



Council of the  
European Union

Brussels, 7 February 2020  
(OR. en)

15117/19

ENV 1022

#### INFORMATION NOTE

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From: General Secretariat of the Council  
To: Delegations  
Subject: 39th meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) (Strasbourg, 3-6 December 2019)  
- Statements by the EU and its Member States

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Delegations will find in the [Annex](#), for information, a compilation of statements delivered on behalf of the European Union and its Member States at the abovementioned meeting.

**39th meeting of the Standing Committee of the Convention on  
the Conservation of European Wildlife and Natural Habitats (Bern Convention)  
(Strasbourg, 3-6 December 2019)**

**- Statements by the EU and its Member States -**

**Agenda item 3.1: Future financing of the Bern Convention**

The EU and its Member States (MSs) welcome the work and the documents that were presented by the working group and the Secretariat regarding future of financing of the Bern Convention. We consider the Bern Convention as an international legal instrument that very effectively contributes to the biodiversity protection at the pan-European level. For continuation of its activities it is crucial to guarantee adequate financial resources and human capacities. We regret that the funding from the Council of Europe budget has progressively decreased in the recent years, impeding the good functioning of the secretariat and the functioning of the convention as a whole.

Noting the recent developments in the organisation of the Council of Europe and its negative impacts to the Secretariat of the Bern Convention, the documents are timely and will help to ensure the future financial stability of the Secretariat as an essential prerequisite for the continuation of the Convention activities. In addition to the thorough work done so far, we consider that the potential for finding further savings in the budget of the Convention should be looked at.

The document T-PVS(2019)1rev provides a good overview of the legal options that are available with regards to the long term solution of the financing of Convention activities. We invite the Secretariat to continue and develop a proposal for a new system of financial contributions to the Convention. The EU and its Member States asks the secretariat to develop proposals based on options 1 and 3 (amendment of the convention and a partial agreement) to be presented to the 40<sup>th</sup> session of the Standing Committee for discussion and possible decision.

The budget and scale of suggested financial contributions is in the mandate of each MS of the EU. The MSs will speak on their own behalf in relation to these aspects of this agenda item.

**Agenda item 3.2: Vision for the Bern Convention for the post-2020 decade and contribution to the current global biodiversity framework**

The EU and its Member States want to thank the working group and the secretariat for the work done on preparing a clear vision for the Bern Convention in the decade 2020-2030.

The resolution rightly points out that the Bern Convention is a unique Convention for the European continent and beyond. It plays a significant role in concrete conservation actions across the borders of nation states as well as the EU and its neighbors. It is also a modern Convention in terms of how it allocates its scarce resources. This is emphasised by how the Bern Convention has since long focused on four of the five main drivers of biodiversity loss as earlier this year listed in the Global Assessment of Biodiversity and Ecosystem services by IPBES.

The Bern Convention played a pioneering role in many challenges such as invasive alien species, bird crime, climate change and protected areas, etc. It was the model for EU nature legislation, which makes it a natural companion to the EU and its MSs in the field of protection of biodiversity also in the future.

We acknowledge the difficulties that the Bern Convention is facing and we recognize that they need to be resolved, as the Convention has shown that its provisions remain relevant as ever and its activities needed.

In order to step up its impact and to focus better future financing, the EU and its Members States strongly support setting up the Working Group charged with the development of a Bern Convention Strategic Plan for the period 2021-2030. Keeping in mind that the focus of the Convention has largely been justified, reinforcing further the strategic partnerships and synergies with all relevant treaties, organizations and initiatives at regional pan-European level is essential. The EU and its MS also see that the Bern Convention can play a greater role in strengthening the interlinkages between environmental protection and human rights and strengthen its role in fighting the root causes of biodiversity loss.

However, we do not see that the adoption of the draft resolution with a vision for the Bern Convention would be timely in the current 39<sup>th</sup> Standing Committee meeting. This is because the financial situation of the Convention remains unsolved and the important Global post 2020 Biodiversity Framework is still to be developed. Ideally, the formulation of the vision for the Bern Convention would take into account those two important elements. Therefore, we suggest postponing the draft resolution to the 40<sup>th</sup> meeting of the Standing Committee to the Bern Convention.

**Agenda item 4.1.2: Biennial reports by Contracting Parties which are EU Member States: rules and instructions**

The EU and its Member States appreciate the progress achieved in the streamlining of the reporting procedures under the Birds and Habitats Directives and the Bern Convention. It has been a desirable goal for the contracting parties to the Conventions and the EU Member States.

From 2019 onwards, EU Member States can submit comprehensive reports that cover both the derogations/exceptions obligations under the Nature Directives and the Bern Convention through the EEA's Central Data Repository interface. These reports should be produced using the Habides+ tool. No further formal notification is required.

For the reporting period 2017-2018, as for the previous ones of 2015-2016 and 2013-2014, the European Commission has compiled a report based on the national reports on derogations under article 9 of the Birds and Article 16 of the Habitats Directive and has submitted it to the Standing Committee of the Bern Convention. Therefore, EU Member States are not expected to provide any other report in addition to the national reports uploaded to EEA's Central Data Repository for the corresponding reporting period(s, if these national reports have already covered both obligations.

**Agenda item 4.2: Proposal for amendment of the Convention’s Appendices: Proposal for moving the Barnacle Goose (*Branta leucopsis*) from Appendix II to Appendix III of the Bern Convention**

Withdrawn.

**Agenda item 5.1: Invasive Alien Species**

The EU and its Member States would like to thank the Secretary for the very well prepared meeting documents and the Georgian authorities for hosting the meeting for the Group of Experts on IAS. We warmly welcome the work done by the Group of Experts.

We are happy to note that the draft Guidance on e-commerce and IAS focuses on one of the most essential questions in tackling the threat of IAS globally. The global pathways of introduction of IAS associated with trade and especially e-commerce are very challenging pathways to control. This issue increasingly demands global co-operation and is important to solve. We recommend further collaboration in the international context, such as with CBD, CITES, WTO, FAO and IPPC.

Referring to the draft Guidance on communication and IAS and the draft Recommendation on pollinators and IAS, the EU and its Member States find these very useful and essential parts of the work preventing the risks of IAS.

There is still scope for improvement in the draft guidance documents and the Report on alien pathogens. We would welcome and assume the opportunity to contribute with additional viewpoints on the guidance documents on e-commerce and communication once the new drafts become available as well as the Report on alien pathogens and pathogens spread by IAS in Europe before it is finalised.

Also referring to the reporting system of the Convention, to collect information on the state of implementation of the IAS Strategy and the use of the Codes of Conducts, the EU and its Member States would encourage an open discussion how to restructure and reform this reporting system more effective and compact.

Thus, the EU and its Member States welcome the report of the meeting of the Group of Experts on IAS, note the progress in the development of new voluntary tools and guidance in relation to the management and control of invasive alien species, as well as the outcomes of the study on alien pathogens and pathogens spread by IAS and the possible future work on the issue. We have also examined the Draft Recommendation on pollinators and IAS and are ready to adopt it with one minor amendment.

We propose that the 3<sup>rd</sup> paragraph of the Recommendation would read: “Identify and eradicate, if possible, or control invasive alien species that pose a threat to wild native pollinators”.

### **Agenda item 5.2: Conservation of Large Carnivores**

The EU and its Member States thank the Large Carnivore Initiative for Europe and IUCN Cat Specialist Group for highlighting the grave need for coordinated conservation action for the endangered native populations of lynx.

The EU and its Member States support the proposed draft recommendation but with the clarification that the recommendations are for the small and isolated populations of lynx in Continental Europe and other populations with unfavourable conservation status. For the Karelian and Scandinavian as well as the main parts of the Baltic and the Carpathian populations the conservation efforts are very different from the small and isolated populations on the continent. Conservation efforts for e.g. the Scandinavian lynx are focused on maintaining a favourable conservation status as well as avoiding conflicts with reindeer herding, livestock, hunting and other activities.

Therefore we propose following amendments: First, we propose changing the title as follows: “Draft Recommendation on the Conservation of the Lynx in Continental Europe”;

Second, the 4<sup>th</sup> preamble paragraph would read: “Conscious that international co-operation by all relevant Parties is necessary for the long-term preservation and management of the small and isolated populations in Continental Europe, also considering other populations which have an unfavourable conservation status;”

Third, the 6<sup>th</sup> preamble paragraph would read: “Stressing the need to advance to a more coordinated management of the small and isolated populations of lynx in the whole of its range in Continental Europe;”

Fourth, the 5<sup>th</sup> paragraph of the Recommendation would read: “Monitor genetics of all small and isolated lynx populations in Europe;”.

### **Agenda item 5.3: Eradication of illegal killing, trapping and trade of wild birds**

The EU and its Member States would like to thank organizers, Bern Convention and CMS secretariats, and Italian Government for hosting the Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade of Wild Birds and the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) in Rome in May 2019.

We welcome the work done namely by the Bern SFP Network and CMS MIKT, not only as it is crucial for dealing with the issue of IKB but also because it is an example of fruitful long-term cooperation of the Bern Convention and CMS, where joining efforts and increasing synergies enable addressing the problem in more efficient way.

There is still great need for international cooperation to achieve the target to totally eradicate illegal killing, trapping and trade of wild birds.

EU and its Member States note the final results of the first IKB reporting, made with the scoreboard tool. We welcome the opportunity to improve this tool in the near future.

We have examined the Draft Rome Strategic Plan on IKB and have some remarks:

- It would seem appropriate to refer to the outcomes of the Tunis Action Plan in the Strategy,
- We have a shared ambition to address illegal killing of birds, based on the zero tolerance approach. However, considering the remit of the Bern Convention, for example regarding policing and judiciary actions, and the fact that not all actions are appropriate for all Parties, we propose some amendments to the plan.

- We propose changes to reflect what Parties have decided in the past, for example on the voluntary nature and use of the Scoreboard.
- We have also proposed changes on the overall assessment of the plan.
- It should be clear throughout the document that the National Action Plans are subject to an initial assessment of the need for a National Action Plan by Parties.

We will provide the Secretariat with our text proposal.

We have also scrutinised the Draft Recommendation on the Rome Strategic Plan on IKB and support the adoption of the proposed recommendation, with some amendments in the documents. We consider the recommendation should reflect that the Strategic plan is voluntary and it does not create any obligation for the parties, and that it is to be used as appropriate. Our text proposals are as follows.

#### **Agenda item 5.4: Biodiversity and Climate change**

The EU and its Member States welcome the work of the Groups of Experts on Protected Areas and Ecological Networks and on Biodiversity and Climate Change at their joint meeting on 3-4 October 2019, in Trondheim, Norway.

To acknowledge the extensive background in this topic, we wish to kindly highlight the multiple well-founded previous Recommendations and expert studies of the Bern Convention concerning climate change and biodiversity, and encourage their wider implementation and use.

The EU and its Member states also acknowledge the key role of the Emerald and Natura 2000 Networks play as climate smart biodiversity networks and their importance in climate change mitigation, adaptation and disaster risk reduction across Europe's biogeographic regions. Given this crucial role, it is vital to develop and implement plans to adapt all sites in these Networks to climate change, to expand existing protected areas and ecological networks. Furthermore, it is important to assess how national protected areas and ecological networks can best contribute to adaptation and mitigation challenges as well as disaster risk reduction.



We also recognize the need to engage wider land management to adapt to climate change in ways that support biodiversity. Linked with this, there is a need to promote climate change adaptation and mitigation and biodiversity conservation in all relevant management policies.

We warmly welcome the recommendations outlined by the Groups of Experts to ensure and step up communication in all levels and through all available communication channels to raise the awareness of the urgency to act and to the benefits of biodiversity and nature-based solutions in the context of climate change and disaster-risk reduction.

We also recognize the different definitions of nature-based solutions (and different terms, e.g. Ecosystem-based approach) for activities ranging from naturally occurring ecosystems, to solutions that copy nature and natural traits and abilities, hence acknowledging the need to focus on solutions that also maintain wildlife and their natural habitats.

We support the adoption of the Draft Recommendation on nature-based solutions and management of protected areas in the face of Climate Change and we propose the following amendments:

First, we propose adding a new paragraph after the 25<sup>th</sup> preamble paragraph that would read: “Aware that Nature-based Solutions need strong environmental and social safeguards”;

Second, the 3<sup>rd</sup> paragraph of the Recommendation would read: “Encourage joining the ‘Nature-based solutions for climate Coalition’, set up on the occasion of the Climate Action Summit of the United Nations in September 2019 and contribute to its follow-up work”;

Third, the 11<sup>th</sup> paragraph of the Recommendation would read: “Step up awareness-raising on the benefits of biodiversity and nature-based solutions in the context of climate change and disaster-risk reduction, aiming at closing the communication gap between scientists and conservation practitioners, policymakers, relevant sectors and businesses as well as contributing to multiple SDGs simultaneously”.

### **Agenda item 5.5.1: Emerald network of Areas of Special Conservation Interest**

The EU and its Member States welcome the work of the Group of Experts on Protected Areas and Ecological Networks which held its 10<sup>th</sup> meeting on the 2<sup>nd</sup> October 2019 in Trondheim, Norway.

We appreciate the progress in the implementation of the Emerald Network and support adoption of the updated lists of officially nominated candidate Emerald sites and officially adopted Emerald sites. We also support adoption of the draft Recommendation on the progress in the implementation of the Emerald Network of Areas of Special Conservation Interest and adoption of the draft revised Recommendation No. 157 (2011) on the on the status of candidate Emerald sites and guidelines on the criteria for their nomination.

We recognize the need for guidance on defining and interpreting the concept of “ecological character” in the context of the Emerald Network and support the adoption of the draft Recommendation on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites. At the same time we want to remind that the provisions for the Natura 2000 are stricter and countries negotiating to join the EU need to do more than required for the Emerald Network sites.

We welcome the proposed habitat amendments to the Resolution No. 4 (1996) which will improve the coherence of Natura 2000 and Emerald Network databases. Thus we support adoption of the draft revised annex 1 of Resolution No. 4 (1996).

We support the adoption of the draft revised Interpretation Manual of Habitats.

We are also happy to welcome non-EU Contracting Parties to attend Networking Events within the frame of the Natura 2000 biogeographical process.

**Agenda item 9: Draft Programme of Activities for 2020-2021**

The EU and its Member States welcome the Draft Programme of Activities for 2020-2021 prepared by the Secretariat. We would like to express our support for this document, which reflects the Bern Convention objectives and EU and its Member States priorities, such as monitoring and assessing the conservation status of species, setting-up the Emerald Network, building national capacities for communicating on the biodiversity advantage and benefits and others. The EU and its Member States will consider supporting the activities described in the programme of activities. At the same time, in view of the serious budgetary difficulties faced by the Secretariat the EU and its Member States call on the Secretariat to ensure maximum efficiency in use of budget including through the use of digital communication tools in order to reduce the need for face to face meetings. Furthermore, we would encourage all contracting Parties to only make use of the possibility of reimbursement of travel expenses for Bern Convention meetings when no other options are available.

