



8th SESSION OF THE MEETING OF THE PARTIES

5 - 9 October 2021, Budapest, Hungary

REPORT ON THE IMPLEMENTATION REVIEW PROCESS TO THE 8TH SESSION OF THE MEETING OF THE PARTIES

Compiled by the UNEP/AEWA Secretariat for the AEWA Standing Committee

Introduction

With [Resolution 4.6](#), the Meeting of the Parties established a specific procedure to assist Contracting Parties with the implementation of the Agreement; the *Implementation Review Process (IRP)* and that this procedure would be undertaken by the Standing Committee.

The IRP entitles the AEWA Standing Committee (StC) to address incidents of adverse or potential adverse effects on migratory waterbirds, or on their sites and habitats as a result of human activities. Upon receiving information on such incidents, the Standing Committee shall contact the Contracting Party concerned and assess the impact on migratory waterbirds, also through on-the-spot missions, and recommend measures for preventing or mitigating the impact.

After receiving recommendations from the Standing Committee for preventing or mitigating the respective impact on waterbirds, or on their sites and habitats, the Party concerned shall ensure that any measures undertaken regarding the activity, site or habitat concerned are in accordance with its obligations under the Agreement and based on the precautionary principle. The Party concerned shall inform the Standing Committee as to the above measures at the earliest opportunity.

MOP4 also instructed the Standing Committee to prepare and submit a report on its operations in the framework of the IRP, to each ordinary session of the MOP. The Secretariat was instructed to support the Standing Committee, resources permitting, in performing IRP activities.

At its 9th Meeting (20-23 April 2009) the AEWA Technical Committee discussed and agreed on its role in supporting the Standing Committee in performing the IRP. After the meeting, the TC prepared and endorsed, by correspondence, an information sheet on possible IRP cases in order to allow various stakeholders to submit information to the Standing Committee on cases, which, in their opinion, represent threats to waterbirds and require an IRP procedure. This information sheet is available on the [AEWA website](#).

Standing Committee Report to MOP8 on the Implementation Review Process

This report summarises the 10 open cases in the period 2019-2021 following MOP7 and the actions undertaken by the Standing Committee and other stakeholders. The following cases are reported:

- IRP Case No. 1: Syrian Arab Republic: Illegal hunting of the critically endangered Sociable Lapwing (*Vanellus gregarius*) – **page 3-4**;
- IRP Case No. 2: Montenegro: Drainage of the salina of Ulcinj for tourism development – **page 5-8**;
- IRP Case No. 3: Bulgaria: Windfarming project adjacent to Lake Durankulak putting at risk the globally threatened Red-breasted Goose (*Branta ruficollis*) – **page 9-13**;
- IRP Case No. 4: Iceland: Plans for lowland afforestation threatening breeding habitats of AEWA-listed waterbird species – **page 14-18**;
- IRP Case No. 5: United Kingdom: hunting of the Greenland White-fronted Goose (*Anser albifrons flavirostris*) – **page 19-21**;
- IRP Case No. 6: France: hunting of the Eurasian Curlew (*Numenius arquata*) – **page 22-23**;
- IRP Case No. 7: Kenya: power line construction at Lake Elmenteita – **page 24-25**;
- IRP Case No. 8: Tunisia: urban development at Sebkhet Sejoumi – **page 26-28**;
- IRP Case No. 9: Portugal: airport development at Tagus estuary – **page 29-30**;
- IRP Case No. 10: Germany: conservation of the Bewick's Swan (*Cygnus columbianus bewickii*, Northwestern European Population) in Germany – **page 31-32**.

In addition, the Standing Committee keeps the case of planned windfarm construction in Site d'Arjuzanx in the region of Nouvelle-Aquitaine in SW France, as a watching brief. This is an important stop-over and wintering site for the Eurasian Crane. No IRP case has been opened yet and France has been regularly updating the Standing Committee at each of its meetings. This report does not include further information on this possible IRP case.

In the triennium 2019-2021 five new IRP cases (IRP Cases Nr. 6 to 10) were opened. At the same time, IRP Case Nr. 5 was closed after the United Kingdom reported having removed the Greenland White-fronted Goose from the list of huntable species in England and Wales, thus establishing complete statutory protection from hunting across the UK. This is the first closed AEWA IRP Case.

This report was compiled by the Secretariat for the Standing Committee and approved by correspondence by the Standing Committee for submission to MOP8.

Action Requested from the Meeting of the Parties

The Meeting of the Parties is invited to take note of this report and provide guidance, as necessary.

Open Implementation Review Process (IRP) Cases in the Period 2019-2021

IRP Case Number: 1	Status: Ongoing / On hold	
Party: Syrian Arab Republic	Year opened: 2009	Year closed: n/a
Issue: Illegal hunting of the critically endangered Sociable Lapwing (<i>Vanellus gregarius</i>)		
Official correspondence:		
<p>1 October 2009 – letter from the AEWA Executive Secretary Mr. Bert Lenten on behalf of the AEWA Standing Committee to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>introducing the issue, requesting official information, informing about the StC decision to open a case, offering an on-the-spot assessment mission</i>);</p> <p>15 December 2009 – letter from H.E. Kawkab Dayeh, Minister of State for Environment Affairs to the AEWA Executive Secretary Mr. Bert Lenten (<i>welcoming the offer for a mission</i>);</p> <p>28 December 2009 - letter from the AEWA Executive Secretary Mr. Bert Lenten to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>confirming the mission and forwarding the mission's Terms of Reference</i>);</p> <p>14 April 2010 - letter from the AEWA Executive Secretary Mr. Bert Lenten to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>submitting the draft mission report and inviting comments</i>);</p> <p>3 August 2010 – letter from the Chair of the AEWA Standing Committee Mr. Øystein Størkersen to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>forwarding the mission report and its recommendations, requesting submission of progress reports twice a year</i>);</p> <p>22 February 2012 - letter from the Chair of the AEWA Standing Committee Mr. Øystein Størkersen to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>reminder of pending progress reports</i>).</p>		
On-the-spot assessment mission(s): 23 February – 1 March 2010, funding provided by the Government of Germany		
Mission report(s): 24 May 2010 - http://www.unep-aewa.org/sites/default/files/basic_page_documents/final_aewa_syria_irp_report.pdf		
Party report(s): Pending (none received)		

Case trigger

At the end of August 2009, the UNEP/AEWA Secretariat received a Possible IRP Case Information Sheet from the BirdLife International Middle East Secretariat. The issue concerned high risk of hunting to the critically endangered Sociable Lapwing (*Vanellus gregarius*) in Syria. Since the discovery of large concentrations of Sociable Lapwing staging during migration in northern Syria in 2007, several hunting incidents have been reported with unknown exact magnitude of impact. The reports indicated massive hunting with at least 150 birds killed at one site in the spring of 2009.

Consultations

The Secretariat uploaded the received information sheet on the Technical Committee (TC) Workspace and requested for the advice of the TC, to be forwarded to the Standing Committee (StC). The TC advised to open an IRP case. Following this advice, and on the basis of its own assessment of the information provided, the StC decided to open a case at the end of September 2009.

Actions (2009-2012 by MOP5)

On 1 October 2009, the AEWA Executive Secretary Mr. Bert Lenten sent a letter on behalf of the StC to H.E. Kawkab Dayeh, the Syrian Minister of State for Environment Affairs, introducing the issue, informing about the StC decision to open a case and offering an on-the-spot assessment mission. The Minister responded on 15 December 2009, accepting the mission. In consultation with the TC, the Secretariat drafted Terms of Reference for the mission, which were finalised and agreed upon between the Secretariat and the Ministry of State for Environment. On 28 December 2009, the AEWA Executive Secretary confirmed the mission, the agreed dates and Terms of Reference to the Minister.

The on-the-spot assessment mission took place from 23 February to 1 March 2010, with financial support provided by the Government of Germany. The international mission comprised the following people: Mr. Sergey Dereliev (UNEP/AEWA Secretariat), Mr. Sharif Jbour (BirdLife International, Middle East Secretariat), Mr. Tim Jones (consultant to the UNEP/AEWA Secretariat) and Mr. Robert Sheldon (Royal Society for the Protection of Birds/BirdLife UK). A detailed mission report with recommendations is available on the AEWA website at the link above. The draft mission report was sent to the Minister on 14 April 2010 by the AEWA Executive Secretary and comments were invited. The report was finalised on 24 May 2010.

At its 6th Meeting (16-17 June 2010), the StC reviewed the mission report and approved the recommendations made and that these should be forwarded to the Government of Syria. On 3 August 2010, the Chair of the AEWA Standing Committee Mr. Øystein Størkersen sent a letter to the Minister of State for Environment Affairs forwarding the mission report and its recommendations as well as requesting submission of progress reports on the implementation of the recommendations twice a year after each migration period (May and December).

Unofficial communications testified that activities to implement recommendations were taking place in Syria. However, it proved challenging for the Secretariat to obtain progress reports to be submitted to the StC. At its 7th Meeting (26-27 November 2011) the Standing Committee decided to send a reminder to the Minister of State for Environment Affairs and to request a consolidated report covering the past two year to be submitted in advance of MOP5.

On 22 February 2012 the Chair of the StC sent a letter to the Minister inviting the submission of a consolidated report by 13 April 2012.

Actions (2012-2018)

Due to the complicated political situation in Syria, the Standing Committee has decided to put this IRP case on hold and there have not been any follow up actions since MOP5.

Update 2019-2021

Due to the continuing complicated political situation in Syria, the Standing Committee has maintained this IRP case on hold and there has not been any follow up in the past triennium.

IRP Case Number: 2	Status: Ongoing <i>(Government to submit reports on implementation of the recommendations by the Standing Committee)</i>	
Party: Montenegro	Year opened: 2012	Year closed: n/a
Issue: Drainage of the salina of Ulcinj for tourism development		
<p>Official correspondence:</p> <p>12 January 2012 – letter from the AEWA Acting Executive Secretary Mr. Marco Barbieri and the CMS Officer in Charge Mr. Bert Lenten to H.E. Predrag Sekulic, Minister of Sustainable Development and Tourism (<i>expressing concerns, requesting official information on the issue, introducing the option of an IRP case and on-the-spot assessment mission</i>);</p> <p>20 February 2012 – letter from H.E. Predrag Sekulic, Minister of Sustainable Development and Tourism to the AEWA Acting Executive Secretary Mr. Marco Barbieri and the CMS Officer in Charge Mr. Bert Lenten (<i>providing information and welcoming a mission</i>);</p> <p>18 July 2013 – letter from the AEWA Secretariat to Ms. Ivana Vojinovic, Deputy Minister of Sustainable Development and Tourism (<i>requesting official information and update on the issue</i>);</p> <p>08 May 2014 – letter from the Chair of the AEWA Standing Committee Mr. Øystein Størkersen to H.E. Branimir Gvozdenovic, Minister of Sustainable Development and Tourism (<i>requesting official information and update on the issue</i>);</p> <p>16 March 2015 – letter from the AEWA Secretariat to H.E. Branimir Gvozdenovic, Minister of Sustainable Development and Tourism (<i>requesting an appointment for a face-to-face meeting</i>);</p> <p>21 January 2016 – letter from the AEWA Secretariat to H.E. Branimir Gvozdenovic, Minister of Sustainable Development and Tourism (<i>submitting the recommendations of the Standing Committee and requesting reports every six months</i>);</p> <p>09 February 2016 - letter from the AEWA Secretariat to H.E. Branimir Gvozdenovic, Minister of Sustainable Development and Tourism (<i>requesting further information to be added to the report due on 15 February 2016 regarding the decision of the Constitutional Court to abolish amendments to the Spatial Planning of Montenegro regarding the protection of the salina</i>);</p> <p>18 February 2016 – the Ministry of Sustainable Development and Tourism submitted to the AEWA Secretariat the decision of the Constitutional Court;</p> <p>09 December 2016 – letter from the AEWA Secretariat to the Ministry of Sustainable Development and Tourism requesting submission of pending reports;</p> <p>31 January 2017 - the Ministry of Sustainable Development and Tourism submitted to the AEWA Secretariat a report on the implementation of the recommendations by the Standing Committee;</p>		

19 April 2018 – letter from the AEWA Secretariat to H.E. Pavle Radulović, Minister of Sustainable Development and Tourism (<i>requesting the submission of pending reports and designation of an alternative contact person for the IRP case during the extended sick leave of the National Focal Point</i>).
24 July 2020 – the Ministry of Sustainable Development and Tourism submitted to the AEWA Secretariat a report on the implementation of the recommendations by the Standing Committee.
On-the-spot assessment mission(s): n/a
Mission report(s): n/a
Party report(s): Two submitted (31 January 2017 and 24 July 2020); two follow up reports pending

Case trigger

In late December 2011 the UNEP/AEWA and UNEP/CMS Secretariats received information from various sources about projects to drain the salina of Ulcinj in Montenegro for tourism development. The salina is the most important wetland for migratory waterbirds in Montenegro, as well as one of the most important sites along the eastern Adriatic coast. The site has no statutory designation, but has been recognised for its values and identified as an Important Bird Area (IBA), potential Ramsar site, Emerald site and Natura 2000 site as well as a Critical Site as part of the AEWA Critical Site Network. Some 55 breeding species have been recorded, as well as high concentrations of waterbirds in winter and during migration. It is an important site for the globally threatened Dalmatian Pelican (*Pelecanus crispus*) and other Column A listed species, such as the Collared Pratincole (*Glareola pratincola*), Kentish Plover (*Charadrius alexandrinus*) and Little Tern (*Sterna albifrons*).

Consultations

In consultation with the Chairs of the Standing and Technical Committees, the Secretariat prepared a joint letter with the UNEP/CMS Secretariat (also consulted with the Chairs of the CMS Standing Committee and Scientific Council). Upon the receipt of the response to the letter, the Standing Committee considered the issue and decided to open a case and send an on-the-spot assessment mission.

Actions (2012 by MOP5)

On 12 January 2012, the AEWA Acting Executive Secretary Mr. Marco Barbieri and the CMS Officer in Charge Mr. Bert Lenten sent a letter to H.E. Predrag Sekulic, Minister of Sustainable Development and Tourism, expressing concern, requesting further information and introducing the IRP. Simultaneously, separate letters were also sent by the Ramsar and Bern Conventions Secretariats. The Minister responded to the joint AEWA-CMS letter on 20 February 2012 providing some additional information and welcoming an IRP mission.

Actions (2012-2015)

While the Secretariat was undertaking consultations for a possible joint mission with CMS, and the Ramsar and Bern Convention Secretariats, information received from other stakeholders alluded to the fact that the case has been possibly resolved - at least to some extent. In April 2013, the Secretariat requested an update from Ms Ivana Vojinovic, Deputy Minister of Sustainable Development and Tourism, followed by a letter in July 2013 reminding of the pending update.

A further reminder was sent in May 2014 by the Chair of the AEWA Standing Committee Mr. Øystein Størkersen to H.E. Branimir Gvozdenovic, requesting an update on the case before an on-the-spot assessment mission is convened. This reminder was reiterated in August 2014 to Ms. Daliborka Pejovic, State Secretary of the Ministry of Sustainable Development and Tourism.

As the latest communication from the Government of Montenegro to the UNEP/AEWA Secretariat dated back to February 2012, in March 2015 the Secretariat requested an appointment in Podgorica in the margins of another meeting in April 2015 attended by a representative of the Secretariat.

An international meeting on the conservation of the salina of Ulcinj took place on 8-9 April 2015 in Podgorica and was convened by the Montenegrin Centre for the Protection and Study of Birds and EuroNatur in cooperation with the Municipality of Ulcinj. A representative of the Secretariat met with officials of the Ministry on 7 April 2015 and it was agreed that the outcomes of the international meeting will be considered in the follow up work on the IRP case.

The conclusions of the international conference resulted in a list of action points with clear deadlines and responsibility, which were agreed by all attendees and were also presented on 9 April 2015 in the town of Ulcinj to a delegation of the European Parliament which took interest in this case.

Actions (2016-2018)

In January 2016, the AEWA Executive Secretary submitted the decision of the AEWA Standing Committee to recognise as its own recommendations to the Government of Montenegro, the conclusions and recommendations of the international meeting of April 2015, to H.E. Branimir Gvozdenovic, Minister of Sustainable Development and Tourism. Alongside forwarding the meeting Resolution with its recommendations, the Standing Committee requested reports on the implementation of those recommendations from the Government of Montenegro to be submitted every six months with the first one due on 15 February 2016.

In early February 2016 the UNEP/AEWA Secretariat received information of a decision of the Constitutional Court of Montenegro abolishing the amendments of 2012 to the Spatial Plan of Montenegro regarding the protection of the salina. The AEWA Executive Secretary subsequently sent a letter to the Minister requesting that this issue is being covered, as well as the action the Ministry was planning to take in order to secure the status of the site explained.

On 18 February 2016, the Ministry forwarded the decision of the Constitutional Court in English to the UNEP/AEWA Secretariat, however there was no further information provided nor report on the implementation of the recommendations was submitted.

No reports were submitted in mid-2016 or at the end of the year. After several reminders, a report was submitted on 31 January 2017 during the 12th Meeting of the AEWA Standing Committee. No further reports have been submitted to date, despite the reminders.

In April 2018 the UNEP/AEWA Secretariat received information that the National Focal Point and contact person for the IRP case was on extended sick leave and requested H.E. Pavle Radulović, Minister of Sustainable Development and Tourism to appoint a new National Focal Point and contact person. No reply has been received to date.

Update (2019-2021)

In January 2019 the Secretariat managed to re-establish contact with the Ministry of Sustainable Development and Tourism through the newly appointed AEWA National Focal Point. Despite the regular communication and reminders, no report was received until 24 July 2020. Meanwhile, there was another change of the National Focal Point.

Amongst the updates provided by the Ministry of Sustainable Development and Tourism on the implementation of the Standing Committee recommendations, importantly it was reported that the salina of Ulcinj was designated as a protected area (category Nature Park) by the Local Parliament of the Municipality of Ulcinj in June 2019. Further to that, in July 2019 the salina was also designated as a Ramsar Site (Ramsar Site Nr. 2399).

Further reports were requested by the Secretariat, as per the 6-month schedule established by the Standing Committee, however, no further communication or updates have been submitted by the Ministry of Sustainable Development and Tourism to date.

Follow-up

At the time of writing, the UNEP/AEWA Secretariat is attempting to obtain feedback from the Ministry of Sustainable Development and Tourism and receive an updated report on the implementation of the StC recommendations.

IRP Case Number: 3	Status: Ongoing (<i>Standing Committee to obtain regular updates from the European Commission</i>)	
Party: Bulgaria	Year opened: 2012	Year closed: n/a
Issue: Windfarming project adjacent to Lake Durankulak putting at risk the globally threatened Red-breasted Goose (<i>Branta ruficollis</i>)		
Official correspondence:		
<p>29 March 2012 – letter from the Chair of the AEWA Standing Committee Mr. Øystein Størkersen to H.E. Nona Karadjova, Minister of Environment and Water (<i>expressing concerns, requesting official information on the issue, informing about the StC decision to open a case, offering an on-the-spot assessment mission</i>);</p> <p>08 May 2012 – letter from Ms. Evdokia Maneva, Deputy Minister of Environment and Water to the AEWA Secretariat (<i>asking for clarifications about the exact windfarm that has raised concerns and the obligations that the Ministry would need to comply with arising from an IRP on-the-spot assessment mission</i>);</p> <p>29 May 2012 – letter from the AEWA Secretariat to Ms. Evdokia Maneva, Deputy Minister of Environment and Water (<i>providing required clarifications in their letter of 08 May 2012</i>);</p> <p>10 July 2012 - letter from Ms. Evdokia Maneva, Deputy Minister of Environment and Water to the AEWA Secretariat (<i>providing information on the procedural and legal status of the investment proposal for construction of the windfarm and asking for further clarifications on the obligations that the Ministry would need to comply with arising from an IRP on-the-spot assessment mission</i>);</p> <p>14 August 2012 – letter from the AEWA Secretariat to Ms. Evdokia Maneva, Deputy Minister of Environment and Water (<i>providing required clarifications in their letter of 10 July 2012</i>);</p> <p>31 October 2012 - letter from the AEWA Secretariat to Ms. Evdokia Maneva, Deputy Minister of Environment and Water (<i>requesting confirmation on the acceptance of an IRP on-the-spot assessment mission</i>);</p> <p>07 December 2012 - letter from Ms. Evdokia Maneva, Deputy Minister of Environment and Water to the AEWA Secretariat (<i>providing information on the ongoing legal appeals against the permission for construction of the windfarm and declining the IRP on-the-spot assessment mission at this stage</i>);</p> <p>22 January 2013 - letter from the AEWA Secretariat to Ms. Evdokia Maneva, Deputy Minister of Environment and Water (<i>requesting clarification on the options for further development of the case following a decision of a three-member panel of the Bulgarian Supreme Administrative Court</i>);</p> <p>01 February 2013 - letter from Ms. Evdokia Maneva, Deputy Minister of Environment and Water to the AEWA Secretariat (<i>clarifying that only after the final decision of the five-member panel of the Bulgarian Supreme Administrative Court further action by the Ministry will be decided</i>);</p> <p>19 July 2013 - letter from the AEWA Secretariat to H.E. Iskra Mihaylova-Koparova, Minister of Environment and Water (<i>requesting clarification on the next steps of the Ministry following the final</i></p>		

decision of a five-member panel of the Bulgarian Supreme Administrative Court and reiterating the offer to send an on-the-spot assessment mission);

13 November 2013 - letter from H.E. Iskra Mihaylova-Koparova, Minister of Environment and Water to the AEWA Secretariat (*providing information on the actions the Ministry has been undertaking on this case and welcoming support from AEWA*);

06 January 2014 - letter from the AEWA Secretariat to Ms. Emilia Kraeva, Head of the International Cooperation Department in the Minister of Environment and Water (*requesting suggestions on how the Secretariat can support the process ahead and requesting an appointment for a meeting*);

06 March 2014 - letter from the AEWA Secretariat to Ms. Emilia Kraeva, Head of the International Cooperation Department in the Minister of Environment and Water (*summarising the outcomes of the face-to-face meeting in Sofia on 17 February 2014 and requesting updates once suggested measures have been implemented*);

07 July 2014 - letter from H.E. Stanislav Anastasov, Minister of Environment and Water to the AEWA Secretariat (*summarising some information on this case and providing a short update on steps undertaken by the Ministry*);

08 December 2015 – letter from the AEWA Secretariat to H.E. Ivelina Vassileva, Minister of Environment and Water (*requesting information on the status of the appeal to the SAC, possible scenarios for follow up actions by the Ministry as well as maps of SPAs “Bilo” and “Kaliakra”*);

30 January 2017 – the Ministry of Environment and Water submitted a written update on the SAC appeal;

28 April 2018 – letter from the AEWA Secretariat to the European Commission (*communicating the request of the AEWA Standing Committee to the EC to intervene*).

04 December 2019 – the European Commission provided a short written update in relation to the implementation of the judgement of the European Court of Justice of 14 January 2016 on Case C-141/14 on SPA “Kaliakra” which is also relevant for this IRP case.

05 May 2021 – the European Commission provided a short written update in relation to the implementation of the judgement of the European Court of Justice of 14 January 2016 on Case C-141/14 on SPA “Kaliakra” which is also relevant for this IRP case.

On-the-spot assessment mission(s): n/a

Mission report(s): n/a

Party report(s): n/a

Case trigger

At the end of February 2012, the UNEP/AEWA Secretariat received a Possible IRP Case Information Sheet from the Bulgarian Society for the Protection of Birds (BirdLife Bulgaria). The issue concerned a new windfarming project adjacent to Lake Durankulak in Bulgaria aiming at the installation of 95 turbines. Lake

Durankulak, together with the nearby situated Lake Shabla, is located in a geographic region called Dobrudzha. Dobrudzha is known to host up to 90% of the population of the globally threatened Red-breasted Goose (*Branta ruficollis*), centered around lakes Durankulak and Shabla, as well high numbers of the Greater White-fronted Goose (*Anser albifrons*) as well as the Greylag Goose (*Anser anser*) and the globally threatened Lesser White-fronted Goose (*Anser erythropus*).

This new project is particularly threatening and spatially overlaps with goose feeding areas while also creating a barrier between the lake as a roosting site and other potential feeding areas. Currently, there are 278 operational wind turbines in Dobrudzha, but the total number of planned installations is 3606.

The submitter considered that the approval and implementation of this project would constitute a non-compliance with Articles II.1, II.2, III.1, III.2b, III.2c, III.2d and III.2e of AEWa.

Consultations

The Secretariat uploaded the information sheet received on the Technical Committee (TC) Workspace and requested for the advice of the TC to be forwarded to the Standing Committee (StC). The TC advised to open an IRP case. Following this advice and on the basis of its own assessment of the information provided, the StC decided to open a case at the end of March 2012.

Actions (2012 by MOP5)

On 29 March 2012, the Chair of the AEWa Standing Committee Mr. Øystein Størkersen sent a letter to H.E. Nona Karadjova, Minister of Environment and Water expressing concerns, requesting official information on the issue, informing about the StC decision to open a case and offering an on-the-spot assessment mission. The letter was copied to the Ramsar and Bern Convention Secretariats.

On 08 May 2012, Ms. Evdokia Maneva, Deputy Minister of Environment and Water sent a letter to the UNEP/AEWa Secretariat asking for clarifications about the exact windfarm that has raised concerns and the obligations that the Ministry would need to comply with arising from an on-the-spot assessment mission.

Actions (2012-2015)

Between the end of May and early December 2012 there was an exchange of letters between the Deputy Minister Maneva and the Secretariat. In essence, the decision of the Regional Office of the Ministry on the Environmental Impact Assessment, granting a permission for the construction of the windfarm, was appealed by NGOs and on the basis of further evaluation, the Minister has revoked the decision of the Director of the Regional Office. The investor, however, appealed against this act of the Minister and the appeal was considered by the Bulgarian Supreme Administrative Court (SAC). On these grounds they declined to accept an IRP on-the-spot assessment mission at this stage.

The verdict of the three-member panel of the SAC was announced on 17 January 2013 and it annulled the decision of the Minister to revoke the permission for construction of the windfarm. This decision could have been appealed before a three-member panel of the Court. On 22 January 2013 the Secretariat sent a letter to Deputy Minister Maneva asking for the actions that the Ministry is planning to take and reiterating the offer to send an on-the-spot assessment mission. The response received indicated that the Ministry will determine its further actions only after the final decision of the Court.

The final verdict of the SAC was issued on 9 May 2013 and it confirmed the annulation of the Minister's decision, thus allowing for the project to be implemented. On 19 July 2013, the Secretariat communicated with

the newly-appointed Minister H.E. Iskra Mihaylova-Koparova on the options for the EIA to allow for the revision of the EIA and once again reiterating the offer to send a mission.

The Minister responded on 13 November 2013, informing that following a new appeal by NGOs to the Supreme Administrative Prosecution Office (SAPO), the positive decision on the EIA for the windfarm construction project was repealed by a decision of the Minister on 14 October 2013, which also ordered a revision of the whole EIA procedure. In addition, on 18 October 2013, the Minister issued an order for preventive protection of areas to be included within a new Special Protection Area “Bilo” under the Natura2000 network aiming at the conservation of the Red-breasted Goose, amongst other species.

This new SPA is located west of Lake Durankulak and provides feeding habitat. The regimes of the new SPA prohibit the construction of windfarms and associated infrastructure. Finally, the Minister welcomed support from AEWA on this case.

In January 2014, the Secretariat enquired with Ms. Emilia Kraeva, the Head of the International Cooperation Department at the Ministry of Environment and Water, how the renewed EIA process will be conducted and how the Secretariat can advise and counsel during this process.

On 17 February 2014, in the margins of another meeting in Bulgaria, a representative of the Secretariat met with representatives of the Ministry in Sofia. The outcomes of this meeting were summarised in a letter dated 6 March 2014 from the Secretariat to the Head of the International Cooperation Department. The Ministry had informed that the SPAs around Lake Durankulak will be enlarged and that the procedure will be finalised within months. Infrastructure developments will not be allowed by the SPA regimes, which according to the Ministry officials excluded the possibility for the windfarm to be constructed. Thus no new EIA procedure would be needed and no further support from the Secretariat would be necessary.

On 7 July 2014, the newly-appointed Minister H.E. Stanislav Anastasov updated the Secretariat that the SPA “Bilo” was designated in April 2014 and that the SPA “Kaliakra” located south of Lake Durankulak has been enlarged with a decision of February 2014.

Actions 2016-2018

Following MOP6, in December 2015 the UNEP/AEWA Secretariat sent a letter to H.E. Ivelina Vassileva, Minister of Environment and Water requesting information on the status of the appeal to the SAC, possible scenarios for follow-up actions by the Ministry, in case the verdict allowed the construction of the windfarm, as well as maps of SPAs “Bilo” and “Kaliakra” close to Lake Durankulak that support Red-breasted Geese and the overlay of planned windfarms.

No update was submitted for more than a year until 30 January 2017, the day before the opening of the 12th meeting of the Standing Committee. The communication from the Ministry of Environment and Water informed that all legal options to appeal against the decision of the Regional Office of the Ministry of Environment and Water allowing the construction of the windfarm. The implication of this was that the IRP now had limited possibility to resolve the case and that first 66 permitted turbines could be constructed at any time.

At its 12th Meeting, the Standing Committee received this information and decided to refer the case to the European Commission to be examined in relation to the case of SPA “Kaliakra” for which there was a verdict of the European Court of Justice against Bulgaria (SPA “Bilo” was designated as a compensation measure for windfarm development in SPA “Kaliakra”). In April 2017, a letter was sent by the UNEP/AEWA Secretariat to the European Commission informing them of the StC decision.

At the 13th Meeting of the StC in July 2018, the European Commission reported that the developments at SPA “Bilo” are being monitored and have informed the Government of Bulgaria that if a construction would start, the Commission would open an infringement procedure.

Update 2019-2021

In the past triennium the activities have been confined to monitoring the development of the case through updates from the European Commission in relation to the implementation of the judgement of the European Court of Justice of 14 January 2016 on Case C-141/14 on SPA “Kaliakra” which is also relevant for this IRP case.

In May 2021 the European Commission reported that another (horizontal) infringement case was recently advanced by the Commission and was relevant for this IRP case. It is linked to the authorisation of development projects in Bulgaria and their compliance with Article 6(3) of the Habitats Directive (appropriate assessment). On 3 December 2020, the Commission issued a reasoned opinion in this infringement case for its failure to fulfil its obligations under Article 6(3). The Commission considers that Bulgaria has generally and persistently failed to ensure that plans or projects, not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, are subject to appropriate assessment of their implications for the site in view of the site's conservation objectives.

From the updates received to date, there is no information that the construction of the windfarm has been launched.

Follow-up

The Standing Committee will continue requesting regular updates from the European Commission, through the UNEP/AEWA Secretariat.

IRP Case Number: 4	Status: Ongoing <i>(The Government to submit a detailed progress report on the implementation of the StC recommendations including addressing the concerns raised over the misalignment of the draft Nation-wide Plan for Forestry with the recommendations)</i>	
Party: Iceland	Year opened: 2014	Year closed: n/a
Issue: Plans for lowland afforestation threatening breeding habitats of AEWA-listed waterbird species		
<p>Official correspondence:</p> <p>22 April 2014 – letter from the Chair of the AEWA Standing Committee Mr. Øystein Størkersen to H.E. Sigurður Ingi Jóhannsson, Minister for the Environment and Natural Resources (<i>expressing concerns, requesting official information on the issue, informing about the StC decision to open a case, offering an on-the-spot assessment mission</i>);</p> <p>10 July 2014 – electronic message from the Director General of the Department of Land and Natural Heritage in the Ministry for the Environment and Natural Resources Mr. Jón Geir Pétursson to the AEWA Secretariat (<i>confirming the receipt of the letter, welcoming an on-the-spot assessment mission, requesting the background information that triggered the opening of the case, designating a corresponding focal point at their end</i>);</p> <p>04 April 2017 – letter from the AEWA Executive Secretary to the Director General of the Department of Land and Natural Heritage in the Ministry for the Environment and Natural Resources Mr. Jón Geir Pétursson (<i>submitting the recommendations of the AEWA Standing Committee</i>);</p> <p>02 May 2017 – letter from the Ministry for the Environment and Natural Resources to the AEWA Secretariat (<i>submitting an implementation schedule and programme of work for the StC recommendations</i>);</p> <p>11 May 2017 – letter from the AEWA Secretariat to the Ministry for the Environment and Natural Resources (<i>submitting the comments of the StC on the implementation schedule and programme of work</i>);</p> <p>01 November 2017 – electronic message from the Ministry for the Environment and Natural Resources to the AEWA Secretariat (<i>confirming their original submission of implementation schedule and programme of work</i>);</p> <p>01 December 2017 – letter from the AEWA Secretariat to the Ministry for the Environment and Natural Resources (<i>reiterating the comments of the StC and requesting submission of a revision as well as a progress report by 15 December 2017</i>);</p> <p>26 September 2018 – electronic message from the Ministry for the Environment and Natural Resources to the AEWA Secretariat (<i>responding to the comments of the StC and the request for submission of a revised implementation schedule and programme of work</i>);</p> <p>27 November 2018 – letter from the AEWA Secretariat to the Ministry for the Environment and Natural Resources (<i>reiterating some of the earlier StC comments, submitting further comments and requesting submission of a revised proposal for a schedule and programme of work</i>).</p>		

02 December 2019 - the Ministry for the Environment and Natural Resources submitted a report on the activities undertaken in response to the StC recommendations;

18 June 2021 – letter from the Chair of the Standing Committee to H.E. Guðmundur Ingi Guðbrandsson, Minister for the Environment and Natural Resources of Iceland (*regarding concerns over the implementation of the StC recommendations following a letter received from Fuglavernd (BirdLife Iceland) and requesting a detailed progress report*).

On-the-spot assessment mission(s): 23-27 May 2016 – joint mission with the Bern Convention Secretariat

Mission report(s): 19 October 2016 - http://www.unep-aewa.org/sites/default/files/basic_page_documents/aewa_final_iceland_irp_report.pdf

Party report(s): One submitted (02 December 2019); follow up progress report pending

Case trigger

At the beginning of April 2014, the UNEP/AEWA Secretariat received a Possible IRP Case Information Sheet from Fuglavernd - the Icelandic partner organisation of BirdLife International. The issue concerned plans for large-scale state-subsidised lowland afforestation which are threatening breeding habitats of AEWA-listed species. According to the information provided, the Icelandic forestry policy under several legal acts adopted in the 1990s and more recently in 2006, has set the afforestation target at 5% of each region's lowlands (land below the 400m contour) to be reached by year 2040.

Such afforestation predominantly involves non-native tree species and the purpose is mainly for timber production. Further information pointed that in 2007, a committee convened by the Ministry for the Environment and Natural Resources recommended extending birch woodland cover to 10% of the land area and in 2013 a similar committee produced a National Forestry Strategy proposing a new target of 12% forest cover by year 2100.

Iceland is second only to Russia in its importance as a source of breeding migratory waterbirds in the AEWA region. It supports the most important breeding populations in Europe for six species of shorebirds and it is the second most important country for three. Information compiled in 2007 pointed out that the afforestation plans will impact on 10 species listed under AEWA that breed in Iceland, mainly grassland-breeding waders, one of which is a globally near-threatened species (Black-tailed Godwit *Limosa limosa*).

The submitter considered a risk of incompatibility between Iceland's forestry policy and its AEWA obligations potentially arising (in particular) in respect of:

- Articles II.1 (maintaining species in favourable conservation status);
- Article II.2 (the precautionary principle);
- Article III.2 (d) (maintaining a network of habitats throughout migratory ranges);
- Article III.2 (e) (investigating problems and seeking to implement remedies);
- Action Plan para 3.2.1 (protected areas);
- Action Plan para 3.2.3 (wise use of wetlands and avoiding habitat degradation);
- Action Plan para 3.2.4 (habitat conservation strategies); and
- Action Plan para 4.3.1 (impact assessment).

Consultations

The Secretariat uploaded the information sheet received on the Technical Committee (TC) Workspace and requested for the advice of the TC to be forwarded to the Standing Committee (StC). The TC advised to open an IRP case. Following this advice and on the basis of its own assessment of the information provided, the StC decided to open a case in April 2014.

Actions (2014-2015)

On 22 March 2012, the Chair of the AEWA Standing Committee, Mr. Øystein Størkersen sent a letter to H.E. Sigurður Ingi Jóhannsson, Minister for the Environment and Natural Resources expressing concerns, requesting official information on the issue, informing about the StC decision to open a case and offering an on-the-spot assessment mission. The letter was copied to the Ramsar and Bern Convention Secretariats, as well as the CAFF Secretariat, considering in particular that the Bern Convention Standing Committee has taken an interest in this issue since 2001.

On 10 July 2014, the Director General of the Department of Land and Natural Heritage in the Ministry for the Environment and Natural Resources, Mr. Jón Geir Pétursson sent an electronic message to the AEWA Secretariat confirming the receipt of the letter, welcoming an on-the-spot assessment mission, requesting the background information that triggered the opening of the case and designating a corresponding focal point at their end.

In August, the Secretariat provided the Icelandic Ministry with the requested background information and prompted submission of further official information from the Ministry and in mid-September 2014 the Secretariat received from the Ministry their response to the Bern Convention Standing Committee.

In mid-January 2015, after a consultation with the Secretariats of the Ramsar and Bern Conventions and of CAFF, the Secretariat sent draft Terms of reference for an AEWA IRP on-the-spot assessment mission to be undertaken in conjunction the Ramsar Convention, the Bern Convention and CAFF, to the Ministry.

During the course of January and later in March 2015, there was an exchange and consultation between the Secretariat and the Ministry on the draft ToR and the tentative dates for the IRP mission were set for 21-25 September 2015.

In May 2015, the Ministry informed the Secretariat that since the IRP mission involves other MEAs as well, they would like to undertake separate consultations with them. The Secretariat provided the Ministry with contact details for the Ramsar, Bern and Caff Secretariats for this purpose.

On 1 September 2015, the Secretariat received a revised version of the ToR from the Ministry, narrowing the scope and objectives of the mission and also limiting the role of other frameworks by excluding the Ramsar Convention and CAFF.

Actions 2016-2018

Following MOP6, the UNEP/AEWA Secretariat concluded the negotiations on the mission's ToR and it was finally agreed with the Ministry of Environment and Natural Resources in early January 2016.

At the end of January 2016, the dates of the mission were identified and confirmed, and the preparatory work commenced, which included convening the mission team, obtaining background information, undertaking preliminary consultations and other activities, as necessary.

The mission took place as planned on 23-27 May 2016 and was ably hosted by the Ministry of Environment and Natural Resources. The mission team had the chance to meet with a variety of national stakeholders and hold interviews with them. A wealth of additional information was obtained, which resulted in a very comprehensive report. The mission report was consulted with the Ministry and eventually agreed and published on 19 October 2016.

This was a joint mission with the Bern Convention which has been involved in the issue at stake for several years before the AEWA IRP case. The report was published on the website of both treaties.

The mission report confirmed that the perceived risks of incompatibility between Iceland's forestry policy and its AEWA obligations are valid and formulated a set of recommendations to address them.

Based on the mission report, the Bern Convention Standing Committee issued its recommendations to the Government of Iceland at its 36th Meeting on 15-18 November 2016. The same set of recommendations was issued by the AEWA Standing Committee at its 12th meeting on 31 January – 01 February 2017, which allowed for a continued alignment of the process between the two Standing Committees.

The recommendations were formally submitted by the UNEP/AEWA Secretariat to the Ministry of Environment and Natural Resources in early April 2017, which recommendations were already submitted by the Bern Convention Secretariat in November 2016.

The first action and step to operationalize the implementation of the recommendation was the submission by the Ministry to the Standing Committee of an implementation schedule and programme of work. These were submitted by the Ministry to the UNEP/AEWA Secretariat in early May 2017. The Standing Committee reviewed the submission and in mid-May 2017 a set of comments was sent to the Ministry with the request to further elaborate on certain parts and resubmit a revised version.

A response from the Ministry was received in early November 2017 without submitting a revised version of the implementation schedule and programme of work. In early December 2017 the request of the Standing Committee was reiterated, and a deadline of 15 December was set to submit the revision as well as the first progress report on the implementation of the recommendations.

A response from the Ministry for the Environment and Natural Resources to the StC comments and request for submission of a revised implementation schedule and programme of work was received only on 26 September 2018. No report on the implementation of the recommendations was submitted to date.

On 27 November 2018 the Standing Committee sent through the AEWA Secretariat a letter to the Ministry for the Environment and Natural Resources in which it reiterated some of its earlier comments, submitted further comments and requested a revised proposal for a schedule and programme of work. Two years after the recommendations were agreed by the Bern Convention Standing Committee and reiterated by the AEWA Standing Committee two months later, there is still no clear and agreed implementation plan for these recommendations.

Update 2019-2021

Since February 2019 the Secretariat has been working closely with the Ministry for the Environment and Natural Resources on guiding them in addressing the points raised by the Standing Committee. While no clear revised implementation schedule and programme of work was ever submitted, on 02 December 2019 the

Ministry submitted a report on the activities undertaken in response to the StC recommendations. This report was shared with the Bern Convention Secretariat.

In advance of the 16th meeting of the Standing Committee on 4-6 May 2021 and updated progress report was requested. No report has been submitted to date.

In early June 2021 the Chair of the Standing Committee received a letter from Fuglavernd (BirdLife Iceland) alerting of concerns over the implementation of the StC recommendations and in particular about the misalignment of the draft Nation-wide Plan for Forestry (NWPF) with StC recommendations. The StC Chair sent a letter to the Minister requesting a detailed progress report also addressing these new points of concern. No response and no progress report have been received to date.

Follow-up

The Ministry for the Environment and Natural Resources is to provide a detailed progress report including addressing the concerns raised over the misalignment of the draft Nation-wide Plan for Forestry with the StC recommendations.

IRP Case Number: 5	Status: Closed <i>(The Standing Committee closed this case after receiving a report from the United Kingdom that they have removed the Greenland White-fronted Goose from the list of huntable species in England and Wales, thus establishing complete statutory protection from hunting across the UK.)</i>	
Party: United Kingdom of Great Britain and Northern Ireland	Year opened: 2017	Year closed: 2020
Issue: Hunting of the Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)		
Official correspondence:		
12 September 2017 – letter from the UNEP/AEWA Secretariat to the Department for Environment, Food and Rural Affairs (<i>informing of the IRP case and submitting the inquiry of the StC</i>);		
31 January 2018 – letter from DEFRA to the UNEP/AEWA Secretariat (<i>providing information in response to StC’s inquiry</i>);		
29 June 2018 – letter from the UNEP/AEWA Secretariat to DEFRA (<i>informing of the StC’s conclusions and submitting their recommendation to the UK Government as well as requesting a plan and timeline for implementing them</i>);		
14 November 2018 – letter from DEFRA to the UNEP/AEWA Secretariat (<i>confirming that the UK Government will follow the recommendations of the StC and will aim at legislating on this issue by the end of 2019</i>);		
26 November 2018 – letter from the UNEP/AEWA Secretariat to DEFRA (<i>conveying the congratulations of the StC on the commitment to act and follow the recommendations, requesting regular updates and a written report on the progress in mid-2019 and offering assistance from the Secretariat as needed</i>).		
04 December 2019 – progress report from DEFRA to the UNEP/AEWA Secretariat (<i>confirming that the removal of the Greenland White-fronted Goose from the list of huntable species in England and Wales has been scheduled, but delayed due to extraordinary General Elections</i>)		
27 May 2020 – letter from DEFRA to the UNEP/AEWA Secretariat (<i>informing that the Greenland White-fronted Goose has been removed from the Wildlife & Countryside Act as a huntable species in England and Wales and thus having full statutory protection across the UK</i>)		
10 July 2020 – letter from the Standing Committee Vice-chair to DEFRA (<i>notifying that the IRP case has been closed by the Standing Committee</i>)		
On-the-spot assessment mission(s): n/a		
Mission report(s): n/a		
Party report(s): 04 December 2019		

Case trigger

At the beginning of June 2017, the UNEP/AEWA Secretariat received a Possible IRP Case Information Sheet from the Greenland White-fronted Goose Study with the support of the Royal Society for the Protection of Birds, the Wildfowl & Wetlands Trust and the Welsh Ornithological Society.

The issue concerned the legal status of the Greenland White-fronted Goose (*Anser albifrons flavirostris*) in the UK, which is listed in Category 2* of Column A of Table 1 in AEWA's Annex III. As such, the population can be hunted only under the provisions on an International Single Species Action Plan (ISSAP) which strives to implement the principles of adaptive harvest management. The ISSAP for this population was adopted by MOP5 in 2012 and makes no provision for hunting, on the contrary, it prescribes introducing and/or maintaining protection from hunting throughout the year.

While the Greenland White-fronted Goose is protected in Scotland, it is listed as a huntable species under the domestic legislation in Wales and England.

The submitter considered the UK to be non-compliant with AEWA, particularly with respect to:

- Article 2.1 – failure to take all measures to restore the population to favourable conservation status;
- Article 2.2 – failure to adopt a precautionary approach to the conservation of the population;
- Article 3.2a – failure to accord strict protection for an endangered migratory waterbird; and
- Article 4.1a – failure to implement key provisions of AEWA's Action Plan notably with respect to provisions of legal protection (para 2.1.1) and development of a system of hunting bag monitoring (para 4.1.3).

Consultations

The Secretariat uploaded the Information Sheet received on the Technical Committee (TC) Workspace and requested for the advice of the TC. The TC advised to forward to the Standing Committee (StC) and to open an IRP case. Following this advice and on the basis of its own assessment of the information provided, the StC decided to open a case and send an inquiry to the Department for Environment, Food and Rural Affairs (DEFRA) at the end of August 2017.

Actions 2017-2018

In mid-September 2017, the UNEP/AEWA Secretariat submitted a letter to DEFRA submitting the inquiry of the StC and requesting information and clarifications in response to the claims made by the submitter.

The response from DEFRA was received at the end of January 2018. This information was rigorously examined by the StC and their conclusions and recommendations were submitted by the UNEP/AEWA Secretariat to DEFRA in the end of June 2018.

The StC noted the efforts made for the conservation of the population of the Greenland White-fronted Goose in the United Kingdom but considered that a voluntary moratorium on hunting is insufficient to meet the UK's obligations under paragraph 2.1.1 of the AEWA Action Plan. In the communication submitted in June 2018, the StC made recommendations on addressing this situation. A plan and timeline for implementing the recommendations have also been requested from DEFRA.

On 14 November 2018 DEFRA sent a letter informing that the recommendations have been accepted and the government will legislate in order to introduce a prohibition on the taking and killing of the Greenland White-fronted Goose, which action is to be implemented towards the end of 2019.

The StC sent a letter to DEFRA through the UNEP/AEWA Secretariat on 26 November 2018 congratulating the UK Government on the commitment to act and follow the recommendations, requesting regular updates and a written report on the progress in mid-2019 as well as offering assistance from the Secretariat as needed.

Update 2019-2021

In early December 2019 DEFRA submitted a short progress report confirming that the removal of the Greenland White-fronted Goose from the Wildlife & Countryside Act as huntable species in England and Wales has been scheduled, but delayed due to extraordinary General Elections.

In the end of May 2020 a letter from DEFRA was submitted to inform the Standing Committee that the legislative amendment to the Wildlife & Countryside Act has taken place and that the Greenland White-fronted Goose is having a full statutory protection across the UK.

The Standing Committee reviewed this notification and decided to close the IRP case. A letter by the StC Vice-chair was submitted to DEFRA to inform them of the decision.

Follow-up

The IRP case has been closed and no follow up is expected.

IRP Case Number: 6	Status: Ongoing <i>(The Standing Committee to keep monitoring the case and receive regular updates from France)</i>	
Party: France	Year opened: 2019	Year closed: n/a
Issue: Hunting of the Eurasian Curlew (<i>Numenius arquata</i>)		
Official correspondence:		
02 December 2019 – letter from the Chair of the Standing Committee to the Ministry of Ecological Transition (<i>informing of the opening of the IRP case, stating that having an open hunting season before there was an adaptive harvest management programme in place in the framework of the International Single Species Action Plan would constitute non-compliance and submitting the inquiry of the StC</i>);		
17 January 2020 – letter from the Director of Water and Biodiversity, Mr Olivier Thibault (Ministry of Ecological Transition) to the UNEP/AEWA Secretariat (<i>providing information in response to StC’s inquiry</i>);		
27 April 2020 – letter from the Chair of the Standing Committee to the Ministry of Ecological Transition (<i>requesting confirmation that the hunting season for autumn/winter 2020-2021 will remain closed while the adaptive harvest management programme is being developed</i>);		
26 May 2020 – letter from the Director of Water and Biodiversity, Mr Olivier Thibault (Ministry of Ecological Transition) to the UNEP/AEWA Secretariat (<i>confirming that the hunting season for autumn/winter 2020-2021 will remain closed</i>)		
On-the-spot assessment mission(s): n/a		
Mission report(s): n/a		
Party report(s): n/a		

Case trigger

At the beginning of August 2019, the UNEP/AEWA Secretariat received a Possible IRP Case Information Sheet from the International Wader Study Group (IWSG).

The submitter considered that France was non-compliant with obligations under Section 2 of the Agreement’s Action Plan (Annex 3 to the Agreement), including with respect to the International Single Species Action Plan (ISSAP) for the Conservation of the Eurasian Curlew regarding the hunting of species.

The submitter drew attention to the fact that according to the ISSAP for the Eurasian Curlew any harvest of the species, if undertaken, has to be demonstrably sustainable. However, they pointed that France:

- (i) has not adopted any Adaptive Harvest Management (AHM) Plan, nor any reporting tools for recording hunting bags and taken individuals;

- (ii) has not adopted any measures aimed at limiting the impact of hunting on this species such as a hunting moratorium whilst a flyway AHM process is established;
- (iii) has not developed any study aimed at quantitatively assessing the approximate scale and scope of potential Curlew hunting in France (such as would allow hunting sustainability to be objectively assessed).

Consultations

The Secretariat uploaded the Information Sheet received on the Technical Committee (TC) Workspace and requested for the advice of the TC. The TC advised to forward to the Standing Committee (StC) and to open an IRP case. Following this advice and on the basis of its own assessment of the information provided, the StC decided at the beginning of October 2019 to open a case and send an inquiry to the Ministry of Ecological Transition of France.

Actions 2019-2021

At the beginning of December 2019, the Chair of the Standing Committee submitted a letter to the Ministry of Ecological Transition informing of the open case and that the information provided by the IWSG suggested non-compliance by the French Government with AEWA obligations with respect to the Eurasian Curlew (*Numenius arquata*) particularly in relation to Article IV.1(a) of AEWA – non-implementation of AEWA Action Plan provisions, particularly paragraph 2.1.1 with respect to the conditions for hunting of the Eurasian Curlew. The StC stated that having an open hunting season before there was an adaptive harvest management programme in place in the framework of the International Single Species Action Plan would constitute non-compliance and requested information and clarifications in response to the claims made by the submitter.

The response from the Ministry of Ecological Transition was received in mid-January 2020. This information was examined by the StC and a follow up inquiry was sent by the Chair of the Standing Committee in the end of April 2020 requesting confirmation that the Eurasian Curlew hunting season for autumn/winter 2020-2021 will remain closed while the adaptive harvest management programme is being developed in the framework of the ISSAP for the species.

In the end of May 2020, the Ministry of Ecological Transition confirmed through a letter that the hunting season will remain closed for the autumn/winter of 2020-2021.

In advance of the 16th meeting of the Standing Committee an update was requested through the Secretariat. The Ministry of Ecological Transition replied that at present there is a complete hunting ban across France based on a decision of the Supreme Administrative Court in the country.

Follow-up

The Standing Committee will continue monitoring the development of the case and will be requesting for regular updates by France.

IRP Case Number: 7	Status: Ongoing <i>(The Secretariat to advance the preparation of Terms of Reference for an on-the-spot appraisal mission and convene a mission, resources permitting)</i>	
Party: Kenya	Year opened: 2019	Year closed: n/a
Issue: Power line construction at Lake Elmenteita		
Official correspondence: 28 January 2020 – letter from the Chair of the Standing Committee to Kenya Wildlife Service <i>(informing of the opening of the IRP case and submitting the inquiry of the StC)</i> ; 29 April 2020 – letter from the KWS Director General Mr John M. Waweru to the UNEP/AEWA Secretariat <i>(providing information to the attention of the StC)</i> ; 20 July 2020 – letter from the Chair of the Standing Committee to the KWS Director General Mr John M. Waweru <i>(requesting further information and proposing an IRP on-the-spot appraisal mission)</i> ; 03 September 2020 – letter from the KWS Director General Mr John M. Waweru to the UNEP/AEWA Secretariat <i>(providing additional information as requested by the StC and accepting an IRP on-the-spot appraisal mission)</i> .		
On-the-spot assessment mission(s): n/a		
Mission report(s): n/a		
Party report(s): n/a		

Case trigger

In the end of November 2019, the UNEP/AEWA Secretariat received a Possible IRP Case Information Sheet from WildlifeDirect Kenya.

The issue concerned the construction of a 202kV transmission power line through Lake Elmenteita, which has been designated as a Ramsar Site under the Ramsar Convention, a World Heritage Site under the World Heritage Convention and is categorised as an Important Bird Area by BirdLife International. Lake Elmenteita has also been recognised as a Critical Site for AEWA species hosting large numbers of several species, such as Greater and Lesser Flamingos (*Phoenicopterus roseus* and *Phoeniconaias minor*), including the largest breeding colony of the Great White Pelican (*Pelecanus onocrotalus*) in Africa. Some of these species are known to be susceptible to power line collision.

The submitter considered that Kenya is non-compliant with several provisions of AEWA, including Article III.2(c) on the identification, protection and management of sites for migratory waterbirds.

Consultations

The Secretariat uploaded the Information Sheet received on the Technical Committee (TC) Workspace and requested for the advice of the TC. The TC advised to forward to the Standing Committee (StC) and to open an IRP case. Following this advice and on the basis of its own assessment of the information provided, at its 15th Meeting in December 2019 the StC decided to open a case and send an inquiry to Kenya Wildlife Service.

Actions 2019-2021

In the end of January 2020, the Chair of the Standing Committee submitted a letter to Kenya Wildlife Service (KWS) informing of the opening of the case and that the information provided by WildlifeDirect Kenya leads to the suggestion that the powerline construction can be considered non-compliance Article III.2(c) of the Agreement and paragraph 3.2 of its Annex 3 (Action Plan). The StC requested information and clarifications from KWS. This letter and the follow up correspondence were copied to the Secretariats of the Convention on Migratory Species, the Ramsar Convention and the World Heritage Convention as well as UNEP Headquarters.

The response from KWS of the end of April 2020 provided some information on the history of the construction project and the various assessments that it has been subjected to.

A follow up letter from the Chair of the Standing Committee of the end of July 2020 requested further information, in particular copies of the original Environmental Impact Assessment (EIA) and other publicly available documentation related to the EIA procedure, as well as the report from the recent joint Rapid Ecological Assessment. The Standing Committee also proposed an IRP on-the-spot appraisal mission led by the UNEP/AEWA Secretariat to visit Kenya to meet with the respective authorities and other stakeholders to discuss the EIA and more recent REA findings as well as examine the project site.

In their response of the beginning of September 2020, KWS provided copies of the assessment requested and confirmed their acceptance of an on-the-spot appraisal mission.

Following this latest communication from KWS, the UNEP/AEWA Secretariat initiated the development of Terms of Reference for the mission and this process approached the other relevant convention (CMS, Ramsar, WHC) to explore the possibility of a joint mission. The response was overall positive and the other MEAs, as well as UNEP, expressed interest in joining as observers to the mission.

Due to the COVID-19 pandemic circumstances and inability to undertake the mission in the foreseeable future, as well as due to the overall capacity shortage at the Secretariat, the development of the mission ToR has not been finalised yet.

Follow-up

The Secretariat to advance the preparation of the on-the-spot appraisal mission Terms of Reference in consultation with KWS and the other relevant MEAs and UNEP and convene a mission, resources permitting.

IRP Case Number: 8	Status: Ongoing (The Secretariat to update and send out the official letter from the AEWA StC to the Government of Tunisia to request for the joint RAM-IRP mission and to liaise with the Ramsar Secretariat, the Government of Tunisia and other involved partners to advance preparations of the joint RAM-IRP field mission, resources permitting)	
Party: Tunisia	Year opened: 2020	Year closed: n/a
Issue: Urban development at Sebkhet Sejoumi		
Official correspondence: n/a		
On-the-spot assessment mission(s): n/a		
Mission report(s): n/a		
Party report(s): n/a		

Case trigger

In the end of November 2018, the UNEP/AEWA Secretariat was copied on correspondence from the BirdLife Partner in Tunisia, “Association Les Amis des Oiseaux” (AAO) and “Association Réseau Enfants de la Terre” (RET) addressed to the Tunisian Minister of Agriculture, Water Resources and Fisheries, raising concerns regarding orientation provided by the study on a development project for Sebkhet Sejoumi.

The issue concerned an urban development plan for this site, initiated by the Tunisian Ministry of Equipment, Housing and Territorial Development (MEHAT) in 2015, with potential negative impacts on the ecological character of the site.

Sebkhet Sejoumi is officially designated as a wetland of international importance (Ramsar Site), an Important Bird and Biodiversity Area (IBA) and a Key Biodiversity Area (KBA). It is also identified within the Critical Site Network as being of importance for populations of the Common Shelduck (*Tadorna tadorna*), Northern Shoveler (*Spatula clypeata*) and Greater Flamingo (*Phoenicopterus roseus*) under AEWA. In addition to the importance of the site for a rich diversity of flora and fauna, it is of paramount importance for the control of the floods of the surrounding wadis and the prevention of flooding of the surrounding districts. On the other hand, the developments and modifications which have already taken place in the other wetlands of Greater Tunis, for example the Lake of Tunis and the Sebkhet Ariana, have already reduced the availability of sites to accommodate the tens or even hundreds of thousands of waterbirds that once depended on this region. Sebkhet Sedjoumi therefore remains as one of the last refuges for waterbirds in this region, underlining its importance for the conservation of its ecological character.

Based on the 2015 urban development plan initiated by MEHAT, an initial identification of options for the development of the site was conducted and the preferred option retained by MEHAT subject to an Environmental Impact Assessment. According to the information submitted, activities on backfilling of the site were already initiated, and the proposed developments have the potential to result in negative impacts on the ecological character, balance and functioning of the site, thereby compromising its suitability to provide the current needed ecological services for the benefit of the environment and the survival of the current and

future human populations that depend on the site, whereby the site would no longer fulfil the criteria for its qualification as an IBA, Ramsar Site or CSN Site. AAO and RET considered this scenario to inevitably lead to non-compliance with the Tunisian Government's commitments towards international treaties including Ramsar and AEWA to ensure the protection of migratory waterbirds especially during crucial periods of their lifecycle, including migration, wintering, and breeding.

This case file relates to non-compliance with the provisions set out in Article III.2(c) of the Agreement and paragraph 3.2 of the AEWA Action Plan relating to the identification, sustainable management and conservation of sites of importance for waterbird populations covered by AEWA, as well as Article III.2(e) of the Agreement regarding the review of human activities having a negative or potentially negative impact on these waterbird populations and their sites / habitats.

Consultations

This issue was discussed briefly at the 15th meeting of the AEWA Technical Committee (TC) in April 2019 and further deliberated upon on the TC Workspace in January 2020, whereby the TC advised to proceed with recommending opening an IRP case in collaboration with the Ramsar Secretariat as part of the Ramsar Advisory Mission (RAM) which was already being prepared for the site. This recommendation was subsequently endorsed by the AEWA Standing Committee in January 2020, based on which correspondence was initiated with the Government of Tunisia and the Ramsar Secretariat for the planning and organisation of the joint RAM-IRP for Sebkheth Sejoumi.

Actions 2020-2021

On 21 January 2020, an email was sent from the UNEP/AEWA Secretariat to the AEWA National Focal Point (NFP) for Tunisia informing of the up-coming AEWA IRP request (which was then under consideration by the AEWA TC and StC), to be conducted jointly with the already approved RAM. A follow-up phone call between the UNEP/AEWA Secretariat and AEWA NFP in Tunisia resulted in their confirmation for proceeding with proposed joint RAM-IRP mission. In follow-up, an official letter from the AEWA Standing Committee to the Tunisian Government was drafted, but unfortunately was not submitted during the period of transition to the COVID-19-related lockdown in early 2020.

In February 2020, the UNEP/AEWA Secretariat proceeded with working with the Ramsar Secretariat, the Government of Tunisia and other relevant partners for the planning and organisation of the joint RAM-IRP mission. The draft ToR for the joint RAM/IRP were prepared by the Ramsar and UNEP/AEWA Secretariats in collaboration with the Government of Tunisia and other stakeholders including AAO, BirdLife International, WWF North Africa, Tour du Valat, etc.

From February to October 2020, further planning and organisation for the joint mission continued, including through various email correspondences as well as one teleconference between the two Secretariats (4 February 2020) and another involving both Secretariat as the involved partners (12 March 2020).

Upon request, the Tunisian Government (in collaboration with AAO), provided the Ramsar and UNEP/AEWA Secretariats with information on the waterbirds that use the site, as well as information on the proposal for the urban development project as well as the first phase of the development and management plan for the site.

Based on the agreed and approved ToR, the RAM-IRP on-the-spot appraisal mission was initially planned for March 2020. However, it was postponed to September 2020 and eventually to an unknown future date due to COVID-19 travel restrictions. Some funding had however been secured from the Critical Ecosystem Partnership Fund (CEPF) to be provided via Tour du Valat, to cover fees and travel for consultants/experts to

be hired for the joint RAM-IRP mission. Meanwhile, AAO pledged to cover local transportation costs for the mission. Funding to cover the participation of a representative from the UNEP/AEWA Secretariat is yet to be secured.

Follow-up

The Secretariat to:

- Update and send the official letter from the StC to the Government of Tunisia to request for the joint RAM-IRP mission;
- Liaise with the Ramsar Secretariat, the Government of Tunisia and other involved partners to advance preparations of the joint RAM-IRP field mission, resources permitting.

IRP Case Number: 9	Status: Ongoing <i>(The Government of Portugal to respond to the latest letter of the Standing Committee of July 2020 and provide requested information)</i>	
Party: Portugal	Year opened: 2020	Year closed: n/a
Issue: Airport development at Tagus estuary		
Official correspondence: 04 February 2020 – letter from the Chair of the Standing Committee to the Institute on Nature Conservation and Forests <i>(informing of the opening of the IRP case and submitting the inquiry of the StC)</i> ; 04 June 2020 – email message from the Chairman of the Governing Council of the Institute on Nature Conservation and Forests Mr Nuno Miguel S. Banza to the Chair of the Standing Committee and the UNEP/AEWA Secretariat <i>(providing short information on the project and the compensation measures prescribed by the Institute)</i> ; 20 July 2020 – letter from the Chair of the Standing Committee to the the Chairman of the Governing Council of the Institute on Nature Conservation and Forests Mr Nuno Miguel S. Banza <i>(requesting further information and proposing an IRP on-the-spot appraisal mission)</i> .		
On-the-spot assessment mission(s): n/a		
Mission report(s): n/a		
Party report(s): n/a		

Case trigger

In the end of December 2019, the UNEP/AEWA Secretariat received a Possible IRP Case Information Sheet from SPEA (BirdLife International’s partner in Portugal), CESAM/UA - Centre for Environmental and Marine Studies / University of Aveiro and MARE/ISPA - Marine and Environmental Sciences Centre / Institute of Applied Psychology.

The issue concerned the expansion of the existing Montijo Air Base, located in the estuary of the River Tagus, into a commercial civil airport. Part of Tagus estuary has been designated as a Ramsar Site under the Ramsar Convention, as a Special Protection Area under the EU Birds Directive and is categorised as an Important Bird Area by BirdLife International. The estuary has also been recognised as a Critical Site for AEWA species being one of the most important sites along the East Atlantic Flyway during different stages of the annual cycle for 17 migratory waterbird species.

The submitter considered that the new airport located near the geographical centre of the Tagus estuary will cause a very high level of disturbance to several thousand waterbirds that depend on these areas as foraging and roosting locations. Furthermore, the foreseeable urban development of the nearby areas (due to the development of multiple airport services, e.g. parking, transportation hubs, etc.) will pose an additional pressure to both the intertidal and supratidal habitats of this wetland. They also expressed concerns about deficiencies in the Environmental Impact Assessment developed for this infrastructure project.

Consultations

The Secretariat uploaded the Information Sheet received on the Technical Committee (TC) Workspace and requested for the advice of the TC. The TC advised to forward to the Standing Committee (StC) and to open an IRP case. Following this advice and on the basis of its own assessment of the information provided, in the end of January 2020 the StC decided to open a case and send an inquiry to the Institute on Nature Conservation and Forests in Portugal which is the National AEWAs Administrative Authority.

Actions 2020-2021

In the end of January 2020, the Chair of the Standing Committee submitted a letter to the Institute on Nature Conservation and Forests (INCF) informing of the opening of the case and referring to the obligations of AEWAs Contracting Parties under Article III.2(c) of the Agreement and paragraph 3.2 of its Annex 3 (Action Plan) in the light of which developing Montijo airport could be considered as non-compliance by the Government of Portugal with the provisions under AEWAs in relation to the conservation of key sites of importance for migratory waterbirds. The StC requested information and clarification from INCF. This letter and the follow up correspondence were copied to the Secretariats of the Convention on Migratory Species and the Ramsar Convention well as the European Commission.

In their response of the beginning of June 2020, INCF briefly explained that in the course of the Environmental Impact Assessment procedure the situations that may potentially have negative impacts on the ecological character of the site have been identified and they will be monitored and minimized, both during the construction phase or when the airport is in operation. They further clarified that INCF has issued a favourable opinion to the project, conditional on the implementation of some 160 measures of compensation and mitigation.

In the follow up letter of the end of July 2020, the Chair of the Standing Committee requested further information, in particular copy of the Environmental Impact Assessment (EIA) and other publicly available documentation related to the EIA procedure. The Standing Committee also proposed an IRP on-the-spot appraisal mission led by the UNEP/AEWAs Secretariat to visit Portugal to meet with the respective authorities and other stakeholders to discuss the EIA and examine the project site. This letter was in addition copied to the Bern Convention Secretariat in view of the suggested possibility for a joint mission with the Bern Convention and the Ramsar Convention.

At the time of writing, despite the repeated reminders, no acknowledgment or other feedback has been received to date from INCF.

Follow-up

INCF is expected to respond to the latest letter of the Standing Committee of July 2020 and provide requested information.

IRP Case Number: 10	Status: Ongoing (<i>The StC to review the information provided by Germany and submit a response</i>)	
Party: Germany	Year opened: 2020	Year closed: n/a
Issue: Conservation of the Bewick's Swan (<i>Cygnus columbianus bewickii</i> , Northwestern European Population) in Germany		
Official correspondence: 26 March 2021 – letter from the Chair of the Standing Committee to the Federal Ministry of the Environment, Nature Conservation and Nuclear Safety (<i>informing of the opening of the IRP case and submitting the inquiry of the StC</i>); 28 May 2021 – email message from the AEWAs National Focal Point at the Federal Ministry of the Environment, Nature Conservation and Nuclear Safety Mr Oliver Schall to the Chair of the Standing Committee and the UNEP/AEWA Secretariat (<i>providing further information</i>).		
On-the-spot assessment mission(s): n/a		
Mission report(s): n/a		
Party report(s): n/a		

Case trigger

In mid-July 2020, the UNEP/AEWA Secretariat received a Possible IRP Case Information Sheet from BUND – Friends of the Earth Germany.

The submitter considered that Germany is in non-compliance of AEWAs obligations with respect to the conservation of the Bewick's Swan *Cygnus columbianus bewickii*, Northwestern European population, notably with respect to:

- Article 3.2(c): failure to ensure adequate protection of sites;
- Article 3.2(e): failure to investigate problems that are posed or are likely to be posed by human activities and endeavour to implement remedial measures;
- Article 4.1(a): failure to implement key provisions of AEWAs Action Plan, notably with respect to the provisions on species protection (2.1.1(b)), the provisions on the conservation of areas (3.2) and the provisions on limiting human disturbance (4.3).

The issue of concern is related primarily to two sites in the federal state of Schleswig-Holstein (one of which is a Special Protection Area under the EU Birds Directive and the other one is a Special Area of Conservation under the EU Habitats Directive) and their surroundings which are under multiple impacts, including major infrastructure developments as well as insufficient protection of the key feeding and roosting areas used by the swans.

The area is reported to regularly hold internationally significant numbers of the Bewick's Swan population.

Consultations

The Secretariat uploaded the Information Sheet received on the Technical Committee (TC) Workspace and requested for the advice of the TC. The TC advised to forward to the Standing Committee (StC) and to open an IRP case. Following this advice and on the basis of its own assessment of the information provided, in the end of September 2020 the StC decided to open a case and send an inquiry to the Federal Ministry of the Environment, Nature Conservation and Nuclear Safety.

Actions 2020-2021

At the beginning of April 2021, the Chair of the Standing Committee submitted a letter to the Federal Ministry of the Environment, Nature Conservation and Nuclear Safety informing of the opening of the case and pointing that amongst the issues of possible non-compliance cited by the submitter, the Technical Committee has focussed attention particularly on compliance with paragraph 3.2.2 of the AEWA Action Plan (Annex 3 to the Agreement), i.e. "*Parties shall endeavour to give special protection to those wetlands which meet internationally accepted criteria of international importance*". The StC requested information and clarification from the Ministry.

The Federal Ministry of the Environment, Nature Conservation and Nuclear Safety submitted a response and information in the end of May 2021. At the time of writing this submission had not been reviewed yet by the StC. Due to the capacity shortage at the Secretariat, it has not been able to further support the StC in addressing this case.

Follow-up

The StC is expected to review the information provided by Germany and submit a response.