

## 9<sup>th</sup> Session of the Meeting of the Parties

Brijuni, Croatia, 10 – 13 October 2022

### Draft Resolution 9.4: Wind Turbines and Bat Populations



*The Meeting of Parties to the Agreement on the Conservation of Populations of European Bats (hereafter "the Agreement"),*

*Noting* the importance that wind energy has in the implementation of the Kyoto protocol to reduce CO<sub>2</sub> emissions in the context of combating climate change, and thereby contributing to the protection of species from its potentially negative impacts;

*Recalling* Resolution 2.2 on Consistent Monitoring Methodologies, which recommends the adoption of consistent monitoring methods for bats across Europe;

*Recalling* Resolution 8.11 on Implementation of the Conservation and Management Plan, which recognises the importance of international information exchange and cooperation in developing monitoring strategies for bats;

*Recalling* CMS Resolution 7.5 on Wind Turbines and Migratory Species, which calls upon the Parties of the Convention to implement proper impact assessments of wind turbines on migratory species, to assess the cumulative environmental impacts of installed wind turbines on these species and to take full account of the precautionary principle in the development of wind turbine plants;

*Recalling* the Habitats Directive (92/43/EEC) which encourages co-operative and cross-boundary research;

*Recalling* the Directive No. 2011/92/EU of the European Parliament of the Council of 13 December 2011 on the assessment on the effects of certain public and private projects on the environment and the Directive of the European Parliament and of the Council No. 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, both of which state that the scope of information required for the purposes of impact assessments should be consistent with the current state of knowledge and methods of such assessments;

*Recalling* the EU guidance document on Wind Energy development and Natura 2000 (2010);

*Noting* the growing scientific evidence of bat fatalities at wind turbines and the predicted negative consequences for populations of resident and migratory bat species;

*Recalling* the European Commission's Notice Guidance Document on Wind Energy Developments and EU Nature Legislation C (2020) 7730 final which provides guidance on how best to ensure that wind energy developments are compatible with the Birds and Habitats Directives;

*Recalling* the UN Biodiversity Strategy Plan which acknowledges the need to resolve trade-offs between sustainable development goals (particularly Goal 7 'Affordable and Clean Energy', Goal 13 'Climate Action', and Goal 15 'Life on Land') through Action Target 8: '*Minimize the impact of climate change on biodiversity, contribute to mitigation and adaptation through ecosystem-based approaches, contributing at least 10 GtCO<sub>2e</sub> per year to global mitigation efforts, and ensure that all mitigation and adaptation efforts avoid negative impacts on biodiversity.*';

*Recalling* Resolution 8.10 on required experience and skills of experts with regard to quality of assessments;

*Recalling* the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), in particular Article 5 1(b) which states that parties must ensure that mandatory systems are established so that there is an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment;

*Recalling* Council Directive 90/313/EEC on the Freedom of Access to Information on the Environment which states that information is to be made available and disseminated, shall be updated as appropriate, and shall include at least data or summaries of data derived from the monitoring;

*Noting* the renewed interest in wind energy production across Europe as a consequence of current uncertainties in traditional energy supplies;

*Recognising* that several bat species forage and migrate offshore and that as a result offshore wind farms may negatively impact bat populations;

*Noting* the rapid development of offshore wind energy facilities;

*Recognising* that offshore bat surveys are much more complex than onshore assessments, with it being difficult to assess casualty rates directly;

*Taking into account* the cumulative environmental impact of the renewable energy sector through the increasing number and size of wind turbines;

*Noting* the work of the Advisory Committee in continuous updating of the information included in EUROBATS Publication Series No. 6;

*Recognising* the importance harmonised and standardised recording and analysis methods in order to produce consistent estimates of risk and to facilitate future pooling of data;

*Recognising* the importance of standardised methods with narrow uncertainty intervals to facilitate the development of effective avoidance and mitigation measures, as well as statistically robust ways to evaluate mortality rates and their impact on bat populations;

*Recognising* also the necessity of implementing research and monitoring both within countries and across national boundaries;

*Noting* the delay in a number of countries with the implementation of Resolution 8.4 (to provide information on casualty rates; to implement appropriate monitoring; to ensure that proper mitigation measures are prescribed during the approval procedure and are being implemented and are effective; to make data on prescribed mitigation publicly available);

*Noting* that the use of blade feathering below the cut in speed<sup>1</sup>, elevating turbine cut-in wind speeds<sup>2</sup> and shutting down turbines are the only mitigation measures which so far have proved to be effective in reducing bat mortality at wind turbines;

*Recommends* Parties, non-Parties and other stakeholders, including non-governmental organizations, to:

1. Take into account the impacts that onshore and offshore wind turbines have on bat populations on different geographical scales;
2. Raise awareness and take into account that some habitats and areas, where a negative impact on bats is predicted, may not be suitable for the operation of wind turbines;

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<sup>1</sup> Adjusting the angle of the rotor blade parallel to the wind, or turning the whole unit out of the wind, to slow or stop blade rotation.

<sup>2</sup> Minimum wind speed at which the wind turbine will generate usable power.

3. Exclude wind energy developments from areas with a special focus on bat protection;
4. Encourage all stakeholders to engage in research on the best methods for impact assessment and mitigating bat mortality at turbines for mutual benefit;
5. Promote continued dialogue and cooperation between all stakeholders in the search for best practice to avoid or minimise the adverse impact of wind energy generation on bat populations;
6. Promote research in the offshore environment in order to enhance monitoring techniques, improve understanding of impacts, and identify potential solutions;
7. Ensure that appropriate impact assessments are undertaken pre- and post-construction, including mortality rate assessments, regardless of the results of the preconstruction assessment;
8. Ensure that post-construction monitoring and mitigation measures continue as long as needed to guarantee effectiveness;
9. Ensure that appropriate impact assessments, post-construction monitoring, and mitigation measures are implemented for repowering proposals, as well as for entirely new developments;
10. Encourage stakeholders to reconsider the operation scheme of existing wind turbines when they were commissioned without proper impact assessments and post-construction monitoring;
11. Urge stakeholders considering repowering schemes to collect data on bat activity and fatality rates at existing operational turbines at the site, and to take account of this evidence when designing and permitting the repowering (e.g., by altering height, rotor area, or habitat);
12. Develop and ensure implementation of national guidance following EUROBATS Publication Series No. 6;
13. Ensure that measures to avoid and mitigate impacts on bats are supervised by authorities;
14. Ensure that impact assessment procedures and post-construction monitoring are undertaken by appropriately experienced experts as described in the Annexe of Resolution 8.10;

15. Ensure that impact assessment procedures and post-construction monitoring follows either EUROBATS guidelines, or where they are more stringent, national guidelines;
16. Ensure that developers of wind energy projects and responsible authorities make raw data from impact assessment and post-construction monitoring available for independent analysis and cumulative impact assessments;
17. Ensure that developers of wind energy projects and responsible authorities make reports from impact assessments and post-construction monitoring publicly available;
18. Ensure that bat mortality is reduced or avoided using the most effective available approaches and technology, including measures such as blade feathering, higher turbine cut-in wind speeds and/or shutting down turbines temporarily during periods of peak risk;
19. Ensure that proper mitigation measures are prescribed during the approval procedure and are being implemented and are effective;
20. Ensure that criteria are established for mitigation schemes in offshore wind energy developments to minimise impacts on bats, noting that greater uncertainties apply in this environment. If this is not possible then the precautionary principle (*e.g.*, proactive curtailment) should be applied;
21. Ensure that information about prescribed mitigation measures are made publicly available.

*Requests the Secretariat and the Advisory Committee to:*

1. Continue to compile relevant information, including methods to assess the impact of wind power generation on bat populations.
2. Update the generic guidelines, now available as EUROBATS Publication Series No. 6, if required.
3. Contact the World Bank, as a fellow organisation of the United Nations, to develop strategies for ensuring that funding for wind energy developments is contingent on the adoption of these resolutions.
4. Publish the update, following circulation to all Parties through the written procedure.

This Resolution replaces Resolution 8.4.