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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Outcome of the 41st meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) (Online meeting, 29 November - 3 December 2021)
- Report by the Presidency and the Commission

Delegations will find in the Annex a report by the Slovenian Presidency and the Commission on the main outcomes of the abovementioned meeting.

**Outcome of the 41st Meeting of the Standing Committee of the Convention on the
Conservation of European Wildlife and Natural Habitats (Bern Convention)**

(Online meeting, 29 November - 3 December 2021)

– Report by the Presidency and the Commission –

The 41st meeting of the Standing Committee of the Bern Convention took place in virtual format from 29 November to 3 December 2021. The meeting was chaired by Jana Durkošová and Merike Linnamägi. The online meeting on the KUDO platform was well organised and successfully executed.

Main issues and outcomes

Financial issues

In recent years, the regular budget for financing Bern Convention activities has been repeatedly reduced and, as a result, new options for the stable financing of the Bern Convention have been explored. One of them is the Enlarged Partial Agreement (EPA) while the other is the amendment of the Convention. The Director of Democratic Participation of the Council of Europe (CoE), Mr Matjaž Gruden, and the Director of Legal Advice and Public International Law of the CoE, Mr Jörg Polakiewicz, informed the Standing Committee that the final decisions were in the hands of the senior hierarchy of the CoE and the Committee of Ministers, and that the support expressed for the EPA (12 contracting parties (CP) to join, 12 positive interest) was far from meeting the expectations of the Committee of Ministers' Rapporteur Group (GR-C) for stable governance of the EPA. Additionally, from the legal point of view, the use of the EPA is not entirely fit for purpose when used for setting up a financial mechanism for an existing Convention. It was noted that there was general support for Bern Convention activities, which should also be expressed by supporting financial contributions. Regarding the amendment of the Convention, it was explained that it would have to be ratified by all CPs, whereas a protocol would require a minimum number of CP determined by the Standing Committee. It was concluded that lobbying for the EPA would continue on a bilateral basis (Secretariat-CP) as an indication of interest on the part of CPs, voluntary contributions were encouraged, and the mandate of the Intersessional WG on Finances was extended to continue work on the EPA, amendment and possible new options.

Vision and Strategic Plan for the Bern Convention for the period to 2030

The Vision was adopted with some minor changes to the text of the goals, mostly relating to the CBD language, while work on the Strategic Plan will continue within the Working Group, focusing on targets and indicators and taking into account decisions adopted at global level (GBF). The Standing Committee agreed to extend to 2022 the mandate of the Working Group on developing a Vision and Strategic Plan for the Bern Convention for the period to 2030. Work next year should focus on drawing up the Strategic Plan and could use as a reference point the newly adopted Vision of the Bern Convention, the EU Biodiversity Strategy for 2030, and the Global Biodiversity Framework, once adopted.

Rules of Procedure

The Standing Committee mandated the Bureau and the Secretariat to carry out a brief assessment of the proposed voting rule changes to the case-file system. The final proposals for amendments to the Rules of Procedure and the brief assessment of the proposed voting rule changes should be submitted to the Parties for consideration before the summer break in 2022 with a view to a discussion and possible adoption at the 42nd Standing Committee. The decision was in line with the EU position that, taking into account the possible consequences of such changes, the proposals should be prepared in time (before the summer break), so the CPs can respond appropriately.

Invasive alien species (IAS)

Work on the Draft study on alien pathogens spread by IAS will continue for possible adoption at the next Standing Committee. The recommendation on e-commerce and IAS was adopted with minor amendments and will be sent as an information document to the next meeting of the CBD SBSTTA.

Emerald network

There was a divergence of views regarding the next steps in relation to clarifying the legal framework of the Emerald network. UK adopted a strong position as regards defining problems before deciding on legal possibilities. There was a constructive communication between EU, UK, CH and NOR to agree on the next steps that will be taken by the Parties, Secretariat and the Working Group with its extended mandate, preparing documents for consideration at the next Standing Committee. Emerald data mobilisation in the Western Balkans is supported by an IPA project. The Emerald network was enlarged by sites from Ukraine (161 sites), Belarus (15), Liechtenstein (2), Iceland (5), and UK Natura 2000 sites were also added to the Emerald network.

Case files

Case Files are one of the core activities of the Bern Convention. Here, every CP speaks on its own behalf; there is no need for coordinated EU positions. Some case files are 'ever green' (turtles), though the ongoing attention of the Standing Committee creates pressure to maintain the conservation momentum. Cases in the EU are usually related to infringements and cases in EU candidate countries, with warnings being expressed that alignment with EU standards is part of the accession process. The number of new cases regarding Emerald sites is raising. The Bureau of the Convention is therefore looking for solutions in terms of how to effectively manage Case Files. That was reflected in the discussions about changing the rules and the legal framework of the Emerald network.

Programme of activities and budget 2022/23

The Programme and budget were adopted. The implementation depends on available funds, mostly voluntary contributions. Bearing in mind that the Secretariat did not receive an internal approval to use voluntary funds to co-finance the Sturgeon project this year, the EU and its MS expressed their concern over interference with the Standing Committee's prerogatives and the consequences for the functioning of the Convention.

Elections

The Standing Committee unanimously elected the Bureau members:

Ms Merike Linnamägi (Estonia) as Chair;

Mr Carl Amirgulashvili (Georgia) as Vice-Chair;

Mr Jan Plesnik (Czech Republic) and Mr Andreas Schei (Norway) as Bureau members.

According to the Rules of Procedure, the Standing Committee also acknowledged the automatic election of the previous Chair, Ms Jana Durkošová (Slovak Republic), as a Bureau member.

Date and place of the 42nd meeting

The Standing Committee agreed to hold its next meeting from 29 November to 2 December 2022, in Strasbourg (dates and format subject to the pandemic situation in 2022).

Full list of decisions:

<https://rm.coe.int/misc-e-2021-master-draft-02-12/1680a4bea2>
