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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):
36th meeting of the Standing Committee (Strasbourg, 15-18 November
2016)
- Compilation of statements

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

Convention on the Conservation of European wildlife and natural habitats (Bern Convention): 36th meeting of the Standing Committee (Strasbourg, 15-18 November 2016)

- Compilation of statements -

Agenda Item 2: Chairman's report and communications from the delegations and from the Secretariat

The EU and its Member States would like to thank the Chairman of the Standing Committee and the Secretariat of the Bern Convention for their reports as well as for all their work done during 2016 along with group of experts and other institutions. A lot of very actual biodiversity issues were tackled and progress achieved.

The Bern Convention is very important for EU and its Member States that is proved by a high presence to the 36th Meeting of the Standing Committee - totally 45 participants from the European Commission and from 23 EU Member States registered for the meeting.

Agenda Item 4.1: Conservation of Birds

4.1.1: Eradication of Illegal killing, trapping and trade of wild birds

- a. Report of the 3rd Meeting of the Special Focal Points for Illegal killing, trapping and trade of wild birds**
- b. Mid-Term Review of the Implementation by Parties of the Tunis Action Plan 2020**

The EU and its Member States congratulate the Secretariat and other experts for great effort made towards elimination of illegal killing, trapping and trade of wild birds. We would like also to thank to the authors, compilers and contributors for the preparation of important documents presented. Especially, we would like to thank Albania for hosting the 3rd Meeting of the Special Focal Points for Illegal Killing of Birds, which took place on 14.-15. April 2016 in Tirana, to thank to the chair of this group for tackling this important but sensitive issue and we would like to support the work of this group in the future.

The EU and its Member States confirm their commitment and support for the implementation of the Tunis Action Plan and we will take into account the guidance documents as part of the updated EU roadmap towards Eradication of illegal killing, trapping and trade of wild birds, as well as taking forward actions we have this summer decided, on an EU Action Plan Against Wildlife Trafficking.

Nevertheless, we would ask the Secretariat to ensure that all information provided by all parties is properly incorporated in the Mid-term review of the implementation of the Tunis Action Plan 2020, including information about the range of actions described in the answer from the European Union to question no. 1.

Full enforcement of EU nature legislation as a whole is a priority identified in the EU Biodiversity Strategy and in the 7th EAP. Implementation of the Birds Directive within the EU is a responsibility of the EU Member States. To highlight the importance to take actions against illegal killing of birds, the Commission brings up systematically the issue of illegal killing of birds in the biannual meetings (Ornis Committee/Expert Group on Birds and Habitats Directives) with the Member States. On the basis of available information it has also addressed specific aspects of this issue with some Member States by requesting further information (through the EU Pilot system). Legal infringement cases are considered whenever appropriate.

The EU Action Plan against wildlife trafficking¹ was adopted on 26.2.2016. While its focus is on international illegal trade, the action to combat illegal killing of birds in the EU and the respective EU roadmap is part of the Action Plan (namely, under Action 11). The Action Plan refers to Tunis Action Plan as well (under Action 32). The EU Action Plan will be endorsed via Council conclusions in June 2016. In general, the Action Plan contains a set of actions that the EU and its Member States will take domestically as well as internationally, focused on the three pillars of prevention, enforcement and global partnership.

In December 2015 the Commission requested the European Chemicals Agency (ECHA) to prepare a so-called REACH Annex XV dossier for a potential restriction of the use of lead in shots across the European Union. This is part of the implementation of the AEWA Agreement to which the EU is a Party. In parallel to this, ECHA will also check the use of lead shots in other terrestrial environment, in lead weights and target shooting.

The Commission is financing the work of the intergovernmental Task Force to eradicate illegal killing, trapping, and trade in the Mediterranean under CMS, for 3 years. From the EU point of view, eight Member States are directly concerned and have been contacted by CMS to nominate Members to the Task Force.

A review on the Environmental Crime Directive is foreseen to start this year with an open-end in terms of outcomes.

4.1.2: Select Group of Experts on the European Action Plan for the Osprey

- a. Conclusions of the meeting of the Select Group of Experts on the European action Plan for the Osprey**
- b. Draft Recommendation on the conservation and recovery of the osprey (*Pandion haliaetus*) in Europe**

The EU and its Member States congratulate the Secretariat and especially the author and contributors for drafting this Recommendation and the Plan for the Recovery and Conservation of Ospreys in Europe and the Mediterranean Region in particular.

The Commission is working on the EU Raptor Conservation Strategy as a response to the Raptors MoU which identifies a need for preparation of action plans; in the future there will be a need to prioritise on a scientific basis which species are tackled by the Bern Convention.

The EU and its Member States fully support the draft recommendation, with some changes to further improve the Plan for the Recovery and Conservation of Ospreys in Europe and the Mediterranean region.

Agenda Item 4.2: Biodiversity and Climate Change

The EU and its Member States congratulate the Bern Convention and its Group of Experts on Biodiversity and Climate Change for their work on the topic and recognise the pioneering role of the Bern Convention in dealing with the issue.

They consider that climate change has a significant impact on biodiversity and they support the statement that climate change provides the opportunity to raise awareness about how much humans depend on ecosystem services and that biodiversity and nature-based solutions are important both for climate change mitigation and adaptation.

The EU and its Member States welcome the tabled documents and support the draft recommendation as presenting biodiversity as a resource to mitigate climate change could provide greater relevance to policy-makers and the public. There are 2 amendments suggested by EU and its Member States.

The European Union and its Member States encourage the Contracting Parties to actively participate in the work of this group of experts.

Agenda Item 4.3: Invasive Alien Species

b. Code of Conduct on Planted Forest and Invasive Alien Species

The European Union and its Member States welcome the work done by the Secretariat on planted forests and invasive alien trees. This is an important issue and we underline the key role that a Council of Europe Code of Conduct could play in addressing the problem of invasive alien tree species on our continent. A Code of Conduct could support efforts to meet the objectives of the EU Regulation on Invasive Alien Species.

However, given the economic importance of forestry across Europe, this is a very sensitive topic. Our aim must be that this voluntary Code of Conduct will be widely accepted and applied by actors involved in the forestry sector. For this to happen, it is essential that the Code clearly distinguish between invasive alien species and species which are alien but not invasive, recalling that the same tree may be invasive in one context but not in another. For this reason, we consider that the text of the Code still needs a careful revision.

We warmly welcome the presence in this meeting of the expert who drafted the Code, as an opportunity to clarify how this revision should be undertaken, noting that not all of the concerns expressed during last year's Standing Committee were addressed in the present draft. We hope that this discussion with the expert will lead to a new draft of the text that can be sent to the Contracting Parties in the coming months, for final approval and formal adoption at next year's Standing Committee.

d. European Code of Conduct on Recreational Boating and Invasive Alien Species

The EU and its Member States wish to thank the Bern Convention for its important work on Invasive Alien Species and welcome the proposed Code of Conduct on Recreational Boating and Invasive Alien Species. The Code of Conduct will complement series of Codes of Conduct for specific areas adopted by the Standing Committee and as a voluntary tool it will help the Contracting Parties to tackle one of the pathways of introduction and establishment of invasive alien species.

The EU and its Member States fully support the draft recommendation on the European Code of Conduct on Recreational Boating and Invasive Alien Species as it contributes to achieving target 5 of the EU Biodiversity Strategy to 2020.

e. Expert meeting on the implementation of the Action Plan for the eradication of the ruddy duck in Europe

The EU and its Member States highly appreciate the important and pioneering work of the Bern Convention on Invasive Alien Species, especially on eradication of the Ruddy Duck in Europe. They welcome the progress in the implementation of the Action Plan for Eradication of the Ruddy Duck in Europe as documented in both reports.

The proposed recommendation with concrete actions for concrete states can help to achieve a full eradication of the ruddy duck in the wild in the Western Palearctic in the coming years and tackle the issue of ruddy ducks in captivity. The recommendation is fully in line with the target 5 of the EU Biodiversity Strategy to 2020.

Therefore EU and its Member States support the draft recommendation on eradication of ruddy duck (*Oxyura jamaicensis*) in the Western Palearctic by 2020 with 4 amendments in the main text and 1 in the appendix.

In the framework of this action plan the term « ruddy ducks » refers both to ruddy ducks and to the hybrids of ruddy ducks and white-headed ducks.

f. Guidance for governments concerning invasive alien species pathways action plans (American mink)

The EU and its Member States would like to appreciate work of the Bern Convention and its Select Group of Experts on Invasive Alien Species. The American Mink represents a serious threat to the European mink that is the species of Community interest as well as to other protected fauna species.

Therefore the effort on preparation of draft recommendation is highly welcome.

The EU and its Member States carefully considered the draft recommendation as suggested by the Select Group on Invasive Alien Species at the request of the Bureau of the Bern Convention. Besides the conservation objectives, the economic and social importance of American mink farms within several MSs was taken into account.

Agenda point 4.5: Habitats

4.5.1. Protected Areas and Ecological Networks (EMERALD)

The EU and its Members States appreciate the excellent work on EMERALD network. EMERALD is having 2 668 nominated sites and 466 sites to be approved by the Standing Committee today.

EMERALD is a “younger sister” of NATURA 2000 – that consists of over 27 000 sites covering more than 18 % of the terrestrial area of EU. Both NATURA 2000 and EMERALD play a crucial role for not only nature and landscape protection but also for ecosystem services provide for human wellbeing.

Presentation of the experts for previous 10 year period is extremely interesting and encouraging. We wish a good luck for next steps including tasks listed in the road map.

Agenda Item 6.4: Draft Programme of Activities and budget for 2017

The EU and its Member States would like cordially to thank the Secretariat for preparation of the Draft Programme of Activities and Budget for 2017. They would like to express their support to this document that fully reflects the Bern Convention objectives and actual EU and its Member States priorities such as elimination of bird crime and of invasive alien species, biodiversity and climate change and others. The activities will be supported by the EU and its MSs as much as possible and this includes the voluntary contributions of the particular Member States to the Bern Convention activities.

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