



Council of the  
European Union

**Brussels, 23 January 2023**  
**(OR. en)**

**5577/23**

**ENV 49**  
**CLIMA 24**

### **INFORMATION NOTE**

---

**From:** General Secretariat of the Council  
**To:** Delegations

---

**Subject:** Outcome of the 42<sup>nd</sup> meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) (28 November - 2 December 2022, Strasbourg, France and online)  
- Report by the Presidency and the Commission

---

Delegations will find in the [Annex](#) a report by the Czech Presidency and the Commission on the main outcomes of the abovementioned meeting.

**Outcome of the 42<sup>nd</sup> Meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)  
(28 November – 2 December 2022, Strasbourg, France / hybrid)**

**– Report by the Czech Presidency and the Commission –**

The 42<sup>nd</sup> meeting of the Standing Committee of the Bern Convention took place in hybrid format (both in Strasbourg, France and online) from 28 November to 2 December 2022. The meeting was chaired by Ms Merike Linnamägi.

**Main issues and outcomes:**

**Modalities of Participation of Belarus in the Work of the Standing Committee**

By its decision of 5 October 2022, the Committee of Ministers of the Council of Europe invited each body representing all the Parties of treaties to which Belarus is a Party to decide, on the basis of its rules of procedure, on the modalities of participation of Belarus and to consider measures which may include restrictions or limitations to its participation. The Standing Committee condemned in the strongest possible terms the Russian Federation's unprovoked and unjustified act of aggression against Ukraine and the involvement of Belarus in this war and expressed its intention to fully support Ukraine to continue to co-operate on environmental issues internationally, once the situation has stabilised. It also expressed its active opposition to the selection of any possible Belarusian candidates for Bureau member or for chairing any of the Convention bodies. Finally, the Secretariat was requested to monitor further developments in other similar conventions and to report back to the Standing Committee.

## **Financing of the Bern Convention**

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. On 19 October 2022, the Committee of Ministers decided to mandate the Standing Committee to prepare a draft Protocol amending the Bern Convention, setting up a mechanism of compulsory financial contributions, and to submit it to the Committee of Ministers for consideration with a view to its adoption. The Standing Committee welcomed this decision and endorsed the Terms of Reference for an *Ad hoc* Drafting Group of an Amending Protocol to elaborate, with the support of the Directorate for Legal Advice and Public International Law (DLAPIL), the draft protocol as well as its modalities of entry into force and functioning, and to propose a scale of contribution for the consideration of the Standing Committee, preferably before the end of June 2023.

The Standing Committee also welcomed the Committee of Ministers' decision to establish a Fund for the Bern Convention, stressing that it must neither lead to a reduction of the efforts in seeking an institutional financial mechanism, nor to a decrease of the resources provided by the ordinary budget of the Council of Europe.

Finally, the SC agreed on the suggested scale of voluntary contributions for 2023 as set in Resolution No. 9 (2019).

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

At its 41<sup>st</sup> meeting, the Standing Committee agreed to prolong to 2022 the mandate of the Working Group in order to elaborate the Strategic Plan, which could use as a reference point the newly adopted Vision of the Bern Convention, the EU Biodiversity Strategy to 2030 and the Global Biodiversity Framework, once adopted. Although work on the Strategic Plan progressed in 2022, mainly with regard to the targets and related indicators, further elaboration of the 8<sup>th</sup> draft is still needed. The Standing Committee therefore extended the mandate of the Group into 2023, in order to conclude the drafting of the remaining elements of the Plan and to recommend an agreed final version to the 43<sup>rd</sup> Standing Committee for adoption. The Plan should also take into account the outcomes of the Global Biodiversity Framework negotiations and comments by Contracting Parties and interested Observers.

## **Case-file Reflection**

Case-files are one of the core activities of the Bern Convention. The constant rise in complaints received has triggered a reflection on how the system can be rendered more efficient, optimal and successful. In this regard, the Standing Committee supported the document “Guide of Procedures”, prepared by the Secretariat in consultation with the Bureau, to become a handbook for users of the system and the general public, and invited them to use the Guide when dealing with the case-files. The Standing Committee also took note of the document “Proposals for increasing the efficiency and effectiveness of the system going forward”, as a living document to be updated regularly, and invited the Bureau to guide the Secretariat in the implementation of proposed actions, subject to availability of adequate resources.

## **Rules of Procedure**

The Standing Committee adopted the revised Rules of Procedure. Amendments had been developed in consultation with the Bureau and the legal department of the Council of Europe, with the aim to include a more explicit mention of the possibility to use digital technologies for the work of the Standing Committee, taking into account the lessons learnt from the pandemic experience, and addressing procedural issues such as working methods, electronic voting and written consultations.

## **Amendments to the Bern Convention**

Switzerland proposed an amendment to the Appendices of the Convention in accordance with Article 17, paragraph 1 of the Bern Convention, to downgrade the protection status of wolf (*Canis lupus*) from Appendix II (strictly protected fauna species) to Appendix III (protected fauna species). Contracting Parties were requested to take a vote on the proposal. In line with the Council Decision on the position to be taken on behalf of the European Union at the 42<sup>nd</sup> meeting of the Standing Committee, the EU opposed the proposal. As the required two-thirds majority of the Contracting Parties was not reached, the proposed amendment was not adopted.

## **Monitoring of Species and Habitats**

Regarding the conservation of birds, the Standing Committee endorsed the legislative guidance related to the illegal killing, taking and trade of wild birds (IKB) and took note of the associated model law examples. Further, it endorsed the recommendations for the development and implementation of national Action Plans against the Illegal Killing, Trapping and Trade of Birds and welcomed the progress in the development of a methodology, guidance and common format for conducting socio-economic research into the motivations behind IKB.

Three recommendations on invasive alien species were adopted: Recommendation No. 214 (2022) on Communication and IAS, Recommendation No 215 (2022) on Alien Pathogens and Pathogens spread by IAS and Recommendation No 216 (2022) on invasive alien tree species and climate change.

The Standing Committee welcomed the progress in the development of the guidance tool for the conservation of marine turtle nesting sites and took note of the draft presented, to be finalised and presented to the Standing Committee at its 43<sup>rd</sup> meeting.

The Standing Committee also endorsed the revised Terms of Reference of the Group of Experts on Biodiversity and Climate Change and supported the organisation of a joint meeting of the Groups of Experts on Biodiversity and Climate Change and on Protected Areas and Ecological Networks.

## **Emerald Network of Areas of Special Conservation Interest**

The Standing Committee strongly regretted the lack of progress on the legal framework of the Emerald Network and instructed the Group of Experts to give the highest priority to this matter in 2023. It welcomed the official launch of the Emerald Network Barometer and the outcomes of the IPA project “Emerald Network data mobilization in the Western Balkans”. The Standing Committee adopted the updated list of officially nominated candidate sites, including the sites designated by Iceland and Liechtenstein, and the updated list of officially adopted Emerald Network sites, including 20 additional sites designated by Georgia.

## **Reporting under Resolution No. 8 (2012)**

The *ad hoc* Working Group on Reporting was mandated to finalise the checklists of features based on the Emerald Network Reference lists, to produce the format and consider the tool(s) needed for the reporting with a view to their submission for adoption by the 43<sup>rd</sup> Standing Committee. The EU and its MS reminded that this reporting is the only mechanism for measuring how well Contracting Parties are complying with their obligations and how well the protected species and habitats are faring in terms of their conservation status. The most optimal alignment with the reporting Art. 17/12 of the Nature Directives for EU MS should be pursued.

## **Case-files**

This agenda item is not coordinated and each EU MS spoke on its own behalf.

## **Programme of activities and budget for 2023**

The Programme and budget were adopted. The implementation depends on available funds, mostly voluntary contributions. The Standing Committee also took note of the document reflecting the pros and cons of holding the Committee meeting only every two years and Contracting Parties were invited to submit further suggestions or comments on the issue.

## **Elections**

The Standing Committee unanimously elected the Bureau members:

Ms Merike Linnamägi (Estonia) as Chair;

Mr Carl Amirgulashvili (Georgia) as Vice-Chair;

Mr Claude Origer (Luxembourg) 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 43<sup>rd</sup> meeting**

The Standing Committee agreed to hold its next meeting from 28 November to 1 December 2023, in Strasbourg.

## **Full list of decisions:**

<https://rm.coe.int/misc-e-2022/1680a948d2>

---