

Bern Q&A (December 2020)

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(Version 1)**

Sustainability at the heart of a living, working, active landscape valued by everyone.

Overview

- The UK is committed to ensuring that our existing environmental protections are maintained
- We continue to play an active part in multilateral environmental fora such as the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention).
- The UK's new national network of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) which replaces Natura 2000 will continue to enjoy the same strong legal protections under the Habitats Regulations after the end of the transition period.
- We continue to play an active part in multilateral environmental fora such as the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention).
- UK sites in the Natura 2000 Network as at the end of December 2020 are already Emerald Network sites.
- We are sharing the data on these sites with the Secretariat of the Bern Convention to enable the information on these sites to be displayed in the Emerald Network Viewer.

Q&A

1. Will we have to report to the Bern Secretariat?

- Yes, the UK will report on our use of exceptions every 2 years and on the conservation status of our species and habitats every 6 years.

2. Is the Bern Convention able to fine countries for not complying with Bern Convention rules?

- No. The Convention has a complaints system that NGOs and private citizens can use. In assessing a complaint, the Bern Convention Secretariat can use experts to look at the issue. The relevant country must reply to the complaint if it is taken forward, and the Secretariat will work with the country to agree actions to address the issue. Although there are no financial penalties, contracting parties will wish to avoid reputational damage.

3. Can the Bern Convention infract countries like the EU does?

- No. The Bern Convention's Standing Committee can review the implementation of the Convention by contracting party countries based on reports from independent experts. Complaints can also be raised by NGOs or a private person if they think a Contracting Party is not complying with its Convention's obligations.

- Complaints are considered by the Bern Secretariat initially and where warranted by the Standing Committee of the Convention. The Secretariat can arrange for experts to visit and report back on the issue. The government of the relevant country then has 4 months to respond to the Secretariat on the issues raised. Where appropriate a way forward is agreed through a mediation process. The Secretariat can also check that agreed measures have been implemented.

4. Are all the Species and Habitats protected under the Nature Directives also protected in the Bern Convention?

- Yes. The Bern Convention contains all the species in the EU Nature Directives as well as some other species which are not covered by the Nature Directives because of its wider geographical remit.
- All our SPA and SAC habitats continue to be protected under our domestic legislation.

5. Why are we moving our site data into the Emerald Network?

- The UK is a Contracting Party to Bern and our SPA and SAC sites are already recognised as our contribution to the Emerald Network.
- The UK is keen to provide international leadership in protecting and improving biodiversity.
- Moving UK site data to the Emerald Network database ensures our sites are displayed on the Bern Convention's Emerald Viewer, providing visible evidence of the UK's continuing International commitment

6. Will we still be able to designate European sites?

- Yes, we have amended the transposing regulations of the EU Nature Directives so that they continue to enable us to designate sites as Special Areas of Conservation or Special Protected Areas.

7. What is the process for adding sites to the Emerald Network?

- UK sites will continue to be managed and designated under relevant national legislation
- If considered appropriate, they can then be put forward by ministers (on the advice of Statutory Nature Conservation Bodies) to the Bern Convention for inclusion in the Emerald Network.

- Before being adopted by the Bern Convention Standing Committee as an Emerald site, sites are thoroughly assessed at a biogeographic level for their sufficiency to achieve the long-term survival of Bern Convention species and habitats.

8. Will moving our sites into the Emerald network change the protection and management arrangements for these sites?

- No, the UK's SACs and SPAs will continue to be protected and managed under our domestic Regulations. No additional assessments will be needed for Emerald site features in appraisals of plans or projects on or affecting these sites.

9. Will our marine sites which were part of Natura be part of the Emerald Network?

- Yes, our marine Natura sites (SPAs and SACs) are already part of our contribution to the Emerald Network. We will be moving the data on our marine sites over to the Emerald Network database.

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