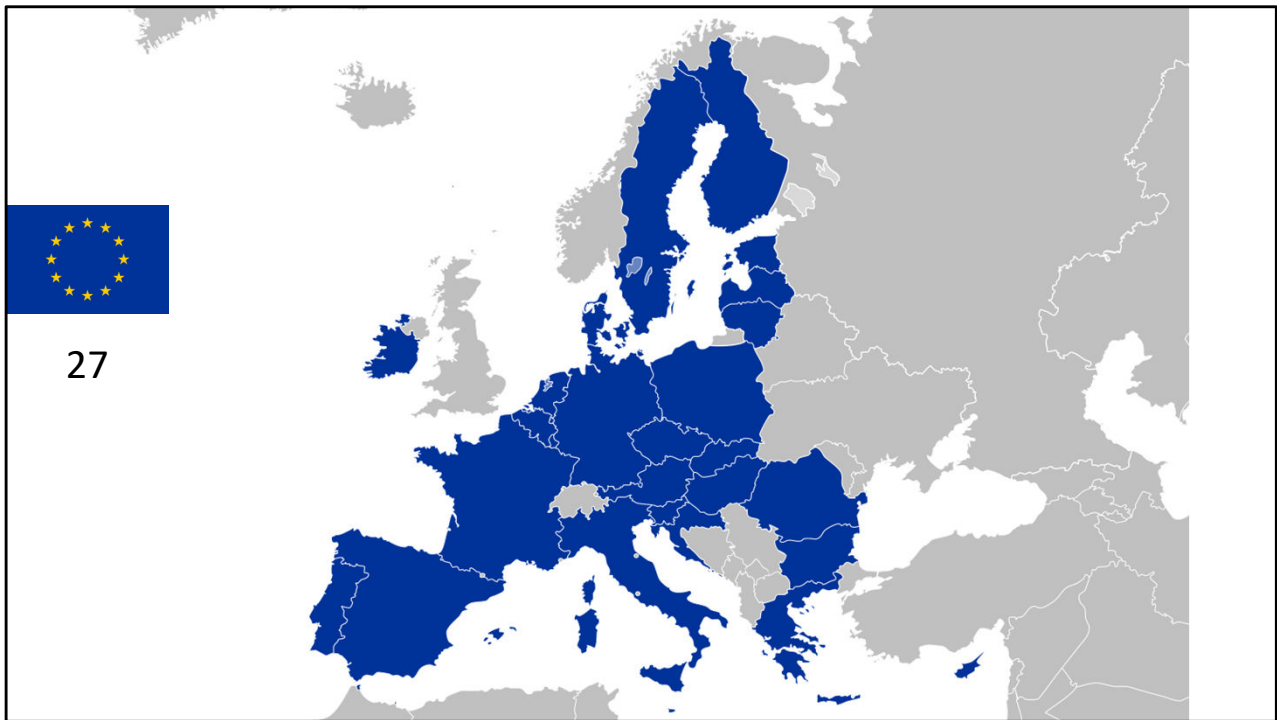
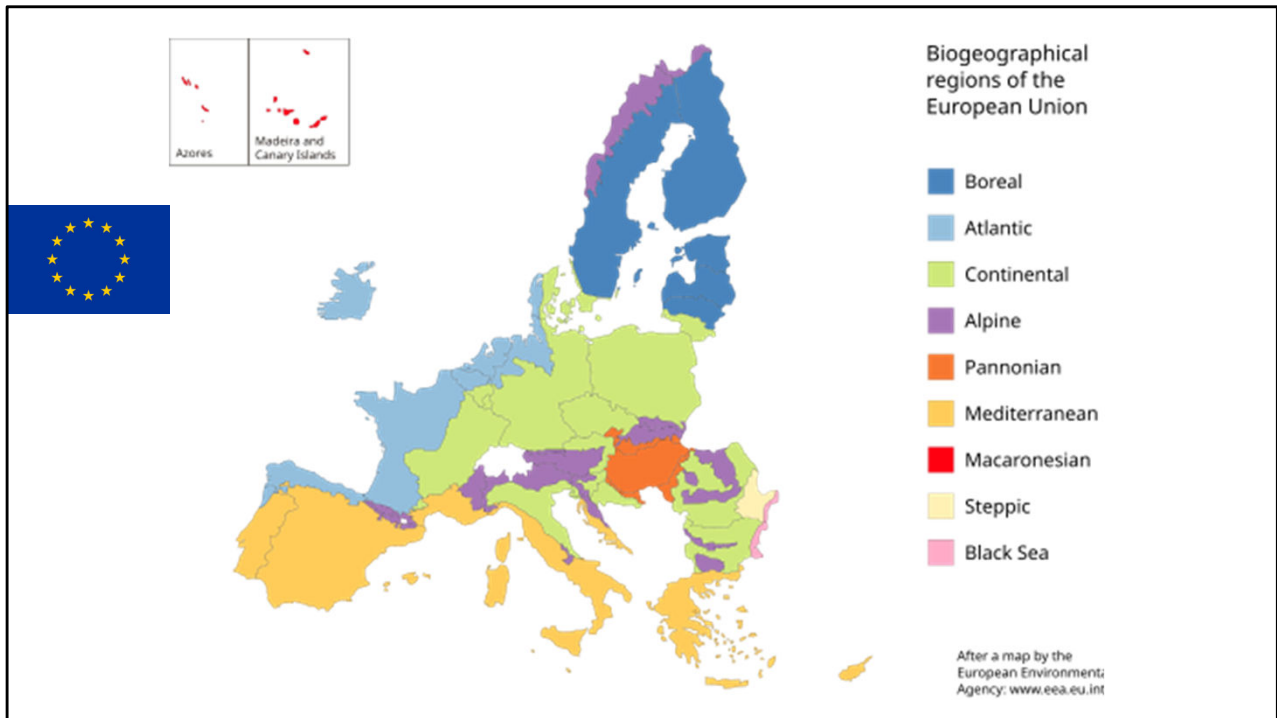




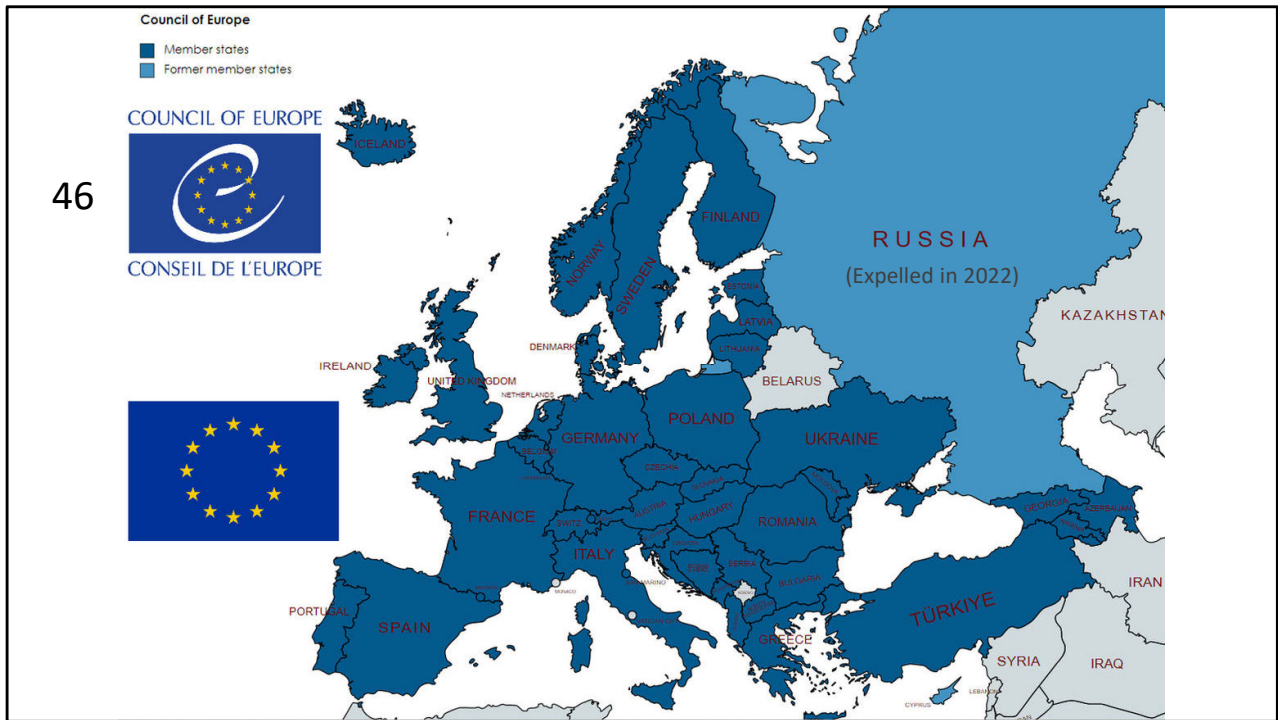
This workshop is on EU legislation on nature protection but this presentation discusses something else. It is still in the remits of nature protection but outside of the EU.



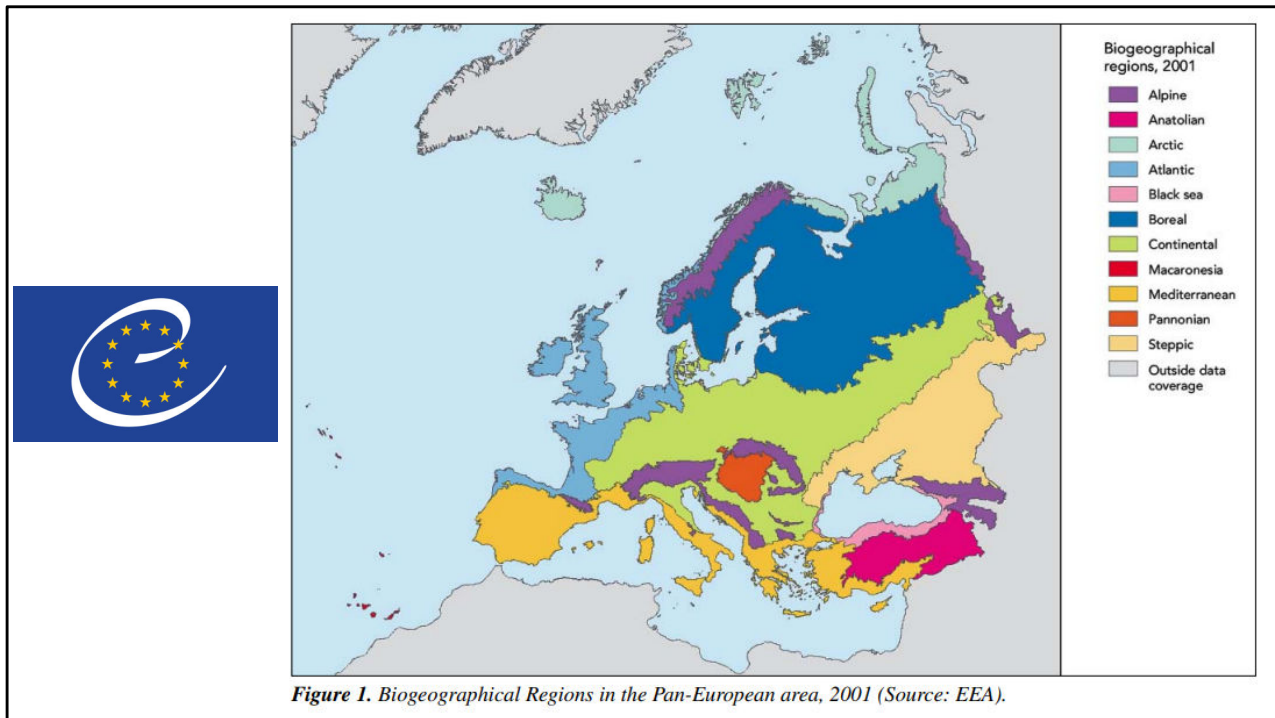
This is not what we should talk about.



These are the 9 biogeographical regions we already dealt with when discussing the Birds and Habitats Directives.



This is a wider area, which includes the 47 member states of the Council of Europe, Russia was expelled in 2022.



This is what we care about, the 9 geographical regions. They are more or less the same as before, with the addition of the Anatolian biogeographical region.

## The Emerald Network of Areas of Special Conservation Interest:

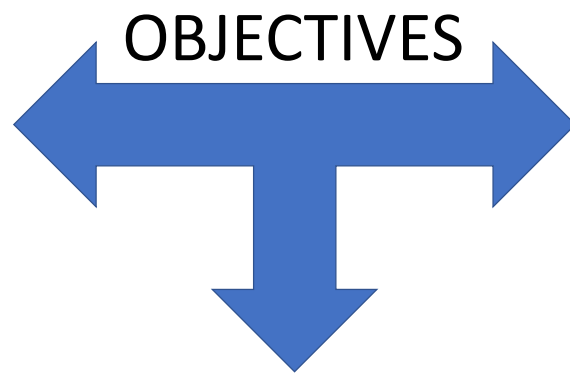
ecological network having the objective of long-term survival of the species and habitats of the Bern Convention requiring specific protection measures.

It is the equivalent of the Natura 2000 network.

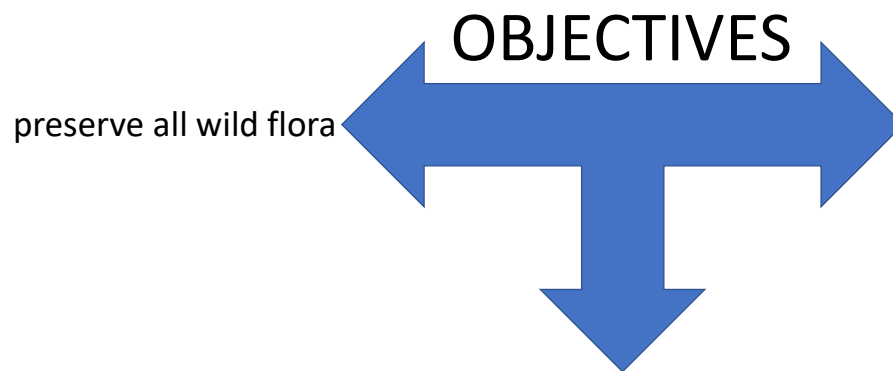
# Objectives



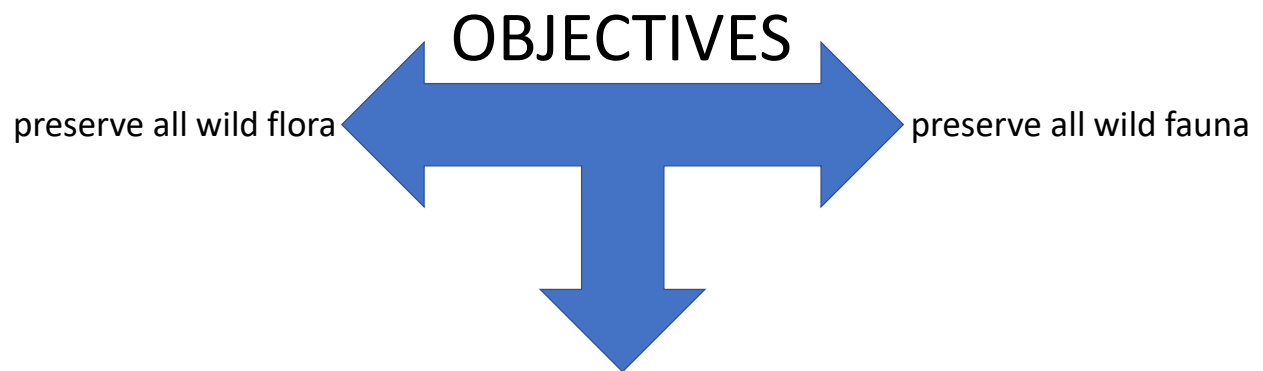
# 1979 Bern Convention on the Conservation of European Wildlife and Natural Habitats



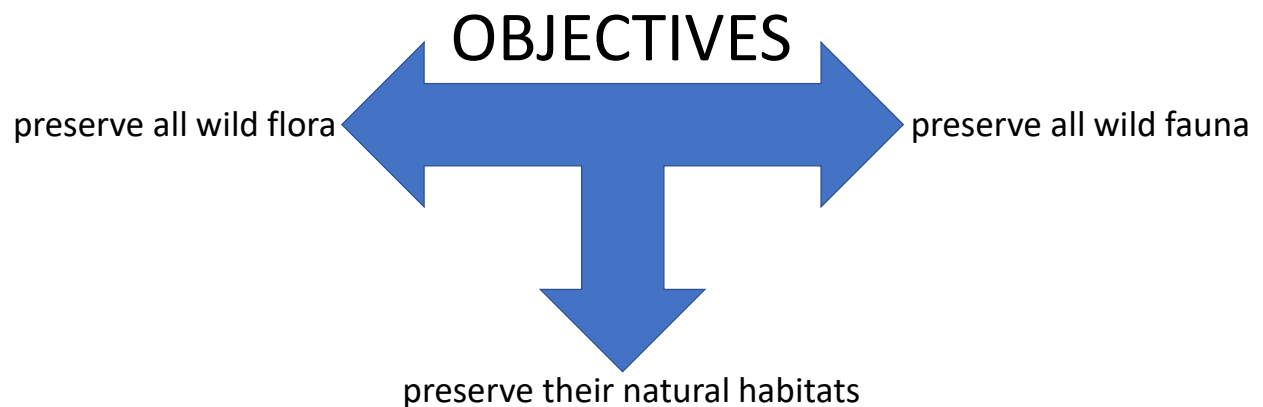
## 1979 Bern Convention on the Conservation of European Wildlife and Natural Habitats



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## 1979 Bern Convention on the Conservation of European Wildlife and Natural Habitats



A more holistic approach is adopted here.

Ratio iuris



The Bern convention brings and intergovernmental approach without all the legal tools that the EU brings.

1979 Bern Convention on the Conservation of  
European Wildlife and Natural Habitats – **WHY?**

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- wild flora and fauna play an essential role in maintaining biological balances and the natural habitats are a vital component of the protection and conservation of wild flora and fauna;
- numerous species of wild flora and fauna are being seriously depleted and some of them are threatened with extinction;
- international cooperation and co-ordinated research enhance the effectiveness of the protection measures taken by the parties.

The convention goes into detail about the reasons for protecting fauna and flora and includes its intrinsic value into the reasons for protecting them.

These reasons are why we have this coordinated approach.

Scope



## General protection to every species

-

General protection to every species + strong focus on:

-

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...and respective habitats!

A special focus on these categories.

If trends are maintained, vulnerable species will become endangered.

Migratory species include birds, fish or soil organisms.

The definition of conservation interconnects the protection of species and habitats. Degraded habitats impact the reproduction and general conservation of species.

## Corresponding annexes

- • Appendix I - Strictly protected flora species.
- • Appendix II - Strictly protected fauna species.
- • Appendix III - Protected fauna species.
- • Appendix IV - Prohibited means and methods of killing, capture and other forms of exploitation.
- Regarding habitats, the States shall engage in the conservation both of wild species habitats, and of endangered natural habitats.

3 annexes, very similar to the EU framework.

Strictest protection



Strictest protection regime:

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...endangered...

## Strictest protection regime:

...endangered...

...migratory species...

## Strictest protection regime:

...endangered...

...migratory species...

...whose range  
extends into the territories of more than one State.

If you mix all criteria, these requirements come up.

# Legal framework for wild species



Strictly protected flora: it is forbidden to deliberately:

- pick;
- collect;
- cut;
- uproot.

Anything that causes harm is forbidden.

Regarding strictly protected fauna, it is forbidden to :

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- • capture, keep or kill individuals of the species;
- • damage or destroy breeding or resting sites;
- • destroy or take or keep eggs from the wild (even if empty);
- • disturb, particularly during the period of breeding, rearing and hibernation.

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For strictly protected fauna, it is mandatory:

- strict control of non-native species
- active restoration of native wild species through reintroduction of individuals in the wild.

It is important that it is forbidden not only to kill, but to also disturb particularly during breeding, rearing and hibernation.

Restoration is now the new trend in the EU but it was already in the Bern convention.

Strictly protected fauna or flora

## Strictly protected fauna or flora

Restriction to the possession of and internal trade in any individual of the species:

- alive or dead,
- including stuffed animals and
- any recognisable part or
- derivative thereof

This is similar to the CITES convention.

## Wild fauna that is subject to mere protection (Appendix III)

- Any exploitation shall be regulated
- measures shall be taken to keep the populations out of danger
- measures shall be taken to restore satisfactory population levels.

They are just protected. Exploitation could mean trade, hunting and other practices. It is up to the member states to apply this. They should be serious but they are not always applying it.

Measures could include closed seasons where no exploitation is possible or local prohibitions of exploitation.

## Wild fauna that is subject to mere protection (Appendix III)

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- measures shall be taken to restore satisfactory population levels.

### EXAMPLES:

- • closed seasons;
- • temporary or local prohibition of exploitation;
- • regulation of sale of live and dead wild animals.

## Wild fauna

- Forbidden to use indiscriminate means of capture and killing and in particular, the means specified in Appendix IV.

Appendix IV includes means that are considered insidious and likely to cause suffering to animals.

# Legal framework for habitats



## Legal framework for habitats

- combat pollution,
- avoid or minimise, as far as possible, any deterioration of habitats.

- foster planning and development policies
- take appropriate and necessary legislative and administrative measures.

Positive and negative obligations.

Member States must take measures on site and outside of the protected site.

## Special attention to ...

...Geographic areas which are important for migratory species :

(wintering, staging, feeding, breeding, moulting.

övervintrings-, rast-, närings-, häcknings- eller ruggningsområden

pasar el invierno, para reagruparse, alimentarse, reproducirse o efectuar la muda

hibernação, reunião, alimentação, reprodução, muda

hivernage, rassemblement, alimentation, reproduction, mue

svernamento, riposo, alimentazione, nidificazione o muta )

Habitats in migration routes require co-ordinated efforts.

The biogeographic region might be the same but functions differ. It is important to examine what the functions of a lost area were (breeding for example) and replace it with an area that has the same functions.

# Exceptions



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  - • for the pursuit of other overriding public interests;
  - • for purposes of research and education;
  - • to permit judicious exploitation, under strictly supervised conditions, on a selective basis and to a limited extent.

Example:

1. An airport close to an area could be built evoking some of these reasons. In Lisbon the airport is very hard to place because of all the wetlands around it. It is in the confluence of 2 rivers and birds gather there, it would be impossible to have an airport without disruptions of birds routes.

# Exceptions



For environmental reasons:

- for the purposes of repopulation, of reintroduction and for the necessary breeding;
- for the protection of other flora and fauna species that may be in competition or somehow threatened by the protected species;

Example:

1. The population of birds must be controlled to protect lizards.

## Conclusion

- The exceptions are only allowed:
- when there is no other satisfactory solution,
- without endangering the survival of the population
- without causing local disappearance of, or serious disturbance to, populations of a species.

The future





Strasbourg, 1<sup>st</sup> December 2023



T-PVS(2023)18

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

43<sup>rd</sup> meeting  
Strasbourg, 27 November - 1 December 2023

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

**Adopted by the Standing Committee, December 2023**

**and aligned with the [Vision](#) for the Convention adopted by  
the Standing Committee in December 2021**

In 2023 the strategic plan was adopted. It has 4 main goals.

## GOALS

- GOAL 1: The area, connectivity, integrity and resilience of natural and semi-natural ecosystems is increased, including through protected areas and other effective area-based conservation measure
- GOAL 2: The conservation status of threatened species is improved, abundance of native species has increased, and humaninduced extinctions have been halted.
- GOAL 3: The contributions of wild flora and fauna and their natural habitats to a safe, clean, healthy and sustainable environment are valued, maintained and enhanced.
- GOAL 4: Sufficient resources are available and are used efficiently to achieve all goals and targets in this Plan.

# Discussion



- Relevance of the Emerald network



- Relevance of the Emerald network
- Perceptions on the Emerald network

