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PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT • PROGRAMA DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE  
ПРОГРАММА ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ПО ОКРУЖАЮЩЕЙ СРЕДЕ



WG-CSUBLD-7  
27 March 2007

## First meeting of the Working Group on conservation and sustainable use of biological and landscape diversity

26-27 March 2007, Vienna, Austria

### First Meeting of the Carpathian Convention Working Group on conservation and sustainable use of biological and landscape diversity

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VIC, Vienna, Austria

#### MINUTES OF THE MEETING

##### Day One, Session I

1. The First Meeting of the Carpathian Convention Working Group on conservation and sustainable use of biological and landscape diversity (further referred to as Biodiversity WG) was opened on the 26<sup>th</sup> of March 2007, 2:00 p.m., by Igor Ivanenko, Ministry of Environmental Protection of Ukraine. Harald Egerer, Secretary, UNEP Vienna ISCC, welcomed the gathering on behalf of the Secretariat. Igor Ivanenko acted as a Chair of the meeting, and Frits Schlingemann, UNEP, as a Co-Chair. The Biodiversity WG adopted a draft agenda with proposed changes and amendments as contained in the meeting documentation (Annex I).
2. The delegates agreed to start the session from the first round of substantive discussion on the draft Protocol on Conservation of Biological and Landscape Diversity (further referred to as Biodiversity Protocol) submitted by Ukraine. Polish delegation proposed to discuss briefly the formal aspects of the establishment and work of the Biodiversity WG.
3. Harald Egerer made a short introduction of the role and nature of WG in the Carpathian Convention process. He reminded that WG was established by COP1/4 Decision para 1 under the Carpathian Convention Implementation Committee (further referred to as CCIM). WG will aim at supporting the Parties to the Carpathian Convention towards their cooperation for the implementation of Article 4 on Conservation and sustainable use of biological and landscape diversity and other related Articles of the Carpathian Convention. Its main goal is to consider and finalize possibly before COP2, the draft Biodiversity Protocol submitted by COP1 to the Biodiversity WG. Pursuant to Decision COP1/4 para 1, Biodiversity WG includes a sub-group on wetlands composed of National Focal Points for the Carpathian and Ramsar Cooperation. According to Decision COP1/4 para 14, the Biodiversity WG is to prepare the terms of reference for the Carpathian Network of Protected



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Areas (CNPA) in consultation with the CNPA Steering Committee, and for the Carpathian Wetlands Initiative (CWI). Further, it was underlined that the Biodiversity WG exists under the Carpathian Convention Implementation Committee (CCIC) – a subsidiary body of the Convention established pursuant to Decision COP1/3 para 4. For the time being, the WG has an informal status and might exist only until COP2 in 2008, unless COP2 will decide to confer it an official status of the subsidiary body. In this connection, the WG will be composed of the national Focal Points of the Carpathian Convention and designated experts, while a vast circle of observers will participate in its session. As to CCIC, its work will be supported by the Secretariat pursuant to Decision COP1/3 para 5, and its meeting will be organized before COP2 aiming at preparatory work to the Second Meeting of the Conference of the Parties and finalization of the outcomes of activities of the six thematic working groups. The Secretariat will prepare the ToRs for CCIC and submit it to the COP1 Bureau. The Rules of Procedure for the Conference of the Parties to the Carpathian Convention will be applied to CCIC meetings mutatis mutandis.

4. In this regard, the Czech Republic proposed to ask the established Bureau of COP1 to act as CCIC. The Czech Republic also remarked that CNPA will exist either independently in a long run or within the Biodiversity WG and that the institutional construction of all Carpathian Convention constituencies should be kept as simple as possible in order to enable a swift implementation of the Convention. Poland mentioned that the Biodiversity WG has to be very realistic regarding its tasks and should act according to its mandate to prepare very concrete proposals to the Biodiversity Protocol and finalize it within a very tight time frame until COP2.
5. Igor Ivanenko, Chair, gave a brief introduction of the draft Biodiversity Protocol submitted by Ukraine. He highlighted its objectives and focused on its most important articles. Further, the Chair encouraged the Parties to provide their comments on and adjustments to the Protocol, stressing that the future document will be a legally binding instrument which should enable direct enforcement of its provisions.
6. Frits Schlingemann, Co-Chair, remarked that the Secretariat hasn't made any changes or remarks to the draft Protocol, and the countries had before them an original document submitted by the Ukrainian Government. UNEP can provide its comments to the Protocol and will submit them to the Biodiversity WG and the COP1 Bureau. For this purpose, Ms. Ivonne Higuero, UNEP ROE expert on biodiversity issues, was invited to the WG's proceedings and will assist the Secretariat in revising and finalizing of the draft Protocol. WG agreed that the Secretariat will take the comments of the countries and will incorporate those inputs to the revised Protocol version. WG should provide its guidance on substantial issues of the Protocol, and in particular, assist in identification of the missing components and principles. In this regard, the meeting reached a common agreement that CNPA as an official tool of the Convention, should find its place in the Protocol, and the CNPA ToRs should become its part.
7. Mircea Verghelet, Chair, CNPA Steering Committee, introduced the ToRs of CNPA submitted by the CNPA Steering Committee to the Biodiversity WG and the Secretariat, and outlined the planned CNPA activities and programme. He stressed that CNPA had benefited a lot from cooperation with the Alpine Network of Protected Areas (ALPARC) and constituted a successful outcome of a long collaboration between the Carpathian countries. Harald Egerer pointed out that pursuant to Decision COP1/a para 15, the Secretariat will service CNPA and its Steering Committee and will coordinate the activities of CNPA together with the Biodiversity WG. In addition, according to Decision COP1/4 para 17, the Secretariat is requested by COP1 to submit through CCIC a report highlighting



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experiences made in the interim phase of CNPA, and a compilation of proposals for a permanent arrangement for CNPA, to COP2.

8. Volker Sasse, Forestry Officer, FAO SEUR, informed the WG on the outcomes of a meeting of the Heads of Forestry held in May 2006 in Budapest, particularly focusing the draft key items proposed by that meeting with regard to potential forest management protocol for the Carpathian region. He reminded that the meeting reassured a need for a better coordination of forest management related policies, particularly forestry as well as conservation of the biological and landscape diversity, but also hunting, ecotourism etc. He remarked that the forestry policy framework is a missing component of the draft Protocol. Internal discussions with forestry and biodiversity experts led to the proposal to integrate forestry issues into the Protocol, considering the links between “forestry” (Article 7 of the Convention) and “biodiversity” (Article 4 of the Convention) components. In order to reflect the forestry component in the title of the Protocol, the Officer proposed as a working title “Conservation and management of biological, forest and landscape diversity” and suggested to structure the substantial parts of the common protocol by policy areas (e.g. biodiversity, landscape, forestry), structuring them further into specific “objectives”, “policy statements”, “tools for implementation”. The WG discussed the proposal and recommended to ask FAO SEUR to submit to the Secretariat the proposals on forest management component.
9. The Czech Republic mentioned that it would refrain from trying to encompass all issues, e.g. forest management, in one protocol, and proposed to keep to the structure of Article 4 of the Convention that doesn't focus on forests. Ukraine supported the idea of merging the components of sustainable forest management and biodiversity in one document, reminding that 80% of the protected areas in the Carpathians are covered with forests. Poland stressed the need to comply with the current clear mandate for the Biodiversity WG to prepare solely the draft Biodiversity Protocol before COP2, and that only COP2 could decide on such possible merger of such two protocols. Ivonne Higuero remarked that there is a big problem of separation of biodiversity protection within and outside the protected areas and exclusion of productive sectors such as forestry from the overall processes of biodiversity protection. Harald Egerer stated that observers' proposals are very welcomed and will be considered in due course to enable the countries to find a trade-off solution.
10. Jan Seffer, Chair, Carpathian Ecoregion Initiative (CERI), introduced one of the components of the BBI Matra Project “Development of a Carpathian Ecological Network” - the Carpathian Biodiversity Information System (CBIS) to be based on the data gathered in three project countries – Ukraine, Romania and Serbia, and structured into the national lists of species and habitats. The meeting agreed that the outputs of the project could potentially become a part of the annexes of the draft Protocol.
11. Michael Baltzer, WWF DCP, further delivered a presentation on the Carpathian Ecological Network concept and approaches under the BBI Matra Project, stressing that its objective is to support the implementation of the Carpathian Convention. The expected outcome of the project – an interactive map with zonation and management recommendations, is a comprehensive management tool for the governments and the first draft will be presented at COP2. As for the suggested involvement of CNPA in the WWF project on the Carpathian Ecological Network, the Czech Republic mentioned that drafting proposals for designation of new protected areas is well beyond the original tasks and powers of the CNPA, to focus mainly on communication.



12. The Secretariat drew attention of the participants to the synergy with and integration of the Carpathian Ecological Network into the Biodiversity Protocol, and remarked that there might be additional resources for extending the data collection to the rest of the Carpathian countries in support of implementation of Article 4 para 5 of the Carpathian Convention. The meeting agreed that the ecological network in the Carpathian region should provide an ecological link and coherences between different areas in the Carpathians and shall serve as a starting point for the development of further related projects, e.g. connecting the Carpathians and the Alps.
13. Guido Plassman, Director, ALPARC (Permanent Secretariat of the Alpine Convention), underlined the importance of cooperation between CNPA and ALPARC regarding the exchange of methodology utilized for the ecological network and invited one representative of the CNPA Steering Committee to participate in the ALPARC meeting on the related issue. Furthermore, the representative of ALPARC stated that ALPARC intends to permanently support the cooperation with CNPA.
14. The meeting agreed to elaborate the system of annexes to the Protocol, e.g. utilizing experiences of CERI in development the Carpathian Ecological Network, and requested the Secretariat to plan the logical development and structuring of the related annexes. Annexes could be adopted and signed together with the Protocol. The importance of the agreement on the revision periods of the annexes has been raised. Jan Seffer, CERI, pointed out that there might be many evolving problems regarding supplementing the annexes with an updated information. The Czech Republic remarked that the Parliaments will be uneager to ratify the annexes containing the long of lists species. So it might be an issue of concern to provide the full lists in the annexes that will overlap with Natura 2000 networks. The Secretariat expressed its doubts that it will be feasible to get ready the full set of annexes by COP2. Frits Schlingemann, Co-Chair, remarked that in case the related annexes are not ready and agreed upon by the Parties before COP2 - COP2 may adopt the Biodiversity Protocol while the annexes would still be further elaborated and negotiated. In conclusion, the Biodiversity WG agreed to cooperate with CERI on the Carpathian Ecological Network and concentrate on important issues which are not repeated in other constituencies and conventions and are unique (large carnivores, virgin forests, species rich meadows, endemic species and habitats etc.) and of utmost importance for the Carpathian region. The Biodiversity WG also welcomed the scientific backstopping from CERI and expressed a hope to receive a list for proposed annexes to the Protocol prepared by CERI within one month.
15. In light of general discussion on the approach to be utilized for finalizing the Protocol, Ivonne Higuero, UNEP ROE, reminded that WG should set concrete goals, define priorities and expected results that are planned to be achieved with implementation of the future Protocol.
16. Poland pointed out that the Biodiversity Protocol on implementation of Article 4 of the Carpathian Convention is a legally binding instrument, and therefore should have a very simple and laconic structure reflecting the logical structure of Article 4. Furthermore, it was emphasized that the WG has limited time for preparation of the draft Protocol, therefore the group must act as a simple and effective machine. A separate Strategic Action Plan (SAP) on the Protocol's implementation that could be revised in certain time periods is needed to provide flexibility in the implementation phase. Poland also stressed the importance of extending the nature conservation process within EU on the non-EU countries (Ukraine and Serbia) in order to raise an issue of the all- European significance of the Carpathian Convention.



17. In this light, Zbigniew Niewiadomski, Poland, also suggested a so-called simplified four-button approach for the WG to proceed with the Protocol: (1) 'divide/select', (2) 'sort/merge', (3) 'delete/remove' and (4) 'add/supplement'.

(1) 'Divide/select' would allow to keep the general/universal clauses relevant for the Protocol (which is supposed to remain unchanged and valid forever) within the contents of the 2nd draft of the Protocol, and to extract points related to particular actions (therefore more relevant for the Strategic Action Plan for Protocol's implementation, to be revised from time to time) with a specific timeframe for their implementation suggested in the Ukrainian proposal (therefore not necessarily suitable for a long-term-valid Protocol);

(2) 'sort/merge' would allow to adjust the internal structure and logic of the proposed Protocol (as well as of the proposed SAP) accordingly to the internal structure and logic of Article 4 of the Convention, and to merge points referring to similar issues;

(3) 'delete/remove' would allow to erase duplications and/or repetitions within the text (e.g. unnecessary quoting the whole contents of Article 4 of the Convention) or points which could potentially be in conflict with national legislations of the Parties;

(4) 'add/supplement' would allow to supplement the still missing points, like e.g. reference to EC Habitat and Bird Directives (binding for a vast majority of CFC Parties) and the "added value of the CFC" allowing the "voluntary approximation" of the non-EU countries to the EU legislation on nature conservation (important for obtaining support from the European Commission) into the proposed Protocol, as well as to add still missing actions into the future Strategic Action Plan (not all clauses of the proposed Protocol are followed by corresponding proposed actions so far).

18. Further, Poland proposed its assistance and expertise to Ukraine and to the Secretariat in preparing a revised draft of the Protocol. The Secretariat will rely on the services of Mr. Zbigniew Niewiadomski, who will prepare a first revised draft text based on the "four button" methodology and the proposed draft of the related Strategic Action Plan for Biodiversity Protocol implementation. Further proposals from the countries are also invited. Consequently, the Secretariat will rework the draft (in particular through an in-depth check by Mrs. Ivonne Higuero aiming at harmonization with internationally- recognized language used in biodiversity-related instruments), to be followed by a general legal check by UNEP lawyers. The meeting agreed that the revised (second) draft of the Protocol and the Strategic Action Plan should be submitted to the Parties (Bureau of COP1) by the end of May 2007.

19. Furthermore, WG discussed a need of finding the appropriate enforcement mechanisms and harmonized monitoring system that will be utilized in seven countries in implementation phase of the Protocol. The meeting agreed to provide synergies with and links to the activities of the WG on Spatial Planning and other related WGs, in particular, in consulting with experts that will be designated to this WG.

20. In conclusion of the first session, the Chair asked the countries to share their initial comments and remarks on the draft Biodiversity Protocol.

21. The Czech Republic informed the meeting that it had sent the draft Protocol to the national NGOs and had received a number of proposals on improvements, comments and adjustments on specific



issues to be reflected in the future Protocol (e.g. terminology used, financing mechanism, indicators, harmonization with the non-EU countries). The Czech delegation also stressed that there are many overlapping parts which can be substituted with references – e.g. on Art. 4 of CC. Further, it pointed out that the references to international conventions and to the EC Directives are missing as well as proposed instruments for Biodiversity Protocol's implementation, which could also allow harmonization of measures undertaken with the non-EU countries. It was emphasized that many definitions which are then used in the Protocol are missing, a map of the Carpathian region should be included (the list of cities/districts is not enough). The Czech delegation supported the Polish idea of Strategic Action Plan which would contain specific and more concrete issues than the Protocol. The Czech delegation continued that 5 years for revising the Protocol is too short.

22. Romania underscored a need to restructure the draft Protocol in order to make it simpler, while the more detailed information could be removed to the Strategic Action Plan. Romania also proposed to concentrate on the rationale and value added to be provided by the Protocol.
23. Hungary stressed the importance of support by the EU of the Convention process and of making strong references to relevant EC Directives. As to the annexes containing the list of species, the delegation expressed its doubts that those lists will be supported by the Hungarian Government whenever they duplicate or overlap with existing policies or legislation (e.g. Natura 2000). Hungary would not support an obligation for the creation of new protected areas, but a focus on corridors and econet is possible. Hungary also underlined the importance of harmonization of the monitoring methodologies. Hungarian delegation also reminded the meeting that some comments of the Hungarian Focal Point (Ms. Zsuzsanna Arokhati) are contained in the meeting documentation and are available for the WG consideration.
24. Serbia expressed its support of the draft Protocol in general, but remarked that there might be some problems with Article 3 of the draft Protocol focusing on the scope at the districts level, what is not applicable for Serbia having a very small share in the Carpathian Mountains. Furthermore Serbia informed that the extension of the geographical scope of the Convention in the territory of Serbia is currently being discussed (to include the Eastern Serbian Mountains down to the Timok river valley), following the definition of the Carpathians by the geographer Jerzy Kondracki, which was the starting point for negotiations on the proposed geographical scope of the Convention.
25. Slovakia emphasized that harmonization of the reporting systems should be kept in focus.
26. Poland drew attention to the draft Protocol's title which is inconsistent with the title of Article 4 of the Convention and proposed to duly change it by adding "and sustainable development". Poland also raised an issue of definition of the scope of the Protocol, emphasizing a need for some reference framework.
27. The Chair asked the countries to submit their official comments on the draft Biodiversity Protocol in two weeks time to the Secretariat (by Wednesday, 11th of April). The Secretariat will collect those comments, incorporate them into one document and after the revision of the finalized version by the Bureau will submit the second draft of the Protocol to the second meeting of the Biodiversity WG.
28. The first session of the meeting was closed on the 26<sup>th</sup> of March 2007 at 18:00.



## Day Two Session II

29. The second session was opened on the 27th of March 2007 at 9:00 a.m. The meeting started with the presentation of two projects contributing to the activities of the Biodiversity WG.
30. Marciej Borsa, RTI Polska, introduced the INTERREG IIIB CADSES Carpathian Project supported by the European Commission and briefed the meeting participants on the status of implementation of the project stressing the importance of ongoing cooperation between the Carpathian countries, in particular it terms of cooperation between the Project and the intergovernmental platform, in the development and integration of the coherent European spatial development policies within the Carpathian Space. The meeting emphasized the significance of the follow-up activities and projects to the Carpathian Project. Harald Egerer remarked that all the outputs of the Project including the idea of the development of the Carpathian Space with coherent spatial development policies, will be available for COP2 constituting the culmination for the Carpathian Project. Frits Schlingemann, Co-Chair, remarked that the project is a short-term activity while the intergovernmental process will always stay superior to any project, and thus not all current project coalition partners may remain involved at the further stages/phases of CFC implementation.
31. Gerhard Egger, WWF Austrian Programme, delivered a presentation of the transnational model project idea "Alpine-Carpathian Corridor". The planned project should contribute to providing a connection between the Alpine and the Carpathian areas through the green bridges corridors development filling the existing gaps for migration of wild animal populations (e.g. for Lynx lynx population) between those areas. It was stressed that this project could build potential synergy with the activities to be undertaken under the Memorandum of Cooperation between the Alpine and the Carpathian Conventions constituting the cooperative process between two Conventions. In addition, the project idea will be supported by such partners as the Austrian Motor Highway Company and Austrian State Forestry Administration.
32. The meeting returned to the discussion on the ToRs of the Biodiversity WG submitted by the Secretariat. Poland commented that the provisions on expected results of work and development of recommendations for COP2 should be added to the WG's ToRs. Hungary announced that clarification of the financial background for the WG, and election of a Chair should be included in the document as well as a more detailed WG task description. Ukraine requested to include the following additional provision into the ToRs: WG will coordinate the work of CNPA and CWI and will report to the Bureau and the Secretariat.
33. The meeting concluded that the Secretariat will collect the proposals from the WG members on the ToRs of the Biodiversity WG in order to prepare a new more complex draft and will synchronize and harmonize the ToRs of all six Working Groups. The formal agreement on the Biodiversity WG's ToRs will be reached at the next meeting. The finalized ToRs will be submitted to the Carpathian Convention Implementation Committee (Bureau of COP1) for approval. Hungary made an offer to host the next WG meeting at FAO in Budapest. It was recommended to send an official letter to the Secretariat on convening the next WG meeting in Hungary. The meeting, tentatively scheduled for October 2007, will agree inter alia on the "next steps" plan on circulating a revised draft of the Protocol before COP2.



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34. The meeting reviewed the CNPA ToRs submitted by the CNPA Steering Committee and the Secretariat and came to the agreement that the ToRs of CNPA will be a part of the Biodiversity Protocol. The Biodiversity WG approved the CNPA ToRs with all related remarks and amendments as contained in Annex III. The meeting agreed that the Secretariat will send the ToRs of CNPA to the Bureau and WG members for editorial remarks.
35. WG welcomed the CWI activities and discussed its ToRs. Jan Kadlecik, CWI Coordinator, updated the participants on the revised CWI ToRs. The meeting agreed that CWI is a voluntary partnership in which the two Secretariats of the Ramsar and Carpathian Convention have a leading role, and constitutes a partnership embodying a collaborative effort which seeks an advisory role and guidance from the Carpathian Convention bodies, e.g. from the Biodiversity WG. CWI comprises a network of National Focal Points of both conventions and is an informal constituency with a mission to contribute to the implementation of the MoUs and the collaboration between two conventions. It was decided that considering the fact of establishing a sub-group on wetlands within the Biodiversity WG, to include a reference to CWI in the Biodiversity WG ToRs. The meeting decided to welcome the ToRs of CWI with all amendments and suggestions as contained in Annex IV.
36. It was stressed that all ToRs for all Working Groups should have a common structure beginning with the mandate given by COP1 and containing main tasks and goals.
37. The meeting proceeded with general discussion on the Protocol and next steps to be undertaken for its finalization. The additional comments by the Parties shall be sent to the Secretariat within two weeks time. It was concluded that on the basis of inputs from the Parties the Secretariat will prepare a revision of the Protocol in consultation with and under the support of Poland and Ukraine, and will circulate a new draft by the end of May.
38. REC delivered a presentation of the Handbook on the Carpathian Convention targeted at local authorities emphasizing the importance of this document as a practical tool for the implementation of the Carpathian Convention at the local level. REC proposed to include a reference to the Handbook into the ToRs of the Biodiversity WG as an information document (Chapter 4 contains analysis of Article 4 of the Carpathian Convention) intended to facilitate the activities of the WG. REC called upon the WG to provide its assistance in improvement of the Handbook in order to turn into it a handy practical tool. The Handbook's Chapter on Article 4 will be circulated to the WG members after the meeting.

Conclusions by the Chair and closure of the meeting on the 27<sup>th</sup> of March 2007, 1:00 p.m.