MS.

Such revisions were deemed as necessary in order to avoid legal implications which would have been problematic for some Parties. In particular, the amended text avoids explicit reference to Art.6 of the Bern Convention and any similarity between wolf and hybrids' level of protection.

However, at the same time, the main purpose of the draft recommendation was secured, still recognizing the importance to deal with the urgent and problematic issue of hybridization, as well as the need for States to take adequate preventive and mitigation measures such as the government-controlled removal of possible hybrids from the wild when appropriately detected as such.

Such considerations were reflected in the proposed changes that you can see in the version you were kindly provided by the Secretariat, in particular in preamble paragraphs and in the body text of the recommendation, where the first two paragraphs were maintained and the other two were amended accordingly to the assumptions above.

The contact group clarified some points and further improved a preamble paragraph, overall agreeing on the final reformulation.

We trust you also can find it a valid mediated solution towards the adoption of a valuable recommendation from the Standing Committee.

Agenda item 5.4: 8th Meeting of the Group of Experts on Climate Change and Biodiversity

a) Outcomes of the 8th Meeting of the Group of Experts and steps forward

The EU and its Member States

- welcome the report and conclusions of the 8th meeting of the Group of Experts;
- confirm their commitment and support to the future work of the Group of Experts;
- suggest that future work of the group should concentrate on implementation experience, learning what works and what does not work, trying to promote what works, exchange best practice etc;
- suggest a one-day meeting in 2015 of a restricted working group made-up of volunteering Parties, entrusted with the task of preparing a new work-plan for the future work of the Group of Experts taking into account the Parties' expectations from the Group of Experts, as well as their needs in terms of support, assistance and guidance on biodiversity and climate change related issues, with the idea of having an expert meeting in 2016 (after the UNFCCC COP 21).
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Agenda item 5.5: Habitats

Sub-item 2: European Diploma for Protected Areas

- b) Celebration of the 50th Anniversary of the European Diploma for Protected Areas: progress report

The EU and its MS welcome the 50th Anniversary of the European Diploma for Protected Areas and express their appreciation for the good progress in preparation of its celebration. This will consist in two major events: the first at the Council of Europe headquarters tentatively on 13 March 2015, and the second on 20-22 May 2015, hosted by Italian authorities, at the Regional Park of Migliarino, San Rossore and Massaciuccoli.

The 50th Anniversary represents an important opportunity for the relaunch of the award, reaffirming its intrinsic dynamic value as testified by its adaptation to the current framework for the conservation of the biological, geological, landscape and cultural diversity at international, national and local level. The EDPA's features of exemplary management, are now connected with the concept of sustainable use and the approach of ecosystem services.

We are referring, in particular, to the contribution that the European Diploma can offer to the implementation of the Strategic Plan for Biodiversity 2011-2020, with specific reference to Aichi targets 1, 5, 7, 9, 11 and 12.

Even though the improvement of knowledge level about EDPA and a more homogeneous geographical distribution in Europe are needed, several strategical and operational elements are currently enacted contributing to maintain the relevance, value and role of the European Diploma. Among these, the reinforcement of integration within EU Nature Directives, an adequate and consistent reporting system, the active involvement of local authorities, are particularly relevant. The visibility of the EDPA will certainly be further enhanced via current and programmed activities such as synergies and cooperation with other significant processes and designations like the European Landscape Convention, the European Convention of Human Rights, the cultural and natural aspects of the World Heritage Sites, and with the activities of the MAB programmes.

Agenda item 6.1 Preliminary considerations: pending complaints denouncing exclusively the possible impact of European badger's culling policies

The EU and its Member States recognise that the reporting obligations in relation to species listed in Appendix III only materialises when a Party makes exceptions from the provisions of Article 7 or 8. While the prohibited means and methods of killing, capture and other forms of exploitation (Article 8) applies indistinctly to all species, regardless from the Appendix in which they are listed, Article 7 does not expressly include all forms of deliberate capture and keeping and deliberate killing, the deliberate damage to or destruction of breeding or resting sites.

Taking this into account, the EU and its Member States agree with the proposed approach: if the species listed in Appendix III is not threatened in the territory of the Contracting Party, the population is not jeopardised, the exploitation is monitored by the concerned authorities, the Party has not used one of the prohibited means listed in Appendix IV (and going further for taking into account the primary aim of the Bern Convention which is to conserve wild flora and fauna: the species is not endangered at European level, and it is not a migratory species), the Party can authorise a certain degree of exploitation without being obliged to report to the Standing Committee through the biennial reports.

Agenda item 6.5: Follow-up of previous Recommendations

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

The EU and its Member States support the follow-up actions on Recommendation No. 110 (2004) and take note of the national reports collected in the compilation document. We welcome in particular the adoption of the biannual reporting for monitoring its implementation by Parties, as indicated by the "Budapest Declaration on bird protection and power lines".

We acknowledge the progress made in the implementation of the recommendations, the efforts done by Parties to improve technical standards and to adopt mitigation measures and we consider crucial the engagement and support of business and private sector need for funding mitigation efforts.

Mostly medium current power lines cause very serious problem for many bird species, especially when it affects already threatened species for which an additional risk factor may prove fatal. In spite of progress made, the issue is still opened and confirmed by the number of case files opened on this issue.

In this framework, we recall the relevant outcome of the COP CMS 11, in particular the resolution on Renewable energy and migratory species and the content of its annex "Terms of Reference for the Multi-stakeholder Task Force on Reconciling Selected Energy Sector Developments with Migratory Species Conservation (Energy Task Force)".

The Commission is finalizing a guidance document on energy transmission infrastructure and Natura 2000 and EU protected species.

- Recommendation No.25 (1991) on the conservation of natural areas outside protected areas

The EU and its Member States support the follow up and monitoring actions on Recommendation No. 25 (1991), in particular the national reports collected in the compilation document.

The conservation of natural areas outside protected areas is an effective approach to contribute to reverse the continuing trends of biodiversity loss and ecosystem degradations: in this framework, the establishment, the management and the monitoring of ecological networks, increasing their integration into the cross sectorial policy agenda, makes a major contribution to the overall effort to protect, maintain and enhance biodiversity. Ecological networks give a strategic contribution to ecosystem services and mitigation and adaptation to climate change and represent an obstacle for the movements of IAS.

Furthermore, environmental assessment processes, in all their different declinations, aim to avoid an adverse ecological impact also outside protected areas.

There is a strict link between ecological networks and green infrastructures. Their integration in the planning and management of the wider countryside outside protected areas and other special sites is a critical issue in relation to the biodiversity strategy at global, regional and local level.

Indeed, improving cooperation with key actors, enhancing synergies and maximizing coherence between the objectives of biodiversity protection and ecosystem services and those of policy sectors such as agriculture, forestry, fishery and tourism, are actions that have properly gained significant economical, social and political support over the last decade.

Agenda item 7.2: Implementation of the CBD Strategic Plan for biodiversity: the contribution of the Bern Convention

The EU and its MS thanks professor Ladley for his presentation and commend the Secretariat for presenting and producing the document on the contribution of the Bern Convention on the Implementation of the Aichi biodiversity targets.

The mid-term assessment of progress towards the implementation of the Strategic Plan for Biodiversity contained in GBO4 launched at the last CBD COP12, showed that achieving Aichi Targets by the end of the decade is still within reach, but substantially greater efforts are required to do so.

At CBD COP12 in Pyeongchang, Parties agreed on steps to accelerate their implementation.

The Bern Convention shares common objectives with the CBD, and it is coherent with many of the aims and objectives of the CBD Strategic Plan for Biodiversity and its Aichi Targets.

As emerged in the document, the Bern Convention plays a useful role in achieving most of the Aichi Targets, directly contributing to targets 1, 5, 9, 10, 11 and 12, and indirectly boosting the progress towards targets 3, 7, 14, 17 and 19.

Therefore, in reaffirming the commitments in implementing the objectives and goals of the two conventions, the EU and its MS welcome the document presented to the Standing Committee, and assume the underlying encouragement to work in close cooperation and coordination towards the conservation, restoration and wise use of biodiversity and its ecosystem services by 2050.

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