

**Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity
to the Framework Convention on the Protection and Sustainable Development of the
Carpathians done in Kiev on 22 May 2003**

The Parties to this Protocol

IN ACCORDANCE with their tasks, arising from the Framework Convention on the Protection and Sustainable Development of the Carpathians, hereinafter referred to as the “Carpathian Convention” (Kyiv, 2003), of pursuing a comprehensive policy and cooperating for the protection and sustainable development of the Carpathians;

AWARE of the fact that during the last decades, the initiation and escalation of certain human activities have led to significant changes of the biological and landscape diversity of the Carpathians, which are the natural habitat for many different flora and fauna species;

AIMING to mitigate threats to the biological and landscape diversity of the Carpathians and to promote sustainable use of their natural resources;

IN COMPLIANCE with their obligations under Article 4 of the Framework Convention on the Protection and Sustainable Development of the Carpathians;

NOTING that all Parties to the Protocol are Parties to the Convention on Biological Diversity (Rio de Janeiro, 1992); the Conservation of European Wildlife and Natural Habitats (Bern, 1979); the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973), the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971) and the Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972);

NOTING other relevant conventions and agreements, in particular the Convention on Conservation of Migratory Species of Wild Animals (Bonn, 1979), the European Landscape Convention (Florence, 2000), the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Århus, 1998);

TAKING INTO ACCOUNT the legal framework on nature protection and biodiversity conservation of the European Community;

ACKNOWLEDGING the endeavours and achievements within the Council of Europe aiming to conserve ecosystems, habitats, species, their genetic diversity, and landscapes in Europe;

AIMING at ensuring more effective implementation of existing legal instruments, and BUILDING upon other international programmes;

CONVINCED that efforts to protect, maintain and sustainably manage the natural resources of the Carpathians cannot be achieved by one country alone and require regional cooperation;

BEING AWARE of the fact that ecosystems transcend national borders and of the added value of transboundary cooperation in achieving ecological coherence; and

RESOLVED to cooperate on the conservation, restoration and sustainable use of biological and landscape diversity of the Carpathians;

Have agreed as follows:

CHAPTER I

OBJECTIVES, GEOGRAPHICAL SCOPE AND DEFINITIONS

Article 1

General objectives and principles

1. The objective of the Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity (hereinafter referred to as “the Protocol”) is to enhance the conservation, restoration and sustainable use of biological and landscape diversity of the Carpathians, bringing benefits to present and future generations.
2. To achieve the above objectives, the Parties shall harmonise and coordinate their efforts and cooperate on conservation, maintenance and sustainable use of natural and semi-natural habitats, and securing their continuity and connectivity; restoration of degraded habitats; conservation and sustainable use of species of flora and fauna characteristic to the Carpathians, in particular on conservation of endangered or endemic species and large carnivores.
3. The Parties shall therefore cooperate especially on the:
 - (a) development, harmonization and implementation of relevant management plans aimed at achieving common standards for protection and sustainable use of habitats and species;
 - (b) prevention of introduction of invasive alien species which might threaten ecosystems, habitats or species native to the Carpathians, their control or eradication;
 - (c) prevention of release of genetically modified organisms which might threaten ecosystems, habitats or species native to the Carpathians and their control;
 - (d) development and/or promotion of compatible biodiversity indicators and monitoring systems;
 - (e) development and/or promotion of coordinated regional inventories of species and habitats;
 - (f) development and/or promotion of coordinated scientific research programs and projects;
 - (g) establishment of ecological networks in the Carpathians and enhancing conservation and sustainable management of biological and landscape diversity in the areas outside of protected areas;
 - (h) integration of the objectives for the conservation and sustainable use of biological and landscape diversity into other sectoral policies.

Article 2

Geographical scope

1. This Protocol applies to the Carpathian region (hereinafter referred to as “the Carpathians”), as defined by the Conference of the Parties.
2. Each Party may extend the application of this Protocol to additional parts of its national territory by making a declaration to the Depositary.

Article 3

Definitions

For the purposes of this Protocol:

- (a) “Biological diversity” means the variability among living organisms which includes diversity within species, between species and of ecosystems;
- (b) “Border area” means an area remaining under the jurisdiction of the respective Party in the proximity of the state border with another Party, where activities undertaken on one side of the state border are, depending on the

- nature of the particular activity, likely to have direct or indirect and adverse or positive environmental impact on the other side of the state border;
- (c) “Carpathian Network of Protected Areas” means a thematic network of cooperation among protected areas in the Carpathians;
 - (d) “Conservation” means a series of measures required to maintain the natural habitats and the populations of species of wild fauna and flora at a favourable conservation status;
 - (e) “Conference of the Parties” means the Conference of the Parties to the Carpathian Convention.
 - (f) “Degraded habitat” means a habitat reduced in quality or value of ecological functions by various impacts such as pollution, unsustainable use of resources, invasive alien species, etc.;
 - (g) “Ecological network” means a system of areas which are ecologically and physically linked, consisting of core areas, corridors and buffer zones;
 - (h) “Endangered species” means species in danger of extinction throughout all or a significant proportion of their range;
 - (i) “Endemic species” means species native and unique to a defined place or region;
 - (j) “Invasive alien species” means non-native species introduced deliberately or unintentionally outside their natural habitats, where they become established, proliferate and spread in ways that cause damage to their receiving environment;
 - (k) “Landscape” means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors;
 - (l) “Landscape diversity” means the variability among landscapes;
 - (m) “Native species” means indigenous species to a given region or ecosystem;
 - (n) “Natural habitat” means the terrestrial or aquatic area distinguished by geographic, abiotic and biotic features where an organism or population naturally occurs;
 - (o) “Observer” means observer defined under the Article 14 paragraph 5 of the Carpathian Convention
 - (p) “Parties” means Parties to this Protocol;
 - (q) “Protected area” means a geographically defined area which is designated and managed to achieve specific conservation objectives;
 - (r) “Restoration” means the return of an ecosystem or habitat to its original structure, natural composition of species, and natural functions;
 - (s) “Semi-natural habitat” means a habitat that has been modified and maintained by human activities, but still holds species that occur naturally in the area;
 - (t) “Sustainable use” means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations;
 - (u) “Transboundary protected area” means an area composed of two or more protected areas located within the territories of two or more Parties, adjacent to the state border, each remaining under jurisdiction of respective Party.

CHAPTER II GENERAL OBLIGATIONS

Article 4

Policies aiming at conservation, restoration and sustainable use of biological and landscape diversity of the Carpathians

Each Party shall develop and implement policies and strategies in its national territory aiming at the conservation, restoration and sustainable use of biological and landscape diversity of the Carpathians while taking into consideration policies and strategies developed and implemented by other Parties.

Article 5

Integration of the objectives of conservation and sustainable use of biological and landscape diversity of the Carpathians into sectoral policies

1. The Parties shall take into consideration the objectives of this Protocol in their other policies, in particular on spatial planning and land resources management, water and river basin management, agriculture and forestry, transport and infrastructure, tourism, industry and energy.
2. The Parties shall cooperate on integration of the objectives of conservation and sustainable use of biological and landscape diversity into other regional or global sectoral policies and strategies which could have influence on the conservation and sustainable use of biological and landscape diversity in the Carpathians.

Article 6

Participation of regional and local authorities, and other stakeholders

1. Each Party shall take measures to facilitate, within its existing institutional framework, the coordination and cooperation between institutions and regional and local authorities concerned so as to encourage shared responsibility, in particular to develop and enhance synergies when implementing policies for conservation, restoration and sustainable use of biological and landscape diversity of the Carpathians and the resulting measures.
2. Each Party shall take measures to involve the regional and local authorities, and other stakeholders in the development and implementation of these policies and measures.

Article 7

International cooperation

1. The Parties shall encourage active cooperation among the competent institutions and organisations at the international level with regard to the conservation, restoration and sustainable use of biological and landscape diversity of the Carpathians.
2. The Parties shall facilitate the cooperation between regional and local authorities in the Carpathians at the international level, and seek solutions to shared problems at the most suitable level.

CHAPTER III SPECIFIC MEASURES

Article 8

Conservation, maintenance, restoration and sustainable use of natural and semi-natural habitats

1. The Conference of the Parties shall adopt a list of endangered natural and semi-natural habitat types native to the Carpathians (Carpathian Red List of Habitats).
2. Each Party shall take measures in its national territory with the objective to ensure the long-term conservation, restoration and sustainable use of natural habitats in the Carpathians, with a special focus on the endangered ones as defined in Article 8 paragraph 1.
3. Each Party shall take measures in its national territory with the objective to maintain or restore, and sustainably use, semi-natural habitats in the Carpathians with a special focus on the endangered ones as defined in Article 8 paragraph 1.

Article 9

Continuity and connectivity of natural and semi-natural habitats, ecological network in the Carpathians

1. Each Party shall take measures in its national territory with the objective to improve and ensure continuity and connectivity of natural and semi-natural habitats in the Carpathians, thus allowing dispersal and migration of wild species populations particularly of large carnivores, and genetic exchange between such populations.
2. Each Party shall maintain, manage and, if need be, expand existing protected areas in its national territory in the Carpathians, and encourage the designation and management of new protected areas in the Carpathians.
3. The Parties shall cooperate on establishing an ecological network in the Carpathians, composed of protected areas and other areas significant for biological and landscape diversity of the Carpathians and for coherence of the network.

Article 10

Restoration of degraded habitats

Each Party shall take measures in its national territory with the objective to restore degraded habitats in the Carpathians.

Article 11

Conservation and sustainable use of species of flora and fauna of the Carpathians

Each Party shall take measures in its national territory with the objective to ensure the long-term conservation and sustainable use of species of flora and fauna native to the Carpathians.

Article 12

Conservation of endangered species including endemic species, and large carnivores of the Carpathians

1. The Conference of the Parties shall adopt a list of endangered flora and fauna species native to the Carpathians (Carpathian Red List of Species) based on internationally recognized principles and criteria.
2. Each Party shall take measures in its national territory with the objective to ensure the long-term conservation or sustainable use and recovery of endangered species,

- including endemic species of flora and fauna native to the Carpathians, and of large carnivores which might be in need of management plans.
3. Parties shall cooperate on activities aiming at reintroduction of native species of fauna and flora.

Article 13

Prevention of the introduction of invasive alien species and/or genetically modified organisms threatening ecosystems, habitats or species, their control or eradication

1. Each Party shall pursue policies aiming at the prevention of introduction or release of invasive alien species and/or genetically modified organisms which are likely to have adverse environmental impacts that could affect the biological diversity, ecosystems, habitats or species of the Carpathians, including early warning on occurrence of new invasive alien species on its territory.
2. Each Party shall take measures in its national territory with the objective to prevent introduction or release of species mentioned under paragraph 1 and, if need be, control or eradication of such species.

Article 14

Carpathian Network of Protected Areas

1. The Parties shall support and facilitate cooperation under the Carpathian Network of Protected Areas established by the Conference of the Parties and encourage the protected area administrations to take part in the cooperation within this Network.
2. The Conference of the Parties shall recognise the areas part of the Carpathian Network of Protected Areas and adopt the terms of reference of the Network.

Article 15

Enhancing conservation and sustainable management in the areas outside of protected areas

1. Each Party shall take measures in its national territory with the objective to enhance conservation and sustainable management in the areas outside of protected areas in the Carpathians.
2. Each Party shall facilitate coordination and cooperation between all relevant stakeholders, so as to enhance conservation and sustainable management in the areas outside of protected areas in the Carpathians, in particular with the objective of improving and ensuring connectivity between existing protected areas and other areas and habitats significant for biological and landscape diversity of the Carpathians.

Article 16

Consultation, harmonisation and coordination of measures undertaken in border areas

1. Each Party shall harmonise and coordinate measures, undertaken in its border area in the Carpathians aimed at achieving objectives listed under Article 1 paragraphs 2 and 3, with the neighbouring Party, in particular in transboundary protected areas.
2. The Parties shall cooperate within existing transboundary protected areas in the Carpathians and harmonise the management objectives and measures applied and, if need be, encourage the expansion of existing transboundary protected areas or creation of new transboundary protected areas in the Carpathians.
3. In a case where the natural habitat of the endangered species is located on both sides of the state border between the Parties, such concerned Parties shall cooperate on ensuring the conservation and, as may be necessary, recovery of those species and their natural habitats.

Article 17

Development and implementation of management plans

1. Each Party shall develop and implement management plans with the objective to ensure the long-term conservation, maintenance or restoration, continuity and connectivity, and sustainable use of natural and semi-natural habitats, restoration of degraded habitats as well as long-term conservation and sustainable use of species of flora and fauna native to the Carpathians.
2. Each Party shall facilitate coordination and cooperation between the institutions, regional and local authorities, and other stakeholders directly involved in implementation of management plans mentioned under paragraph 1 so as to encourage shared responsibility.

Article 18

Compatible monitoring and information systems

1. The Parties shall cooperate on harmonisation of their environmental monitoring systems in the Carpathians, which are conducive to achieving the objectives of this Protocol.
2. The Parties shall cooperate to develop a joint information system on biological and landscape diversity in the Carpathians.
3. Each Party shall cooperate in order to ensure that the national results of the public research are integrated into a joint information system.

Article 19

Coordinated scientific research and exchange of information

1. Each Party shall facilitate coordination of scientific research undertaken in its territory or by scientific institutions of this Party with regard to conservation, restoration and sustainable use of biological and landscape diversity of the Carpathians.
2. The Parties shall cooperate on promotion and harmonisation of research programs and projects which are conducive to achieving the objectives of this Protocol.
3. The Parties shall facilitate international cooperation among the scientific institutions with regard to conservation, restoration and sustainable use of biological and landscape diversity of the Carpathians, in particular on the harmonisation of monitoring systems, the provision and harmonisation of databases, and undertaking common research programs and projects in the Carpathians.
4. The Parties shall cooperate on dissemination of scientific research results which are related to the objectives of this Protocol.
5. The Parties shall support coordinated regional inventories of species and habitats of the Carpathians.
6. Each Party shall exchange information and experience on methods related to activities listed under Article 1 paragraphs 2 and 3 with other Parties.
7. Each Party shall exchange information on strategies and policies aiming at conservation, restoration and sustainable use of biological and landscape diversity in the Carpathians with other Parties.

Article 20

Common programs and projects

Each Party shall participate, according to its needs and possibilities, in common programs and projects on activities listed under Article 1 paragraphs 2 and 3 jointly undertaken in the Carpathians by the Parties.

CHAPTER IV IMPLEMENTATION, MONITORING AND EVALUATION

Article 21 *Implementation*

1. Each Party shall undertake appropriate legal and administrative measures for ensuring implementation of the provisions of this Protocol, and monitor the effectiveness of these measures.
2. Each Party shall explore the possibilities of supporting, through financial measures, the implementation of the provisions of this Protocol.
3. The Conference of the Parties shall develop and adopt the Strategic Action Plan for the implementation of this Protocol.

Article 22 *Prevention of adverse impacts on biological and landscape diversity*

1. The Parties shall apply the precaution and prevention principles by assessing and taking into consideration possible direct or indirect, short- or long-term influence, including cumulative effect of the projects and activities, which are likely to have adverse impacts on the biological and landscape diversity of the Carpathians. In this regard, Parties shall proceed with appropriate assessment of potential adverse impact of projects, plans and activities on habitats and species, including transboundary impact.
2. Each Party shall establish conditions and criteria, including relevant remedial and compensatory measures, under which policies, projects and activities with potential harmful impacts on biological and landscape diversity may be authorised.

Article 23 *Traditional knowledge and practices*

When implementing this Protocol, the Parties shall take measures for the preservation and promotion of the traditional knowledge, in particular the sustainable land-use patterns, land resource management practices, local breeds of domestic animals and cultivated plant varieties, and sustainable use of wild plants.

Article 24 *Education, information and public awareness*

1. The Parties shall promote the education, information and awareness rising of the public regarding the objectives, measures and implementation of this Protocol.
2. The Parties shall ensure access of the public to the information related to the implementation of this Protocol.

Article 25 *Meeting of the Parties*

1. The Conference of the Parties of the Carpathian Convention shall serve as the meeting of the Parties to this Protocol.
2. The Parties to the Carpathian Convention that are not Parties to this Protocol may participate as observers in the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to it.

3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be substituted by a member to be elected by and from among the Parties to this Protocol.
4. The Rules of Procedure for the Conference of the Parties shall apply mutatis mutandis to the meeting of the Parties, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Protocol.
5. The first meeting of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be convened by the Secretariat in conjunction with the first meeting of the Conference of the Parties that is scheduled after the date of the entry into force of this Protocol. Subsequent ordinary meetings of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Protocol.
6. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall:
 - (a) Make recommendations on any matters necessary for the implementation of this Protocol;
 - (b) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;
 - (c) Consider and adopt, as required, amendments to this Protocol that are deemed necessary for the implementation of this Protocol; and
 - (d) Exercise such other functions as may be required for the implementation of this Protocol.

Article 26
Secretariat

1. The Secretariat established by Article 15 of the Carpathian Convention shall serve as the Secretariat of this Protocol.
2. Article 15, paragraph 2, of the Carpathian Convention on the functions of the Secretariat shall apply, mutatis mutandis, to this Protocol.

Article 27
Subsidiary bodies

1. Any subsidiary body established by or under the Carpathian Convention may, upon a decision by the Conference of the Parties serving as the meeting of the Parties to this Protocol, serve the Protocol, in which case the meeting of the Parties shall specify which functions that body shall exercise.
2. Parties to the Carpathian Convention that are not Parties to this Protocol may participate as observers in the meetings of any such subsidiary bodies. When a subsidiary body of the Carpathian Convention serves as a subsidiary body to this Protocol, decisions under the Protocol shall be taken only by the Parties to the Protocol.
3. When a subsidiary body of the Carpathian Convention exercises its functions with regard to matters concerning this Protocol, any member of the bureau of that subsidiary body representing a Party to the Carpathian Convention but, at that time, not a Party to the Protocol, shall be substituted by a member to be elected by and from among the Parties to the Protocol.

Article 28

Monitoring of compliance with obligations

1. The Parties shall regularly report to the Conference of the Parties on measures related to this Protocol and the results of the measures taken. The Conference of the Parties shall determine the intervals and format at which the reports must be submitted.
2. Observers may present any information or report on implementation of and compliance with the provisions of this Protocol to the Conference of the Parties and/or to the Carpathian Convention Implementation Committee (hereinafter referred to as the "Implementation Committee").
3. The Implementation Committee shall collect, assess and analyse information relevant to the implementation of this Protocol and monitor the compliance by the Parties with the provisions of this Protocol.
4. The Implementation Committee shall present to the Conference of the Parties recommendations for implementation and the necessary measures for compliance with the Protocol.
5. The Conference of the Parties shall adopt or recommend necessary measures.

Article 29

Evaluation of the effectiveness of the provisions

1. The Parties shall regularly examine and evaluate the effectiveness of the provisions of this Protocol. The Conference of the Parties may consider the adoption of appropriate amendments to this Protocol where necessary in order to achieve its objectives.
2. The Parties shall facilitate the involvement of the local authorities and other stakeholders in the process under paragraph 1.

CHAPTER V FINAL PROVISIONS

Article 30

Links between the Carpathian Convention and the Protocol

1. This Protocol constitutes a Protocol to the Carpathian Convention within the meaning of its Article 2 paragraph 3 and any other relevant articles of the Carpathian Convention.
2. The Protocol shall be open for signature at the Depository from....to....
3. The provisions of Articles 19, 20, 21 paragraphs 2 to 4 and Article 22 of the Carpathian Convention on entry into force, amendment of and withdrawal from this Protocol and on settlement of disputes shall be apply *mutatis mutandis* to this Protocol. Only a Party to the Carpathian Convention may become Party to this Protocol.

Article 31

Reservations

No reservations may be made to this Protocol.

Article 32

Depositary

The Depositary of this Protocol is the Government of Ukraine.

Done at on in one original in the English language.

The original of the Protocol shall be deposited with the Depositary, which shall distribute certified copies to all Parties.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol

For the Government of the Czech Republic

For the Government of the Republic of Hungary

For the Government of the Republic of Poland

For the Government of Romania

For the Government of Serbia

For the Government of the Slovak Republic

For the Government of Ukraine