Council Decision (EU) 2020/1830 of 27 November 2020 on the position to be taken on behalf of the European Union at the 40th meeting of the Standing Committee of the Convention on the conservation of European wildlife and natural habitats (Bern Convention)

COUNCIL DECISION (EU) 2020/1830

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Convention on the conservation of European wildlife and natural habitats ('the Convention') was concluded by the Union by Council Decision 82/72/EEC[(1)] and entered into force on 1 September 1982.

(2) Pursuant to the Convention, the Standing Committee set up by the Convention ('the Standing Committee') may adopt amendments to Articles 13 to 24 of the Convention for submission to the Committee of Ministers of the Council of Europe ('the Committee of Ministers') for approval and, subsequently, to the Contracting Parties ('Parties') for acceptance.

(3) Pursuant to the Convention, the Standing Committee is responsible for following the application of the Convention and may, in particular, make any proposals for improving the effectiveness of the Convention.

(4) During its 40th meeting, from 30 November to 4 December 2020, the Standing Committee is to adopt decisions on the amendment of the Convention in order to introduce financial clauses and on the establishment of an enlarged partial agreement concerning the fund for the implementation of the Convention.

(5) It is appropriate to establish the position to be taken on the Union's behalf in the Standing Committee, as its decisions are acts having legal effects.

(6) The Secretariat of the Convention ('the Secretariat') has presented a proposal to amend the Convention to introduce a financial mechanism whereby the Standing Committee would determine a scale of obligatory financial contributions from Parties to complement the ordinary budget allocation of the Council of Europe.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/1830. (See end of Document for details)*

(7) Under the Convention, amendments to the Convention are first to be approved by the Committee of Ministers and subsequently enter into force for all Parties on the thirtieth day after all the Parties have notified acceptance.

(8) The Secretariat has also presented a proposal to strengthen intergovernmental cooperation for the implementation of the Convention through the establishment of an enlarged partial agreement, which would include an obligatory financial contribution for the Parties to that enlarged partial agreement.

(9) In accordance with the Statute of the Council of Europe and the Guide of the Committee of Ministers of the Council of Europe on Procedures and Working Methods, following a decision by the Standing Committee, the proposed enlarged partial agreement would come into force for all parties to that agreement after adoption by the Committee of Ministers by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the Committee of Ministers and after a threshold of signatories has been achieved.

(10) Once the proposed enlarged partial agreement is adopted, it will be for the Parties to the Convention to decide whether they will become a party to it.

(11) This Decision is without prejudice to any future decision of the Council on the appropriateness of the Union becoming a party to the proposed enlarged partial agreement.

(12) Considering the decrease in financing provided through the ordinary contribution of the Council of Europe, as well as the decrease in voluntary contributions by the Parties, there is a pressing need to establish a secure and reliable source of financing for the functioning of the Convention.

(13) An amendment of the Convention to introduce a financial mechanism aligns with how other multilateral environmental agreements are financed and would ensure a fair contribution by all Parties. However, the text of the amendment as proposed by the Secretariat leaves uncertainty with regard to the financial mechanism to be established, particularly with regard to the distinction between core and programmatic budgets, and with regard to the level of contributions to be required.

(14) Union support for an amendment of the Convention to introduce a financial mechanism would be subject to the procedure set out in Article 218, paragraphs 2 to 4 of the Treaty on the Functioning of the European Union.

(15) The considerable length of time required for negotiation and entry into force of an amendment to the Convention indicates the need for a more immediate financial solution to enable the Convention to continue functioning effectively in the interim. That need would be met through the proposed enlarged partial agreement.

(16) Therefore, the position of the Council should be to propose a motion to postpone a decision on the amendment to the Convention and to support the establishment of an enlarged partial agreement,

HAS ADOPTED THIS DECISION: