



Council of the  
European Union

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

**5578/23**

**ENV 50**  
**CLIMA 25**

### **INFORMATION NOTE**

---

From: General Secretariat of the Council  
To: Delegations

---

Subject: Outcome of the 42nd 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)

- Statements by the EU and its Member States

---

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.

**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)**

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

**Agenda item 1: Opening of the meeting and adoption of the agenda**

Madam Chair,  
Madam Executive Secretary,  
Distinguished Delegates,  
Ladies and Gentlemen,

The Czech Republic speaks on behalf of the European Union and its Member States.

We would like to express our gratitude both to the Secretariat and the Bureau for your hard work under the unusual circumstances we have been facing in the last years to keep on track with the implementation of the work programme of the Bern Convention. We are pleased that the 42<sup>nd</sup> meeting of the Standing Committee meets in person again and that we can engage in a face-to-face exchange.

The agenda of our meeting includes several items that will be crucial for the future of the Bern Convention. We will be discussing the strategic plan outlining the way to achieve the vision of the Bern Convention for the period to 2030 that we have agreed on last year. In order to reach the ambitious goals and targets of the plan, we will need to secure sufficient and stable financing. More than ever, we are close to making an important step forward in designing a mechanism that will enable this.

In our deliberations, we will also cover several issues related to the monitoring of species and habitats. We would like to thank all the expert groups for their work and for providing this Standing Committee with recommendations on further steps that we will consider duly in the upcoming days.

Last but not least, we will have an opportunity to discuss the casefiles. The case-file system under the Bern Convention is a unique opportunity to bring our attention to issues where nature conservation is at stake. In this regard, we would like to highlight the important contribution of the civil society in bringing those issues to our attention and informing our decision-making on the files in question.

The Bern Convention is hosted by the Council of Europe that has been established to strengthen democracy, human rights and the rule of law. In this context, let us express the EU and its Member States' full solidarity with Ukraine and the Ukrainian people. Russia has to put an end to the unjustifiable, unprovoked and illegal war against Ukraine, to stop violating the UN Charter and other fundamental principles of international law.

On a more positive note, we welcome that the UN General Assembly adopted a resolution on “The human right to a clean, healthy and sustainable environment”, with a clear call for scaling up efforts to ensure a healthy environment for all.

We are meeting only a few days before the start of the CBD COP 15.2, where the new global biodiversity framework will finally be adopted. It is intended to turn into an encompassing plan where actors at all levels of society and all over the world will be invited to contribute to the joint effort to solve the global biodiversity crisis. There is no doubt that the Bern Convention can play an important role in translating some of the global commitments to the regional level and implement actions in the way that is most suitable for our context.

The EU and its Member States will do their best to ensure a successful outcome of this meeting.

We wish all delegates a fruitful and successful meeting and look forward to constructive discussions and successful outcome.

Thank you, Madam Chair.

### **Agenda item 3: Modalities of Participation of Belarus in the Work of the Standing Committee**

The EU and its Member States take note of the Decision on Modalities for the participation of Belarus in open conventions.

The EU and its Member States condemn in the strongest possible terms Russia’s escalating war of aggression against Ukraine, as it grossly violates international law and is causing massive loss of life as well as long-term environmental degradation, pollution and risk to biodiversity and ecosystems. We call on the Belarusian authorities to stop enabling the Russian war of aggression by permitting Russian armed forces to use Belarusian territory and by providing support to the Russian military. The Belarusian regime must fully abide by its obligations under international law.

At the same time, the EU and its Member States do not see sufficient legal basis in the provisions of the Bern Convention and the Rules of Procedure of its Standing Committee for restricting Belarus in exercising its rights as a Party to the Convention. The EU and its Member States believe that any effort in this regard, especially considering the language of the Convention and its Article 13, which grants the rights of the Parties to be represented in the Standing Committee and vote, could not restrict the participation of Belarus in the Convention to the degree requested by the Committee of Ministers. While committed to stop the Russian aggression in Ukraine supported by Belarus, the EU and its Member States therefore do not support further steps in the direction of reconsidering the modalities of participation of Belarus in the Standing Committee by changing the Rules of Procedure.

## **Agenda item 4.1: Financing of the Convention**

### On the financial mechanism:

The EU and its Member States welcome the work of the Intersessional Working Group on Finances and appreciate the mandate received from the Committee of Ministers of the Council of Europe to initiate the drafting of the Amending Protocol. We stress that the Amending Protocol is the option gathering support from all competent actors, namely the Committee of Ministers and the Council of Europe legal service. This is a key achievement, as ultimately any option developed by the Convention bodies will have to be adopted by the Committee of Ministers of the Council of Europe for it to be open for signature and ratification.

The EU and its Member States fully agree with the recommendations by the Intersessional WG on Finances for the creation of a new ad-hoc drafting Group on the Amending Protocol. We call for a swift set-up of the ad-hoc Drafting group, to ensure that its work is kicked off immediately after the 42nd meeting of the Standing Committee and finalised as soon as possible in the first trimester of 2023. We also call on the Standing Committee to consider instructing the Secretariat to convene an extraordinary meeting of the Standing Committee in 2023, possibly ahead of the summer break. This meeting should be dedicated exclusively to the adoption of the text of the Amending Protocol in view of sending it to the Committee of Ministers of the Council of Europe for final adoption and opening for signature and ratification already in 2023, if possible.

Concerning the draft Terms of Reference of the ad-hoc Amending Protocol drafting Group, the EU and its Member States agree with this with no amendments.

Last but not least, the EU and its Member States call on all Contracting Parties to fully engage in the process of drafting of the Amending Protocol text and to continue the very positive cooperation and coordination established through 2022 in particular between the Ministries of Environment and the Ministries of Foreign Affairs.

### On a Fund for the Bern Convention:

The EU and its Member States welcome in general the work on sustainable financing of the Bern Convention. The EU and its Member States underline that it is paramount to make the payment of voluntary contributions of the Parties towards the activities of the Convention as simple as possible so that administrative obstacles are never the reason that a contribution has not been paid. We also underline the difficulty for some Parties in providing voluntary contributions to the Bern Convention that are only possible upon the signing of a donor agreement via quite complex administrative procedure. This requirement has not been lifted by the establishment of the fund.

The EU and its Member States take note of and welcome the decision of the Committee of Ministers to establish the Fund for the Bern Convention. The EU and its Member States acknowledge that such fund may increase the visibility and the recognition of donors. However, EU and its Member States would like to clarify several questions to better understand the governance of resources of the fund.

It would be useful for the Secretariat to explain the differences between the new fund for the Bern Convention as compared to the current structure, when individual contributions are usually already earmarked for the specific activities of the programme of activities in the donor agreement that will be signed between the Council of Europe and the donor country.

It would also be useful to hear what will be the relationship between the programme of activities and budget of the Convention and the programme of activities of the fund or if this will be the same programme. Secretariat should also outline any possible further differences compared to the current situation that will be brought by the creation of this fund. The EU and its Member States consider that all its costs, including for administration and personnel, must be covered by the fund's financial resources.

The EU and its Member States would also appreciate to understand how the central and specialised Council of Europe services (on programming and communication in particular) are acting to ensure an increased visibility of the Convention and the new fund. We call for caution against the burden on operationalising this Fund falling solely on the Bern Convention Secretariat which already works under very limited human and financial resources.

Finally, the EU and its Member States are of the view that establishing such fund should neither lead to diminishing of efforts in seeking for a new financial mechanism for the Bern Convention, nor in decreased financing through the ordinary budget of the Council of Europe.

#### **Agenda item 4.2: Vision and Strategic Plan for the Bern Convention for the period to 2030 and contribution to the post-2020 global biodiversity framework**

The EU and its Member States express their appreciation to the Group of Experts, the consultant as well as the Secretariat for the work done in further elaboration of the draft Strategic Plan.

The EU and its Member States continue to highlight the importance of the Strategic Plan that would translate the Vision into more concrete steps and provide a clear roadmap for their implementation, while also considering the role of the Bern Convention among other multilateral environmental agreements. The Plan has to distil the contribution of the Convention and emphasise its strengths at pan-European level, having also in mind its human and financial capacities.

The EU and its Member States remain flexible to further discuss the text of the targets at this meeting, if sufficient time can be dedicated to such discussion, given the close link namely between the targets and the indicators as well as with the rest of the draft text. Regarding the two options in Target 1.2, the EU and its Member States have preference for “habitats.” Regarding Target 3.3, we suggest to delete “where appropriate”, as it becomes obsolete if we refer to NBS as defined by UNEA5. However, we propose deferring the agreement on the targets to the point where all the elements of the Strategic Plan are developed.

The EU and its Member States suggest that a call for comments on the 8<sup>th</sup> draft is launched, so that all Contracting Parties, and not only the members of the Working Group, have the opportunity to provide written contribution to the development of this important document. The Working Group should then be mandated to integrate the comments received in the next version of the draft and provide final draft.

Further work on the document will also allow for better reflection of the Global Biodiversity Framework that is to be adopted by the end of 2022.

The EU and its Member States therefore agree to mandate the Working Group to continue its efforts in 2023 to finalise the draft of the Bern Convention Strategic Plan and propose to include the above-mentioned points to its mandate. Also, we are of the view that call for new members of this group should be launched to extend the participation to a larger number of Contracting Parties.

With regard to the further work to be carried out next year, the EU and its Member States have several comments and questions for clarification.

The EU and its Member States do not support developing additional targets at national level, as we do not see any added value considering the duplication of work that will need to be done under the CBD, to which all Bern Convention Contracting Parties are also Parties, and the foreseen revision of NBSAPs.

In Section B, it is suggested that assessment of progress should be a continuing process in each year of the Plan's life, enabling adaptive adjustments to be made where necessary to ensure the targets are met. The EU and its Member States would like to seek clarification on what type of assessment is foreseen in this regard, whether this is to be done by the Secretariat or by Contracting Parties, and how to ensure that any valid basis for such assessment can be provided without heavy monitoring and reporting obligations.

Section F suggests that detailed methods of monitoring and evaluation regime are set out elsewhere and should be regarded as an integral part of the Plan. It is unclear what will be the role of such Monitoring and Evaluation Guide and whether this formulation would implicate that this document would create legal obligations for Contracting Parties without being formally adopted. The EU and its Member States are therefore of a strong view that all of the missing elements should be integrated directly into the Strategic Plan in order to avoid any ambiguity.

The EU and its Member States also maintain the position that reporting should be linked to existing reporting formats and data sets in order to avoid additional unnecessary burden for both Parties and the Secretariat. The emphasis on reducing the reporting burden on Parties, improving comparability and facilitating the sharing of data to and from existing mechanisms, and reporting to other conventions and multilateral environmental agreements should be strongly supported, e.g. through using the Data and Reporting Tool (DaRT).

Apart from the Monitoring and Evaluation Guide, further work on the glossary and section H, as well as on technical tools is suggested. The EU and its Member States seek guidance on what is meant by such technical tools and call for caution when suggesting work on further documents, which might require an extra workload without clear added value for the implementation of the Strategic Plan.

### **Agenda item 4.3: Case-file reflection**

The EU and its Member States thank the Secretariat and the Bureau for their further work on the revision of the case-file system and for preparing the Draft summary of general procedures for the processing of complaints.

At the outset, the EU and its Member States highlight that the case-file system remains a flagship activity of the Bern Convention. Achieving a more streamlined and clearer process is necessary in order to manage the high number of complaints received and ensure an efficient functioning of the system.

The EU and its Member States support the document, subject to finalisation of chapter E, after the Standing Committee will consider the proposed amendments to the Rules of Procedure of the Standing Committee. The EU and its Member States suggest that the Standing Committee invites the Secretariat and the Bureau as well as stakeholders and relevant national authorities to use this summary of general procedures when dealing with the casefiles.

Regarding the summary of procedures, the EU and its Member States suggest to attach the complaint form as an annex to the document and not only as a link.

The EU and its Member States take note of the Proposals for increasing the efficiency and effectiveness of the case-file system and invite the Bureau to guide the Secretariat in the implementation of proposed actions, subject to availability of adequate financial and human resources, and to update the document, in consultation with Contracting Parties, as appropriate, for information of the Standing Committee, as necessary.

As a priority, the EU and its Member States propose to consider strengthening cooperation with the European Commission and relevant Multilateral Environmental Agreements; increasing the visibility of the case-file system; improving the efficiency by further digitalisation of the process and by using reporting templates; and convening a third annual Bureau meeting, to be held virtually, dedicated to case-files.

In this context, the EU and its Member States also welcome the development and launch of the case-file dashboard.

#### **Agenda item 5.1: Biennial reports 2017-2018 and 2019-2020 concerning exceptions made to Articles 4, 5, 6, 7 or 8**

The EU and its Member States appreciate that the reporting procedures under the Birds and Habitats Directives and the Bern Convention are fully streamlined since 2019, allowing for EU Member States to report via the Habides+ tool, which serves for both legal frameworks.

The EU and its Member States take note of the biennial reports submitted by Contracting Parties as well as on the update on the development of a new Online Reporting System.

The European Commission will submit a compilation of EU Member States biennial reports for 2021–2022 in October 2023.

#### **Agenda item 6.1: Conservation of birds**

The EU and its Member States take note of the report of the joint meeting of June 2022 of the Bern Convention Network of Special Focal Points on IKB and the CMS Intergovernmental Task Force MIKT and thank Spain for the excellent organization of this constructive meeting.

The EU and its Member States support the endorsement of the Draft Legislative Guidance relating to the illegal killing, taking and trade of wild birds and the Draft Model law provisions on illegal killing, taking, and trade of wild birds (IKB). The guidance allows to cover different situations and should serve as a useful reference for drafting new hunting legislations or improving existing ones.

The EU and its Member States take note of the Agreed Methodology, Guidance and Common Format for Conducting Socio-economic Research into the Motivations behind IKB. Understanding motivations behind IKB is an important step to effectively tackle the problem. Social sciences can provide relevant tools for such an understanding.

The EU and its Member States also support the adoption of the Draft instructions for additional narrative text to support Scoreboard submissions. The additional text will facilitate the use of the scoreboard and make it fully aligned with the Rome Strategic Plan, especially on aspects such as fundraising, communication and awareness raising activities, capacity building initiatives and needs assessment, as well as the specific indicators and targets of the RSP.

The EU and its Member States equally support the endorsement of the Draft Guidance for the Development and Implementation of National Action Plans Against IKB. This document is an important tool for implementing one of the key requirements of the RSP.

The EU and its Member States request a clarification on how the cooperation between the MIKT and the Bern IKB FP Network in the evaluation of the Scoreboards that will be delivered in 2023 will be tackled.

Finally, the EU and its Member States invite the Group of Experts on the Conservation of Wild Birds, as well as Contracting Parties, the Secretariat and other stakeholders to further work on the five areas of focus that have been listed by the Group of Experts at their meeting in June, including when considering the development of the future Strategic Plan.

## **Agenda item 6.2: Invasive Alien Species**

### On Draft Recommendation on communication and IAS:

The EU and its Member States thank the Secretariat, the consultants as well as the Group of Experts for their work in preparing the meeting documents related to the topic of invasive alien species.

The EU and its Member States welcome the draft Guidance on communication and IAS. We believe that this guidance will be useful in designing future communication campaigns, even beyond the topic of IAS.

We have examined the draft recommendations on all the three topics related to IAS and are ready to adopt them, with several amendments that we will put forward, separately for each recommendation. With regard to the draft Recommendation on communication and IAS, we suggest to add a reference to the future post-2020 global biodiversity framework and its foreseen target on IAS. We have also minor editorial suggestions that we will submit in writing. We welcome the reference to the EU Regulation addressing the IAS and propose to add this reference also to the other two draft recommendations.



### On Draft Recommendation on alien pathogens and pathogens spread by IAS:

As we recognise the growing threat to biodiversity by emerging infectious diseases caused by alien pathogens and by invasive alien species, we welcome the updated Report on Alien Pathogens and Pathogens spread by IAS.

We appreciate that the draft recommendation recognises that IAS have been identified as one of the key direct drivers of biodiversity loss by the IPBES Global Assessment but note the duplication of this reference in the text. We will provide our proposal for improving the language on IPBES as well as further minor editorial suggestions in writing. We also propose to include the reference to the post-2020 GBF.

### On Draft Recommendation on Invasive Alien Tree Species and Climate Change:

Regarding the issue of non-native species and climate change, we welcome that the document, while acknowledging that alien trees and well-managed planted forests of alien tree species can be useful, aims at raising the awareness of the risks associated with their usage to mitigate climate change. We would have welcomed if the paper was elaborated into more detail, especially by providing arguments for the selection of the key principles to be followed.

Regarding the draft recommendation, the EU and its Member States suggest adding a reference to the UNEA5 resolution, which provides an internationally agreed definition of nature-based solutions. We also reiterate our comment regarding the reference to IPBES and the EU Regulation on IAS. In principle 1, we suggest to replace “all” with “their”, as Contracting Parties cannot have control over all tree planting initiatives. Moreover, we would like to seek clarification on whose rights should Contracting Parties be respecting or suggest deletion of this reference. Furthermore, we propose to add a footnote to provide reference and explanation regarding the Bonn Challenge and Ten Golden Rules. Also in this case, we will submit our suggestions in writing.

### **Agenda item 6.3: Amphibians and Reptiles: Conservation of Marine Turtles**

The EU and its Member States take note of the report of the second meeting of the ad hoc working group for conservation of marine turtles.

The EU and its Member States take note of the draft guidelines for the conservation of marine turtles.

The EU and its Member States welcome the progress achieved so far in the framework of the initiative for the conservation of marine turtles and thank all members of the working group for their commitment and efforts. We hope that final completion of the Marine turtles Guidelines will help Contracting Parties with marine turtles breeding areas to successfully protect the species and that this document will contribute to solving the long-standing case-files on marine turtles.

#### **Agenda item 6.4: Biodiversity and Climate change**

The EU and its Member States welcome the work of the Group of Experts on Biodiversity and Climate Change. The EU and its Member States support the revised Terms of Reference for the group, in order to better reflect recent developments in the agenda on climate change and also the urgency of the topic, where climate change has been recognised by the IPBES Global Assessment Report as one of the key drivers of global biodiversity loss.

The EU and its Member States take note of the outcome of the survey on the progress in the implementation of Recommendation No. 206 (2019) and, in particular, of suggested areas for closer attention.

In this regard, the EU and its Member States welcome the proposal to organise the next meeting jointly with the Group of Experts on Protected Areas and Ecological Networks and acknowledge the key role of the Emerald and Natura 2000 Networks in climate change mitigation, adaptation and disaster risk reduction across Europe's biogeographic regions. The potential areas for closer attention, such as including adaptation measures in management plans and monitoring climate change impacts in protected areas, could be addressed at the meeting. The meeting should also be used as a platform for exchange of good practices, discussion and even training on streamlining climate change considerations in PA monitoring and management, along with the third potential area of work identified by the GoE itself. The European Commission is currently working on a Guidance document on Climate change and Natura 2000 management.

The EU and its Member States take note of the conclusions of the Working Group regarding the reporting on the implementation of the number of recommendations regarding the issue of climate change. While we recognise the need to assess the implementation of these recommendations, we are of the view that this question should be considered at more general level, in conjunction with the discussion on the strategic plan for the Bern Convention and related reporting. In general, the EU and its Member States call for streamlined reporting that avoids duplication of obligations and unnecessary burden on Parties with regard to different topics, but also different international commitments. This is particularly relevant for climate change issues, where Parties have reporting obligations also under other multilateral treaties.

To conclude, the EU and its Member States call for increased cooperation across multilateral environmental agreements regarding the topic of climate change. As an example, we would like to highlight the recent Resolution adopted at Ramsar COP14 on nature-based solutions. The resolution contains a mandate for the Ramsar Secretariat in collaboration with one of the European Ramsar Regional Initiatives MedWet (as well as other interested RRIs and Parties) to work on establishing a community of practice to support the implementation of nature-based solutions in wetlands.

#### **Agenda item 6.5: Pan-European Action Plan for Sturgeons**

The EU and its Member States remain strongly committed to implement the conservation action recommended for this group of threatened migratory species. The EU and its Member States regret the fact that not all range states have already appointed their national focal point for the sturgeon and have not participated at the first meeting of their expert group. Therefore, the EU and its Member States strongly urge all range countries to appoint a national Focal Point for the Pan-European Action Plan for Sturgeons.

We would also like to share information that in the first semester 2022, the European Commission has published a dedicated call for tender, aimed at supporting the implementation of actions in the Action Plan. After the evaluation of the offers, the contract is expected to be signed before the end of the year. The EU and its Member States advise the Committee to request that the national Focal points expert group under the Convention works in close cooperation with the tenderer chosen for the implementation of the Commission supported project.

#### **Agenda item 6.6: Action Plan for the Eradication of the Ruddy Duck**

The EU and its Member States take note of the report of the expert meeting and the information presented as well as of the outcomes of the progress review of the implementation of the Action Plan for the eradication of the Ruddy Duck in the Western Palaearctic 2021-2025.

Whilst the implementation has improved, the EU and its Member States continue to stress the need for collective and coordinated action for implementation of the Action Plan, especially in countries that had or still have significant breeding populations, to effectively address the problem for Europe as a whole.

Regarding captive animals, we note that according to Article 31, paragraph 1 of the EU Regulation No. 1143/2014 on IAS, animals may be kept until their natural end of life. Therefore, EU Member States cannot oblige the keepers to eliminate the animals before their natural end of life.

#### **Agenda item 6.7: Conservation of Large Carnivores**

The EU and its Member States take note of the draft CMS Range-Wide Conservation Strategy for the Persian Leopard and the conference on the lynx scheduled for 2023 by the IUCN Cat Specialist Group.

The EU and its Member States welcome the process in the framework of CAMI of the CMS aiming to enhance the conservation of the Persian Leopard. We appreciate the work done by the group of experts, led by the IUCN Cat Specialist Group co-chairs, on preparing the Draft Range-Wide Strategy for the Conservation of the Persian Leopard.

The EU and its Member States encourage the development and, in case they exist, revision of national strategies and conservation action plans in compliance with the range-wide Conservation Strategy for the Persian Leopard and the implementation of the identified activities.

The Persian Leopard has extensive spatial requirements, and its populations are often transboundary, spanning over geopolitical borders. Thus, in most of its range countries, the conservation of the Persian Leopard is dependent on transboundary collaboration. We stress the need for collective and coordinated action to effectively address the threats to the population. For this reason, a systematic and coordinated effort under the Bern Convention and other international conventions is needed.

We also believe it is of high importance to promote coexistence between people and Persian Leopards, also through the implementation of conflict mitigation measures especially in areas with great livestock losses due to leopard attacks. We strongly believe that balancing the twin goals of conserving a viable population of Persian Leopard and minimizing conflicts with humans is an exceptional challenge but at the same time the only way forward.

### **Agenda item 6.8.1: Emerald Network**

The EU and its Member States take note of the report of the Group of Experts and progress in the setting-up of the Network in non-EU Contracting Parties.

The EU and its Member States strongly regret the lack of progress on the legal framework of the Emerald Network. The EU and its Member States have repeatedly stressed the importance of the full alignment of the legal requirements of the EU Nature Directives and the Resolutions governing the Emerald Network. This work is of key importance for matters where differences between the legal frameworks still remain, in particular the management of sites and the assessment of impacts of projects and plans on the sites' integrity and related permitting procedures. The successful management of shared, transboundary or migratory species' populations between the EU and non-EU CPs to the Convention strongly depends on this work. Therefore, the EU and its Member States request that the Standing Committee instructs next years' GoE on protected areas and ecological networks to give the highest priority to this matter and to submit a proposal for the consideration at the Standing Committee meeting in 2023.

The EU and its Member States welcome the development and launch of the Emerald Barometer and call on the Convention Secretariat and Emerald Network CPs to regularly update all necessary information in their site's SDFs and management in particular. The Emerald Barometer can become a very useful tool for guiding decision-making and priority setting both at national and the Convention levels. The barometer will also have particular relevance for the tracking of progress in the future strategic Plan of the Convention, as well as the future GBF.

The EU and its Member States welcome the progress in the setting of the Network in Iceland and Liechtenstein and appreciate the contribution both countries are bringing. We recall that both countries will have additional efforts to do to ensure the full sufficiency of their Networks and invite them to keep up the good work and momentum. We also congratulate Georgia on proposing its remaining 20 candidate sites for full adoption.

The EU and its Member States also welcome the efforts in ensuring Emerald data mobilisation in the Western Balkans and congratulate Serbia on its full commitment to its international obligations in the framework of the Bern Convention. These efforts are important also in the framework of the EU-Serbia bilateral accession negotiations concerning Chapter 27 on environment and mainly its nature protection strand. The EU and its Member States invite all other Western Balkan countries to fully engage in the Emerald process, building on the outcomes and help provided by the project led by the EEA and the Austrian Environment Agency, as this process and the Emerald Network itself are excellent stepping stones for the fulfilment of their commitments in the framework of their bilateral negotiations with the EU on nature protection.

The EU and its Member States agree with the update of the lists of candidate sites resulting from the relevant Emerald biogeographical evaluation Seminars and the update of the list of adopted sites, which now include 20 more sites in Georgia.

### **Agenda item 6.9: Reporting under Resolution No. 8**

The EU and its Member States take note of the two meetings' reports of the ad hoc Working Group. We strongly regret the lack of progress in clarifying the scope and designing the format of the next reporting round under the Convention. The EU and its Member States remind that the next reporting round, covering the period 2019-2024 is fast approaching, and non-EU CPs should already have clarity regarding its requirements in order to ensure they have the appropriate means and monitoring in place to fully contribute to the exercise.

The EU and its Member States remind that the Bern Convention holds no mechanism for measuring how well Contracting Parties are complying with their obligations under the Convention, how well the protected species and habitats are faring in terms of their conservation status within their territories, nor how much the Emerald Network sites contribute to the achievement of Contracting Parties' result obligations under the Convention. We further remind that the legal analysis of the requirement of Resolution No. 8 (2012), read in conjunction with the text of the Convention concluded that a systematic and consistent reporting on conservation status across Europe could be best achieved by mirroring as closely as possible the reporting done by EU Member States under Article 12 of the Birds Directive and Article 17 of the Habitats Directive. Last but not least, we remind that the Reporting under Resolution No. 8 is a priority dataflow for the European Environment Agency (EEA) and its EIONET Network.

Given the lack of tangible progress by the ad hoc WG in 2022, the EU and its Member States propose that an additional year is given to the ad hoc WG to conclude its work, with a clear instruction to move towards producing the formats and tools for the reporting, in view of their finalisation by the end of 2023 and submission for adoption by the Standing Committee at end 2023. We further request that the ad hoc WG builds on the ongoing work on the Reference Lists for the Emerald Network which constitute a basis for the creation of Checklists for the reporting under Resolution No. 8 (2012) and for operating a selection of a subset of species and habitats which will be concerned by the forthcoming reporting. The support of external experts should be sought, and the necessary financial resources secured in the budget and therefore included in the Programme of Work of the Convention for 2023.

To reflect this new mandate, the Terms of reference of the ad hoc Working Group should be amended. We also suggest that the SC instructs the Secretariat to ensure that representatives of the EEA and its Topic Centre on Biological Diversity (ETC/BD) are invited to become members of the Working Group.

Eventually, we request that the Secretariat urgently initiates discussions and negotiations with the EEA and the new ETC/BD, to inform on the plans of the Convention for the upcoming reporting exercise and ensure their support.

## **Agenda item 10: Draft Programme of Activities and Budget (orientation lines – not coordinated)**

The EU and its Member States welcome the Draft Programme of Activities and budget for 2023 prepared by the Secretariat.

The budget and scale of voluntary contributions is in the mandate of each Party to the Convention. The EU Member States and the European Commission will speak on their own behalf in relation to these aspects.

On the reflection on possible biennial Standing Committee meetings, EU and its Member States thank the Secretariat for the document reflecting pros and cons of biennial Standing Committee meetings. The EU and its Member States share the view that this matter requires careful consideration due to possible implications on the decision-making process under the Convention, the planning of work for each intersessional period as well as on budget. The consideration of a switch to biannual meetings is also closely linked to agenda items the Standing Committee has already considered at this meeting, i.e. the Rules of Procedure, Case-file reflection, but also Finances. In this context, EU and its Member States believe that the use of written procedures might facilitate decision making in urgent cases and its use should be promoted. Regarding the Bureau, the EU and its Member States are open to further discussion and careful consideration of its role, responsibilities and workload.

Taking into account the information presented, the EU and its Member States suggest to maintain the current practice of holding the Standing Committee meeting on a yearly basis. At the same time, we are open to consider a possible alternation of in-person and virtual meetings. In this regard, we request the Secretariat to prepare a summary table of budgetary implications of each of these options.

The EU and its Member States do not support the option of a “restricted Standing Committee”, as this could raise concerns on inclusiveness, transparency and equal participation of Contracting Parties and Observers.

---