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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations
Subject: 40th meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) (On-line meeting, 30 November-4 December 2020)
- 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.

**40th meeting of the Standing Committee of the Convention on
the Conservation of European Wildlife and Natural Habitats (Bern Convention)
(On-line meeting, 30 November - 4 December 2020)**

- Statements by the EU and its Member States -

Agenda Item 3.1: Financing of the Bern Convention

On the options outlined in document TPVS/Inf(2020)3

- The EU and its Member States thank the Bern Convention Secretariat for tabling the documents concerning two proposals on financing the implementation of the work programme of the Bern Convention.
- We highlight the importance of resolving the precarious financial situation faced by the Convention, and in finding fair and durable solutions.
- We support the recommendation to establish an enlarged partial agreement, as an instrument which could provide a relatively quick solution to the immediate financing needs of the Convention, provided that a sufficient number of parties decide to join the agreement.
- Concerning the proposal to amend the Convention, we are not presently in a position to support the proposal. We have already informally raised some issues which need to be better clarified in the text, namely regarding the scale of contributions and the distinction between core and programmatic budgets. We may hereafter have further suggestions regarding the text of the possible amendment, but we still need time to complete internal EU procedures to enable us to engage in such formal negotiations.
- At this point, therefore, we propose a motion to postpone a decision on the amendment option to the 41st Standing Committee.

On the extension of the mandate of the Intersessional Working-Group on Finances to advise the Secretariat in the approval process of the financial mechanism chosen by the Standing Committee:

- The EU and its Member States support the extension of the mandate but suggest to keep its work online, due to the current pandemic situation and for reasons of efficiency.

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

At the 39th Standing Committee, the EU and its Member States suggested postponing the draft resolution to the 40th meeting of the Standing Committee to the Bern Convention. The two reasons for the position of the EU and its Member States remain unchanged: The financing issues remain unresolved and the post-2020 global biodiversity framework has yet to be finalised at the CBD CoP 15.

Nonetheless, we agree with the assessment of the Bureau of the Standing Committee that further significant loss of time should be avoided to the extent possible. A full postponement of the resolution until the 41st Standing Committee would realistically delay the entry into force of any strategic plan until 2023.

For this reason, the EU and its Member States support the establishment of a working group and the elaboration of a vision and strategic plan for the period until 2030 without pre-judging decisions that will be taken in the context of developing and adopting the post-2020 global biodiversity framework. The EU and its Member States believe that sufficient information is available on the structure and form of the post-2020 global biodiversity framework for the working group to draw from and to ensure compatibility in the development of the vision and Bern Convention Strategic Plan for the period until 2030 prior to the finalisation of the post-2020 global biodiversity framework. However, after the post-2020 global biodiversity framework is adopted, the working group should review, and if necessary revise, the proposed Bern vision and strategic plan, in order to ensure its coherence with the global framework.

The EU and its Member States would like to thank the Secretariat for the work done on preparing draft Terms of Reference for the Working Group (ToR). The EU and its Member States would like to suggest a few amendments to the current ToR. Specifically:

- add a reference to the Agreement on the Conservation of Populations of European Bats (Eurobats); rename the Strategic Plan for the Bern Convention for the period to 2021 until 2030 into Strategic Plan for the Bern Convention for the period to 2030 and delete references to the year 2021 (under headings III. and IV.) in order to accommodate the fact that the starting date of the Strategic Plan is currently unknown, but likely after 2021;
- Insert the following sentence in the last paragraph of Chapter IV PRINCIPAL TASKS: “This includes the work produced by the Group of Experts on Protected Areas on a future Emerald Network post-2020 strategic plan. The Working Group shall also consider the appropriate way for following up on the conclusions and recommendations of the Review of the Plant Conservation Strategy. The Working Group will consult with the Secretariat to obtain the information necessary on these processes.” The purpose of the reference is to ensure alignment with the work on post-2020 strategic planning under items 5.7.1. Emerald Network of Areas of Special Conservation Interest as well as 5.4 Review of the Plant Conservation Strategy;

- Insert the following additional paragraph immediately after: "After the post-2020 global biodiversity framework is adopted, the working group should review, and if necessary revise, the proposed Bern vision and strategic plan, in order to ensure its coherence with the post-2020 global biodiversity framework."
- delete the minimum threshold of two in-person meetings throughout the year. We believe that the working group could quite easily operate online only, taking into account possible financial and emissions savings as well as persisting uncertainties due to the pandemic.

The EU and its Member States welcome a presentation by the working group of a draft vision and strategic plan to the 41st Standing Committee.

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

The EU and its Member States take note that the working document published by the Bern Secretariat is identical to last year's working document.

We appreciate the progress achieved in the streamlining of the reporting procedures under the Birds and Habitats Directives and the Bern Convention. Since 2019, the EU Member States reporting is done via the Habides+ tool, which serves for both the Birds and Habitats Directives and the Bern Convention at the same time. The system now works smoothly.

We will submit a compilation of derogations' reports by EU Member States for 2019-2020, soon after the Bern Secretariat launches the reporting request.

Agenda item 5.2: Conservation of birds: Eradication of illegal killing, trapping and trade of wild birds

The EU and its Member States take note of the preliminary findings of the second assessment of the Scoreboard reporting and acknowledge the countries which have participated in the assessment. The EU and its Member States call upon the Standing Committee to reiterate its invitation to Parties that have not yet done so to complete the scoreboard for the second reporting period, in order for the final assessment to provide a clearer picture on the progress in combating illegal killing, taking and trade of wild birds.

As suggested by the preliminary findings, the scoreboard can serve as a useful tool to report on progress in addressing the IKB issues. At the same time, it can assist countries in detecting the areas where more efforts are still needed. The EU and its Member States express concern that, despite some improvement in all groups of indicators, the situation with IKB has not significantly changed since 2018 and urge parties to increase efforts, especially in improving information and awareness raising among judges and prosecutors, as well as increasing enforcement of regulations against Illegal Killing and Taking of Birds.

Agenda Item 5.3: Eradication of the Ruddy Duck

The EU and its Member States take note of the report of the expert meeting 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 Europe 2016-2020 and of the revised Action Plan for the period 2021-2025.

Whilst implementation has been insufficient thus far to meet the targets set, the EU and its Member States assume that by taking into account the lessons learned and positive experiences in certain countries as shown by the progress review, the eradication plan can and should be concluded within a reasonable timescale.

The EU and its Member States thus agree to adopt the Draft Recommendation on the eradication of the Rudy Duck in the Western Palearctic by 2025.

We stress the need for collective and coordinated action in order to effectively address the problem for Europe as a whole.

Agenda Item 5.4: Review of the Plant Conservation Strategy

The EU and its Member States take note of the progress of the review of the European Plant Conservation Strategy. Concerned by the limited progress towards most of the Strategy targets, we suggest that the Convention considers the appropriate way for following up on the conclusions and recommendations of the Strategy Review, through the Working Group to be established for developing a vision and Strategic Plan for the Bern Convention for the period to 2030.

Agenda Item 5.5: Pan-European Action Plan for the Conservation of the Sturgeon

The EU and its Member States would like to express their gratitude for the work done in the following-up of Recommendation 199(2018) on the Pan-European Action Plan for the Conservation of the Sturgeon to fully implement all measures included in the Pan-European Action Plan for the Sturgeon. Sturgeons are an integral part of the natural heritage of Europe. They are among the oldest and largest fish. All surviving stocks share the status of critically endangered species, with the exception of *Acipenser ruthenus* (sterlet), which currently is listed as vulnerable. The EU and its Member States are deeply concerned that the stocks of all sturgeon species are continuing to decrease. Their survival depends on imminent action.

Sturgeons are sensitive to environmental pressures, including those caused by human intervention, and therefore valuable indicators for healthy rivers.

We all have to join forces to ensure the survival of these unique fish species.

The Pan-European Action Plan for the Sturgeon is an important and widely recognized tool. Implementation activities are already taking place, e.g. in the Danube river basin.

The EU and its Member States therefore support the proposed decisions, namely to take note of the information provided, to call on the Contracting Parties to fully implement the measures included in the Pan-European Action Plan for the Conservation of the Sturgeon, and to urge range countries to appoint a national Focal Point on the Pan-European Action Plan for the Sturgeon.

Agenda Item 5.6: Action Plan for the Conservation of Marine Turtles

The EU and its Member States thank the Bureau for deciding that the Bern Convention should take specific measures towards the conservation of marine turtles. These species are in a critical situation, with decreasing trends. They suffer from sea pollution, loss of nesting places due to often uncontrolled development or other illegal activities on affected beaches. Threats in many Mediterranean marine turtles nesting sites are subject to several complaints within the case-file system of the Bern Convention.

For this reason, a systematic and coordinated effort under the Bern Convention and other international conventions is needed.

Therefore, the EU and its Member States welcome the proposal for the development of an Action Plan or guidelines for the conservation of marine turtles. We agree that the Action Plan should be developed in partnership with other organisations including relevant Multilateral Environmental Agreements.

Agenda Item 5.7.1: 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 11th meeting virtually on 7-8 October 2020. We thank the Contracting Parties, the other members of the Group, consultants and the Secretariat for their efforts and achievements.

We appreciate the progress in the setting-up of the Emerald Network and support the adoption of the updated lists of officially nominated candidate Emerald sites and officially adopted Emerald sites. We are very concerned by the plans for a significant reduction of the number and area of candidate Emerald sites in the Republic of Armenia. This comes at a time when the world prepares to adopt a transformative post-2020 global framework at the 15th Conference of the Parties to the CBD, including ambitious targets for protected areas. The new EU Biodiversity Strategy for 2030 also foresees the creation of a coherent network of protected areas in the EU, covering at least 30% of the land and 30% of the sea.

We welcome the comparative legal study on the obligations of Contracting Parties towards the Emerald Network and the EU countries obligations stemming from the Nature Directives and the case law of the Court of justice of the EU. We recognise that a full alignment of obligations of EU and non-EU countries will bring clarity for non-EU member states and enhance implementation of obligations. We invite the Secretariat to elaborate proposals to complement the legal framework of the Emerald Network along the recommendations of the study and to submit these for consideration by the Bureau to the Convention and the Standing Committee.

We also welcome the development of the new Emerald Network tools and particularly the Emerald Network Viewer and call on the Secretariat and the members of the Group of Experts to use these tools to promote intensively the work of the Convention on protected areas before all relevant actors and stakeholders, including at World level.

We also greet the participation of experts from Emerald Network countries in the Black Sea Networking Event within the frame of the Natura 2000 biogeographical process earlier this year and hope this kind of cooperation will intensify in the future.

We also appreciate the efforts in the development of a post-2020 strategic work plan for the Emerald Network and of an objective and measurable monitoring framework for progress in its achievement. We support the view that it is crucial that the monitoring framework also considers conservation objectives, efforts and measures. We support the proposal by the Group of Experts to mandate the Secretariat to further develop the strategic work plan and invite it to take into consideration the EU Biodiversity Strategy for 2030 and the upcoming EU criteria and guidance for identifying and designating additional protected areas, including a definition of strict protection, as well as for appropriate management planning. We also call upon the Secretariat to ensure consistency between the Emerald Network post-2020 strategic plan and the upcoming work on the vision for the Bern Convention for the next decade. It is also crucial that the conclusions of the 2019 Trondheim meeting on climate change and protected areas, upheld by the Standing Committee in its Recommendation No. 206 (2019) on nature-based solutions and management of protected areas in the face of climate change, are integrated in the reflection on the next decade objectives for the Network, in particular with respect of appropriate adaptive management of Emerald sites.

Agenda Item 9: Revised Programme of Activities and Budget for 2021

The EU and its Member States welcome the Draft Programme of Activities for 2021 prepared by the Secretariat.

We appreciate the suggestions of the Secretariat to foresee alternative activities with regard to the COVID-19 challenge. Furthermore, we encourage the Secretariat to already foresee those meetings planned for the first months of 2021 (and for which an on-online format would not affect the expected outcomes) to be held on-line. This would ease the organisation of the meetings as well as financial planning.

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

We find that insufficient consideration has been given to the potential for savings through the use of virtual technology for expert group meetings, not only for sanitary reasons, but also for efficiency reasons. We would also request clarification concerning how the budget has been adjusted to reflect the likelihood of the reduced need for secretariat travel during the first half of 2021.