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RESEARCH AND DOCUMENTATION PAPERS

WILD FAUNA AND FLORA THREATENED WITH EXTINCTION

Resolutions of the European Parliament (1984-1989)

Environment, Public Health and
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Abbreviations

S Socialist Group

PPE European People's Party (Christian-Democratic Group)

ED European Democratic Group

COM Communist and Allies Group

LDR Liberal, Democratic and Reformist Group

RDE European Democratic Alliance

ARC Rainbow Group: Federation of the Green Alternative European Link

DR Group of the European Right

NI Non-attached

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To keep this document to an acceptable volume, only the most important Parliament resolutions have been included.

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RESEARCH AND DOCUMENTATION PAPERS

WILD FAUNA AND FLORA THREATENED WITH EXTINCTION

Resolutions of the European Parliament (1984-1989)

FOREWORD

During the European Parliament's second term of office following the introduction of direct elections (1984-89), environmental protection in the Community was one of the Members' main concerns. Protection of the environment includes, of course, animal and plant conservation, issues which because of superficial attitudes often fail to attract sufficient attention even though the state of our wildlife provides a reliable indication of the state of the environment.

A great many of the estimated 100 000 species of invertebrates, 580 species of birds, 110 species of reptiles and amphibians and 120 species of mammals that inhabit the Community are endangered. Twenty per cent of the invertebrates (that is, 20 000), 47 out of 65 native species of freshwater fish and 70 of our 120 mammals are considered to be at risk of extinction.

The reasons for this are various and depend on the species in question. In general terms, the expansion of agriculture using pesticides and fertilizers, building, hunting, tourism and, last but not least, the widespread forms of air and water pollution have led to the decimation and disappearance of many species of wildlife. Such losses often have far-reaching and irreparable consequences, as the disappearance of individual species puts the whole ecosystem out of balance. Competition between associated species is impaired, food chains are broken and the natural balance between predators and prey is upset.

There is no lack of knowledge about these things, nor of conventions governing specific areas. But the problem constantly recedes into the background, despite the considerable interest that the public often shows in these matters.

In addition to steps taken by the Member States themselves, the Community has particular ways of influencing developments: from banning imports of seal-cub skins to the common agricultural policy, the EEC's actions affect wildlife. The European Parliament has repeatedly underlined the Community's responsibility, demanded action and pushed measures through. This publication is intended to testify to these many initiatives.

Let us hope that it is circulated as widely as possible, containing as it does European Parliament Resolutions that I consider to be of major importance to wildlife protection.

Beate Weber
Chairman of the Committee on
the Environment, Public Health and Consumer Protection

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International trade in endangered species of wild fauna and flora

— Doc. A2-180/88

RESOLUTION

on the implementation of the CITES Regulation in the European Community (Council Regulation (EEC) No 3626/87) concerning the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington Convention)

The European Parliament,

— having regard to the Council Regulation (EEC) No 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, CITES (1),

— having regard to the motion for a resolution by Mr Roelants du Vivier on the need for a Community information programme on the protection of wildlife and the natural environment (Doc. B2-402/85),.

— having regard to the motion for a resolution by Mr Collins and Mrs Seibel-Emmerling on the implementation of CITES within the European Community (Doc. B2-8/86),

— having regard to the motion for a resolution by Mrs Martin and others on the importation of baby chimpanzees into Spain (Doc. B2-1470/86),

— having regard to the motion for a resolution by Mrs Bloch von Blottnitz on the poaching of animals protected by CITES (Doc. B2-299/87),

— having regard to the large number of parliamentary questions on the implementation of the Regulation,

— having regard to the documents 'Review of Alleged Infractions' (Doc. 6.19) and 'Implementation of the Convention in Certain Countries' (Doc. 6.20) drawn up by the CITES Secretariat in preparation for the Sixth Meeting of CITES parties in 1987,

— having regard to the resolution on the implementation of CITES in the European Community (CO. 6.18) adopted by the Sixth Meeting of CITES parties in 1987,

— having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A2-180/88),

with reference to CITES and the Community CITES Regulation:

A. whereas CITES has brought about significant improvements in the regulation and restriction of international trade in endangered species of fauna and flora, in which regard the CITES Secretariat is deserving of particular praise,

B. whereas Ireland and Greece are still not parties to CITES,

C. whereas the Community as an entity is not a party to CITES, although it is seeking to become one,

D. whereas the Commission has ordered an independent inquiry into the implementation of CITES in the Community,

E. whereas the Community is not sufficiently transparent in respect of activities and internal decisions, with the result that optimum use is not made of the expertise available in the Community, for example that of NGOs,

(1) OJ No L 384, 31.12.1982, p. 1.

F. whereas no survey has yet been published of the administrative and scientific bodies to be set up by the Member States, partly because not all of them have yet completed this task,

G. whereas in various countries the divisions among government bodies of tasks and responsibilities arising from the CITES Regulation is counterproductive,

with reference to the implementation of the CITES Regulation:

H. whereas annual reports, including surveys and assessments of trade figures, are vital to the implementation of the CITES Regulation,

I. whereas hitherto Community annual reports have appeared far too late, because most Member States are slow in forwarding information,

J. whereas reporting by individual Member States is insufficiently uniform and contains many omissions,

K. whereas the trade in wild plants is reported inadequately or not at all by all Member States bar the Netherlands,

L. whereas virtually no Member States supply a survey of confiscations, even though such information is essential for the implementation of the CITES Regulation,

M. whereas the correlation of reports on connected imports and exports is very poor, although in general an improvement is now discernible (though not in the case of trade in plants),

N. whereas almost every Member State is involved in trade in species listed in CITES Appendix I or Annex C-1 of the EEC CITES Regulation,

O. whereas a number of countries are particularly active in, and a number of species particularly affected by, trade in specimens of the species listed in Appendix II/Annex C-2,

P. whereas a number of imports are of dubious origin, a sign that they are part of illegal transactions, notably in the case of Paraguay, Bolivia and Guatemala,

Q. whereas the provisions in the CITES Regulation (Article 9) that each Member State shall recognize the decisions of and documents issued by the competent authorities of the other Member States makes action difficult in cases where it can be demonstrated that these decisions or documents were taken or issued incorrectly or unjustifiably,

R. whereas all the Member States still suffer from a shortage of customs officers and inspectors specially trained to deal with trade covered by CITES, with the result that controls at Community external frontiers and inspections in the Member States are inadequate,

S. whereas in the Member States the stringency of controls on trade covered by CITES and the severity of the penalties imposed for breaches of the rules are inadequate to combat the widespread illegal trade and are not commensurate with prices on the black market,

T. whereas often no penalties are imposed when shipments are discovered without the relevant CITES documents,

U. whereas in various Member States, including Wets Germany, confiscated goods still find their way into the market with the assistance of the authorities,

V. whereas overseas territories, particularly French Guyana, still form weak points in the Community's system for monitoring trade covered by CITES,

W. whereas customs authorities at free ports and transit points have inadequate powers to intervene in trade illegal under CITES,

X. whereas exemptions under the CITES Regulation often give rise to abuses,

Y. whereas breeding and cultivation programmes involving endangered species of fauna and flora can pose risks to the species or populations involved, partly because there are no criteria to evaluate the possible impact of their removal from and reintroduction into the wild,

Z. whereas too little effort is made to find alternatives to specimens of endangered species for use as laboratory animals,

AA. whereas an alarmingly high percentage of wild animals die during capture, preparation for shipment, shipment itself and in quarantine,

BB. whereas trade illegal under CITES is extremely widespread, one illustration being the survey of confiscations of species and products listed in Appendix I/Annex C-1 in 1984 in the Netherlands where confiscations amounted to 44 % of total trade,

CC. whereas in the Community and elsewhere extensive use is made of forged CITES documents,

DD. whereas exemption as a 'pre-Convention specimen' is regularly granted without justification,

EE. whereas various NGOs are very active in alerting the authorities to illegal activities,

FF. whereas the (Community) CITES annexes and appendices are not extended systematically, partly because trade in all species not covered by CITES is not monitored,

GG. whereas the collection of statistics on species not covered by CITES involves little extra work and would enable the (Community) CITES annexes and appendices to be updated more effectively,

HH. whereas the Community has issued special regulations covering animal species not included in CITES, but which it should be possible to include in the CITES Regulation,

II. whereas developing countries play an important role in the implementation of CITES and the CITES Regulation,

JJ. whereas at present the Community does not give adequate backing to CITES support programmes in developing countries,

KK. considering that the population of the African elephant, Loxodonta africana, has declined from around 2,3 million in 1970 to less than 700 000 today, considering that the present annual off-take rate exceeds 80 000 and that if this trend is continued the species will become quasi extinct within a few years and considering that at the present time some 800 tonnes of ivory each year enters into trade, which is contributing to the pressures on elephant populations,

LL. recalling its previous resolution of 16 March 1984 (1) on the decline of elephant populations in Africa which urged the Commission to take urgent action to prevent the extinction of the species,

MM. recognizing with regret that the export quota system recommended in that resolution and subsequently implemented through CITES, has not sufficiently helped to ensure the survival of elephant populations,

1. Urges the Commission to continue its forceful efforts to achieve active membership of CITES;

2. Urges the Commission to institute infringement proceedings against countries whose national law is inconsistent with the Community CITES Regulation and against countries which systematically submit belated and/or incomplete reports on the implementation of that Regulation;

3. Urges the Commission to publish, before the end of 1988, the findings of the independent inquiry into the functioning of the CITES Regulation and the implementation of CITES in the Community;

4. Urges the Commission to commission further regulate inquiries into the working of the CITES Regulation in the Community and the Member States;

5. Urges the Commission to display greater transparency in its implementation of the CITES Regulation;

6. Urges the Commission to hold regular meetings to evaluate the implementation of the CITES Regulation, and to invite NGOs to participate;

7. Urges the Commission with this aim of view, to involve competent NGOs more fully in its activities in respect of the CITES Regulation;

8. Urges the Commission to publish, in 1988, a survey of the administrative and scientific bodies set up by the Member States;

9. Urges the Commission to introduce, in its own secretariat and in the Member States, an integrated system for the computerized processing of data on trade covered by CITES;

10. Urges the Commission to register, before 1990, specimens of species listed in Appendix/Annex C-1 currently present in the Community and designated as pre-Convention or pre-Regulation specimens;

11. Urges the Commission to amend the CITES Regulation in such a way that, as of 1990, trade in pre-Convention or pre-Regulation specimens will no longer be permitted unless the specimens involved have previously been registered;

12. Urges the Commission to amend the provisions in the CITES Regulation stipulating that each Member State must recognize decisions of or documents issued by the competent authorities of the other Member States in such a way that action may be taken when these decisions or documents have demonstrably been taken or issued incorrectly or unjustifiably;

13. Urges the Commission with reference to the CITES Regulation, to regard all overseas territories of the Member States as not belonging to the Community;

14. Urges the Commission to amend its legislation so that customs authorities may take action against trade illegal under CITES in free ports and at transit points;

(1) Doc. 1-1486/83

15. Urges the Commission to draw up criteria by which to evaluate the possible impact of breeding and cultivation programmes on endangered species of fauna and flora, including the effect on living populations of their removal from and reintroduction into the wild, and to decide, on the basis of these criteria, whether or not to permit trade;

16. Urges the Commission to publish a regularly updated survey of commercial programmes involving the breeding in captivity of animals from species included in Annex C-1;

17. Urges the Commission to draw up lists of animal species which cannot tolerate shipment or captivity and which should therefore not be traded;

18. Urges the Commission to make improved rules on the shipment of animals binding on all transport undertakings involved;

19. Urges the Commission to introduce, if possible, a system of identifying marks with the aim of curbing illegal trade in specimens of species listed in CITES;

20. Urges the Commission to compile a register of intra-Community trade in species listed in Appendix I/Annex C-1;

21. Urges the Commission to draw up a proposal for the introduction of a notification procedure covering planned transactions under CITES;

22. Urges the Commission to set up a Community environment inspectorate which should, in connection with the CITES Regulation, support national inspection services and coordinate inquiries into illegal international transactions and problem areas, thus taking responsibility for the exchange of information;

23. Urges the Commission to compile statistics on trade in species not covered by CITES with the aim of making the updating of CITES appendices speedier and effective;

24. Urges the Commission to extend the CITES Regulation to include species not covered by CITES but for which statistics exist showing that trade in them should be restricted or prohibited, or in whose case there is wide public pressure within the Community for such trade to be prohibited;

25. Urges the Commission to lend greater support to programmes in developing countries designed to improve the official CITES machinery on the spot and the local situation of endangered animal and plant species;

26. Urges the Commission to give special attention to the protection of the rhinoceros in Africa and to prohibit all imports of rhinoceros products;

27. Requests the Commission immediately to prohibit the import of all ivory in both raw and worked-up form under Article 10.1.G of Regulation EEC 3626/82;

28. Requests the Commission subsequently to propose the transfer of the African elephant from Annex C2 (part 2) to Annex C (part 1) of the above Regulation;

29. Requests the Commission to take the necessary steps to ensure that appropriate proposals are made to the seventh meeting of the CITES Contracting Parties to take place in October 1989, for the transfer of the African elephant from CITES Appendix II to CITES Appendix I;

30. Requests the Commission to take all necessary steps to secure the support of other countries, both in the developed and the developing world, for the above initiatives;

31. Requests the Commission under cooperation agreements between the Community and countries which are not parties to CITES, to urge such countries to accede to the Convention;

32. Calls on the Commission strongly to urge the Member States if they are not yet parties to CITES (Greece and Ireland), to accede to the Convention as speedily as possible;

33. Calls on the Commission strongly to urge the Member States to set up administrative and scientific bodies in such a way that the division of tasks and responsibilities among these bodies does not unnecessarily complicate the implementation of the Regulation;

34. Calls on the Commission strongly to urge the Member States to compile their reports on matters relating to the CITES Regulation comprehensively and in good time and to include in their reports details of trade in plants and confiscations;

35. Calls on the Commission strongly to urge the Member States to impose tighter restrictions on trade in species and products listed in Appendix I/Annex C-1 and to apply more strictly the criteria for exemptions;

36. Calls on the Commission strongly to urge the Member States to monitor more closely, or prohibit, trade with countries which are known to have implemented the CITES rules inadequately;

37. Calls on the Commission strongly to urge the Member States to deploy customs officials and inspectors specially trained to deal with activities related to CITES with the aim of improving controls at Community external frontiers and inspection procedures in the Member States;

38. Calls on the Commission strongly to urge the Member States to institute stiffer penalties, including the barring of fraudulent traders, for breaches of the provisions laid down in the CITES Regulation and to harmonize these at Community level:

39. Calls on the Commission strongly to urge the Member States to impose penalties on those shipping species listed in CITES without the necessary documents;

40. Calls on the Commission strongly to urge the Member States to prevent confiscated goods finding their way back onto the market;

41. Calls on the Commission strongly to urge the Member States to make the relevant transport provisions laid down by the International Air Transport Association (IATA) and CITES binding;

42. Calls on the Commission strongly to urge the Member States to limit the number of points through which living speciments may be imported or exported;

43. Calls on the Commission strongly to urge the Member States to carry out more stringent and more regular checks on the establishments in which living specimens are ultimately kept or housed;

44. Calls on the Commission strongly to urge the Member States to deploy mobile inspection teams which may possibly work in conjunction with existing veterinary and/or plant health inspection services or special police groups;

45. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

EXPLANATORY STATEMENT

Introduction

In deference to the internal rules of the European Parliament, this is a very brief summary of a much longer report. The latter is available in Dutch only, but may be inspected on request. Because it is a brief summary, this report may be incomplete and/or unclear. The rapporteur regrets this but, for the reason given above, cannot be held responsible.

I The EC-CITES regulation: general

I.1 CITES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, better known as CITES or the Washington Convention, came into effect in 1975. In 1987 96 countries were parties to CITES. The Convention is aimed at regulating the international trade in wild fauna and flora, including recognizable parts or products obtained from them. Essentially it is concerned with measures to limit, control and monitor trade. The parties are enjoined to establish appropriate trading policy instruments, e.g. the appointment of responsible authorities and the setting up of a licensing system.

UNEP, the United Nations Environmental Programme, provides CITES with a secretariat which is located in Geneva and which performs a coordinating role. There are also various committees with specific tasks.

Numerous changes and additions have been made at the six biennial 'Conferences of the Parties' which have been held so far. It can fairly be described as an active agreement. Subject to certain conditions, the conferences are open to observers from national and international non-governmental organizations (NGOs).

CITES has three appendices (which are regularly amended).
Appendix I consists of species of wild flora and fauna which are threatened with extinction and which are, or could be, affected by trade. Trade in these species is strictly regulated and is permitted only in exceptional, non-commercial instances. Appendix II lists species which are not necessarily threatened with extinction, but which could be so threatened if trade were not regulated. It also lists species in which trade needs to be regulated in order to implement effectively the forms of regulation specified under Appendix I. These are the 'look-alikes', species whose appearance is such that they can easily be confused with species in Appendix I. Appendix III lists species which are protected within the frontiers of a Party, the protection of which requires cooperation with other Parties in monitoring trade.

I.2 The EC-CITES Regulation

Implementation of CITES in the EC is by means of Council Regulation (EEC) No. 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora. The EC-CITES Regulation entered into force on 1 January 1984 since when it has been amended on a number of occasions.

The regulation provides for uniform implementation of CITES throughout the Community. A number of measures have also been included which relate to intra-Community trade and transport. For the purposes of species protection the EC and a number of individual Member States have measures for certain species which go further than those specified under CITES. Individual EC Member States may not make any reservations, although the EC may make a reservation if amendments are made to Appendices I or II of CITES and if all Member States record such a reservation within three months.

The Commission plays a central, coordinating and support role for the EC-CITES Regulation and is also chairman of the EC Committee for CITES which consists of representatives of the Member States.

The EC-CITES Regulation contains three annexes. Annex A is the complete text and updated appendices of CITES. Annex B lists the main CITES animal and plant parts or products. Annex C lists a number of CITES species for which the EC provides more stringent regulations than CITES. This annex is subdivided into two parts, C-1 and C-2.

The species in Annex C-1 are deemed to be in Appendix I of CITES. Trade in these species for predominantly commercial reasons is not permitted. Export and import permits are also required, as are, where relevant, certificates for re-export or for introduction from the sea. These licences are subject to certain requirements laid down by scientific and administrative authorities in the (re-) exporting and importing countries. Live specimens of these species are also covered by additional rules for transport within the Community.

Annex C-2 lists species in respect of which trade is permitted for a variety of purposes, including commercial purposes, but for which an import permit is required. The conditions attached to the issuing of an import permit relate to the biological and legal status of the species in question, or populations thereof, in the country of origin.

For the import of specimens of all other CITES species (those not listed in Annexes C-1 or C-2), the following are required: export permits from the country of origin and import permits or certificates showing that the CITES formalities have been satisfied. An export permit is required for export from the EC and a certificate is required for re-export.

Of the twelve Member States, only Greece and Ireland are not at present Parties to CITES. CITES was amended in 1983 in such a way that the EC itself could become a Party, provided at least two-thirds of the Parties present approve. As of April 1988 only 15 Parties have approved, whereas 54 votes are necessary. Shortcomings in the actual implementation in the EC and failure to meet personnel and financial commitments for implementation are apparently the reasons for this.

The EC-Committee for CITES plays an important role in coordinating and harmonizing administrative measures and decisions. Belgium, the only country to respond to Parliament's enquiry into the application of CITES in the EC, was of the opinion that the Committee met too infrequently to solve all the problems as they arose.

Another criticism of the way in which the Committee functions is the exclusion of expert observers and inadequate publicity for its activities and results. This excludes a lot of external expertise, such as that held by various NGOs; at the same time it can certainly not be said that all countries are represented by experts.

The EC-CITES Regulation should be amended to the effect that, by analogy with CITES, expert observers may be present at meetings of the EC-Committee and the agendas and minutes, possibly with a few exceptions, are made public.

Member States are supposed to appoint an administrative and a scientific body for the tasks resulting from the Regulation. The Commission must be notified of these bodies and their names must be published in the Official Journal. This has not yet been done. The question is whether all countries have already appointed the bodies in question. Be that as it may, the Commission says that in a number of countries there is a shortage of scientific expertise and of other staff and also of financial resources. (However, the Member States have set up a scientific working party for the exchange of scientific information and scientists for countries which do not have the resources available).

One problem in various Member States is the division of tasks and responsibilities. In Italy, for example, the Ministry of Agriculture and Forestry is responsible for handling permit applications, whereas the Ministry of Foreign Trade is responsible for issuing most permits: and the latter does not have to adhere to the recommendations of the former or of the appropriate scientific authority. Given the complexity of the implemention of the Regulation it would be desirable for all Member States to seek the integration of all their departments concerned with trade in plants and animals.

II Reporting

Keeping records of the trade in specimens of CITES species and evaluating this information are two very important was in which CITES can be effectively implemented. The records provide information about the impact of trade on populations of the species, although additional information 'from the field' is also needed. Furthermore, an evaluation of the information provides a picture of the extent to which the Convention has been implemented by the individual Parties. It also makes it possible to identify specific problem areas and to detect illegal transactions by tracing trade routes and origins.

II.1 EC annual report

Before the EC-CITES Regulation came into effect in 1984 a number of EC Member States submitted reports on an individual basis, including reports on trade between each other. The Regulation prescribes that the European Commission shall compile a report every year on the basis of the information recorded and supplied by the national authorities. It does not provide for a record of trade between the EC Member States. This would not matter if there were perfect implementation of the EC-CITES Regulation. However, as we shall demonstrate below, perfection has not been achieved and in this respect the Regulation is a retrograde step compared with the situation prior to 1984. However, the other side of the coin is that all EC Member States are now submitting reports, including (albeit in a very sketchy form) Greece and Ireland, the only two EC countries which are not yet Parties to CITES.

The Wildlife Trade Monitoring Unit (WTMU), which is part of the IUCN Observation Monitoring Centre, has been contracted by the Commission to compile the EC annual reports. In fact, the WTMU has been commissioned by the CITES secretariat to study all the CITES' annual reports.

So far (May 1988) only the annual reports for 1984 and 1985 have appeared; in both cases far too late, because most countries have been very backward in coming forward with their information. The 1986 annual report will appear too late for the same reason; although all the information should have been submitted in July 1987, the figures from France and Greece are still not available.

The consequences of these delays have been to some extent offset by the fact that in emergencies the WTMU has been able to pass on information to the CITES secretariat.

An examination of the way in which reports are submitted shows a number of interesting differences between the approaches of the individual EC Member States. Because Ireland failed to report any trade with non-EC countries in 1984 and 1985 (although reports from other countries did indicate trade with Ireland) this country will be ignored in this part of this paper. Far too little is known about Spain and Portugal, and these two countries will therefore be ignored below.

In 1984 a number of countries, including Belgium and West Germany, only reported the total numbers of transactions, and not individual transactions. However, in 1985 all countries started reporting on the basis of individual consignments (or in some cases only on the basis of permits issued), which makes reporting somewhat more sensible.

In both years trade in flora was reported poorly to very poorly by Belgium, France, West Germany, Italy and to a lesser extent Great Britain. Denmark, which reported on trade in flora in 1984, failed to do so in 1985 despite the fact that it has a very extensive trade in plants. Greece and Luxembourg (and Ireland, too) have also failed to report on flora. Only the report by the Netherlands was adequate in this respect, although in parts only relatively useful as long as trading partners do not supply their own figures. The Netherlands also reported on trade in plants with other EC countries. Scarcely any country listed confiscations, although this aspect is at least as important as listing the legal trade, since it is actually trade. It also provides information on the illegal routes and the species on which illegal trade is concentrated in specific areas, etc.

In addition to looking at the form of reports it is possible to obtain an indication of the quality of the CITES reports by comparing the reported transactions of the different Parties; if country A reports exports to country B, then country B will have to report imports from country A. The WTMU has calculated this correlation from the EC countries on the basis of samples. In general the correlations appear to be very poor. The main reason is failure to report or inadequate reporting on the part of importing and/or exporting countries. Given all the many grey areas in calculating the correlations - e.g. discrepancies resulting from transactions straddling two years - there is little point in providing precise percentages. Greece stands out (negatively) as far as the general picture is concerned. A number of other countries stand out because of their rather cavalier attitude towards certain species, e.g. West Germany with birds, Italy and (as far as imports are concerned) Great Britain with Appendix I species and France with regard to imports in general.

The general trend for the EC as a whole is that correlations in 1985 are closer than in 1984, which indicates improved reporting by the EC Member States and/or by other CITES Parties, the most blatant exceptions being trade in plants in general and trade carried on by Ireland, Greece and Luxembourg.

II.2 Reported trade in Appendix I and C-1 species

There are a number of interesting points in the reports relating to trade in specimens of species in CITES Appendix I or Annex C-1 of the EC-CITES Regulation.

Virtually every country appears to engage in transactions which are rather dubious, although for 1984 it is not clear in many cases whether the transactions involve permits issued before the Regulation came into effect or possibly trade in stocks built up prior to that date, the pre-Convention or pre-Regulation goods.

Examples are imports of whalemeat by Denmark,, trade in varanid lizards, turtle soup and turtle shells, skins of crocodiles and ornithoptera by France, trade in chimpanzees by Belgium, trade in parrots, turtlemeat and ivory by West Germany, parrots, monkeys and crocodile products by Italy and vicuna wool by Britain.

Finally, mention must be made of the Netherlands. An unusually high percentage of the imports reported in 1984 related to confiscated, illegal goods: 44% of total CITES imports. This may reflect extensive monitoring combined with the fact that a lot of illegal goods enter the Netherlands. Be that as it may, this demonstrates the great importance of reporting on confiscated goods.

II.3 Reported trade in Appendix II and C-2 species

Regarding trade in the specimens and products of species listed in Appendix II/C-2 there are a number of geographical areas and species that stand out. All EC countries appear to regularly import live parrots (particularly Belgium and the Netherlands), ivory (particularly of the African elephant), skins of members of the cat family (Germany in particular) and reptile skins and products. Most of the trade in ivory is concentrated in Belgium, Denmark, France, Germany and Britain, the largest transaction being the import by Belgium of 58 881 kg of tusks from the Central African Republic. In addition to ivory, Italy, Denmark, France and above all Great Britain import large quantities of African elephant hides for the leather industry. France and Italy lead the field in trade in reptile skins and products derived from them.

Denmark, West Germany and Italy reported trade in sealskins (mainly from South Africa) for 1984. The trade in live reptiles appears to be concentrated in Denmark, West Germany and the Netherlands. Germany stands out because of a wide range of imports of live animals for zoos and imports and exports of live and stuffed birds of prey. Belgium, France, Germany and Britain import a lot of live primates. Italy reports significant imports of live monkeys for research purposes.

II.4 Dubious origin

One major problem is apparent from the 1984 and 1985 reports on Appendix II species: large numbers of animals (and animal products) appear to have been imported from countries where the species in question are not indigenous, where they are threatened or where exports of such animals are prohibited.

Imports from Paraguay take the prize in this respect. Paraguay imposed a ban on the export of wild fauna in 1975 but has never properly implemented this ban. In 1985 a lot of shipments with Paraguay as the country of origin reached the EC. France was particularly conspicious because of the volume of its imports. With effect from 1984 the EC therefore decided to issue no further permits for imports of Paraguayan origin, although in 1985 France and Italy were still exporting skins of spectated caimans which, according to the reports, came from Paraguy.

In 1984 and 1985 imports of dubious origin came not only from Paraguay but from other countries, too. Although other species were also involved, including live specimens, imports were mainly of caiman skins from El Salvador, the Argentine, Guatemala and Bolivia. Because of the difficulties with Bolivia, it was decided at the Conference of CITES Parties in the Argentine in 1985 to put a temporary ban on imports from Bolivia pending the introduction of measures to curb illegal imports and exports in that country. In 1985 France and Italy were still issuing permits for the import of tens of thousands of caiman skins from Guatamala. Enquiries resulting from the issue of a permits by Italy for the importation of some 85 000 (!) skins showed that forged CITES papers were involved. Exports of the species in question (Caiman crocodilus fuscus) from Guatemala have now been stopped.

As a result of this incident the CITES secretariat has urged that importing countries should exercise more vigilance in situations where the exports of a species from a particular country are clearly in excess of the size of the local population.

In 1985 the EC did not have an information system for the distribution of Annex C-2 species, although it does now. Mistakes such as those described above should therefore no longer occur. The task of the expert working party referred to above is to develop common criteria for evaluating the status of C-2 species in general, and in the various exporting countries in particular.

II.5 Trade in plants

The pathetically poor reporting on trade in plants in the EC makes it impossible to say anything on this subject beyond the fact that reports are needed as a matter of priority. This is particularly true in that a comparison of CITES annual reports by non-EC countries shows that there is a considerable trade in CITES plants with virtually all EC Member States.

II.6 General conclusion from the EC-CITES reports

With regard to the reports themselves we can say that those for 1984 appeared far too late, there was far too little uniformity and there were considerable gaps. Reports for 1985 also appeared far too late (this is again true for 1986) and a whole host of defects have been found, although there has been some improvement with regard to uniformity. The conclusion from the reporting is that application of CITES and the EC-CITES Regulation leaves much to be desired, but that some progress can be detected if the 1985 situation is compared with that of 1984.

An evaluation of the Regulation should not be confined to an examination of the information in annual reports. There are a lot of other aspects which are not (adequately) covered in the reports. These are discussed below.

III Main problems

III.1 Free movement of goods

The free movement of goods in the EC as prescribed by the Treaty of Rome will create an area of tension with the regulation and control of trade in wild flora and fauna, which is the intention of CITES, as long as the EC-CITES Regulation is implemented in a non-uniform, incomplete or incorrect way. The Regulation (Article 9, Section 1) specifies that each Member State shall recognize the decisions of the competent authorities of the other Member States. This does not apply if Member States wish to take stricter measures (Article 15). One example is the ban on trade in birds of prey with Germany imposed by Britain in 1984. Numerous court cases have demonstrated that this is not merely a question of wording. It therefore seems wrong not to define more precisely the relevant provisions of Article 9. At the very least a rider should be added to the effect that this obligation does not apply if documents have demonstrably been issued incorrectly, or if the species in question do not occur, or only in very small numbers, in the 'country of origin' or are protected against exports. The Commission or the CITES Secretariat should issue a ruling in the event of disputes.

Article 9 is the root of other problems, partly because of the ruling that permits and certificates issued in a Member State (with the exception of documents for pre-Convention goods) are valid throughout the Community. Although it is true that permission is required from the authorities of the Member States in question for transfrontier trade in live Appendix I/C-1 specimens with the Community, it will be extremely difficult to establish whether the accompanying permits actually belong to the specimens in question. If the specimens are not indelibly labelled they can easily be switched. This is true of illegal imports of flora and fauna and of specimens stolen from museums, zoos or botanical gardens.

The other problem relates to the strictness of monitoring and the level of fines in the individual Member States and hence the preferred routes for illegal trade within the Community. There can be no doubt that shady dealers are well aware of the weak spots in the monitoring and control system. In fact most Member States are not particularly vigilant in this respect. The commonest penalty is confiscation of goods. Prosecution is rare. In cases where fines are imposed they bear no relation to the high prices fetched by many CITES specimens on the black market. In Germany, in fact, the practice is to auction off confiscated goods. That is how easy it is to legalize illegal goods.

A number of control measures spring to mind. Firstly, there should be stricter supervision at all external frontiers of the EC. Secondly, prosecutions will have to become more frequent and fines should be brought more closely in line with black market prices. Thirdly, much greater vigilance is needed in checking documents issued elsewhere.

III.2 Overseas territories

Member States with overseas territories enjoy special status with regard to free movement of goods. Under the EC Treaty the territory of a number of these areas is regarded as a customs zone. The EC-CITES Regulation treats these territories as the sovereign territory of the Member States in question, for example with regard to free movement of goods.

In a number of these territories frontier checks are very difficult. French Guyana for example is a weak spot in the EC monitoring system and an important delivery point for illegal CITES goods. After a visit to French Guyana in 1986, five months after the new law on the protection of wild flora and fauna came into effect, the CITES Secretariat spoke of the lack of knowledge of CITES regulations on the part of the authorities responsible for them. More stringent CITES checks on trade with overseas territories are necessary.

III.3 Free ports and transit

Free ports and transit centres are generally recognized as the weakest links in the EC frontiers as regards illegal CITES goods. This is because of problems in interpreting the law and the limited powers enjoyed by the customs authorities. Another reason is that in some countries no explicit penalties are available. The West German free port of Hamburg generally used to enjoy a very poor reputation, but checks now appear to have been tightened up.

III.4 Exemptions

Article 6 of the EC-CITES Regulation provides for a number of exemptions to the ban on the trade in species listed in Appendix I/C-1, with regard to:
- imports which, in accordance with the CITES Regulations, were made before the Regulation came into effect or imports made after that date if they are not primarily for commercial purposes;
- animals bred in captivity or plant species artificially propagated;
- specimens intended for research, teaching or propagation purposes or
- specimens removed from the natural state under legal provisions in force in the Member States.

These exemptions create a number of problems. The desirability of having so many exemptions is debatable. Breeding or propagating can make a major contribution towards maintaining (threatened) species or populations. In some cases the results have been encouraging, if not overwhelming. However, there are risks. For example, there have been breeding programmes involving members of the cat family which have produced numerous complications.

The question is whether specimens bred in captivity can subsequently be re-introduced into nature. If not, these programmes have no positive effect on fauna populations. In fact, the opposite is likely to be the case, because programmes have a continuing need for 'fresh blood' to prevent inbreeding or loss of variation. These problems have been encountered with the snow leopard and the clouded leopard, for example. A list of criteria for the evaluation (if possible, preventive) of the effect of breeding and propagation programmes, taking into account the effect of removal and re-introduction on the wild living populations is therefore highly desirable. In addition, scientific supervision must at all times be guaranteed.

If we wish to have a better understanding of the effects of capturing specimens of threatened species living in the wild or of the number of animals killed, whether or not by accident, when captured and/or the number of specimens that die or suffer serious physical or mental damage during transport and transit, the desirability of these exemptions may well be seen in a different light. One has only to think of dolphinaria and monkeys used by photographers in tourist centres in Spain.

These considerations also apply to test animals of rare species. A case study carried out in the Netherlands has shown that in certain experimental projects 1 500 of the circa 2 150 monkeys used could have been replaced by other, less threatened, species. Hence, before an exception is permitted there needs to be a thorough examination of the alternatives.

It would therefore appear desirable to draw up standard criteria for evaluating the need for exemptions and to evaluate the impact which exemptions might have on populations living in the wild. Such criteria could include more detailed provisions for implementing a number of recent CITES regulations, for example in respect of specimens of Annex I species bred in captivity, trade in which is permitted only if the breeding programme has taken place under controlled conditions and if the animals are of the second breeding generation (or if there are analogous precedents elsewhere). This would prevent France and Great Britain, for example, from improperly importing turtles and turtle products from Réunion and the Cayman Islands.

The exemption clause is abused when illegally obtained specimens are certified as having been born in captivity or artificially propagated and therefore giving them legal status. A report from the Dutch fauna information department states that in some cases special zoos have been set up for this purpose (import on the basis of exemption status). The EC is working on a recording system for exotic species to go some way towards counteracting this state of affairs.

Another form of exemption relates to specimens which are pets or personal possessions. Here, too, Member States may permit exemptions from the prescribed import and export formalities, and the quantities involved may be considerable.

There is, first of all, a need for statistics to assess the impact of these exemptions on living populations. On the other hand, the provision of information may help eliminate this abuse.

III.5 Live specimens during transportation and in captivity

CITES lays down that risks of injury and damage to health in the trade in live specimens of CITES species should be kept to a minimum. The EC-CITES Regulation also requires adequate facilities and expert care to be provided at the point of destination before an import permit may be issued. In this connection there is a call for formalities to be expedited and, to facilitate this, an indication of the ports of departure and arrival where the trade has to be reported to the customs authority. This is done by only a few EC countries and even then not in the spirit of this regulation: the number of designated places is far too great.

The expeditious handling of formalities is something which is often slow in becoming reality. There are numerous examples of unnecessary hold-ups, sometimes involving animals which are extremely sensitive.

The British Environmental Agency says that the percentage of wild animals that die during capture, preparation for transpart, transport itself, during quarantine and transport to the ultimate point of destination is frighteningly high. Poor or cramped containers, lack of drinking water and/or food unhygienic conditions, rapid changes in temperature are all factors which increase stress and cause physical injury or death. This is aggravated by the fact that many of the animals are not suited to life in captivity.

Measures which should be taken now, if necessary to be updated at a later stage, include the following:
- the compiling of a list of species which are not suited to transport oor captivity;
- improved checks on compliance with existing regulations for transport such as those issued by IATA (International Air Transport Associaton) and CITES, together with improvements to these regulations and making them binding on all transport companies concerned;
- limiting the number of entry and exit points via which live specimens may be transported; and
- stricter and more frequent checks on facilities at the ultimate destination of live specimens.

IV Illegal practices

In 1984 only the Netherlands, Denmark and Britain provided more or less complete reports on confiscated goods. The conclusion from these and other data and reports by NGOs is that the illegal trade is enormous. Broadly speaking, illegal CITES trade consists of two sorts: secret exports and imports and the use of forged or incorrect papers. As far as the first type is concerned, it is often the case that other shipments of animals, plants or animal and plant products are used to conceal the illegal goods. Proper checks on transport of flora and fauna are therefore required.

With regard to forged documents, there is a suspicion, and in some instances a clear indication, that in some countries corruption plays an important role. There appears to be an important market in the EC for CITES and EC/CITES documents (as emerged at the hearing conducted by Parliament). For example, it is apparently very easy in Germany to obtain a certificate for birds stating that the specimens were bred and propagated in captivity.

The 1985 annual report indicated various possible means of dishonest practices. For example, the re-export by Belgium of a number of chimpanzees as 'pre-Convention specimens'. Another example is the import by France of 1 635 tiger skins (Felis tigrina) from Bolivia, where the species is not found, on the basis of false documents. The examples also include a number of transactions not permitted under CITES with turtle products from the British Cayman Islands and French Réunion.

Here, too, there is a need for stricter controls together with a proper system of recording trade, e.g. using a marking system and stricter penalties (e.g. total exclusion from trade). The practice of imposing a temporary ban on trade with countries where there is widescale fraud should also be stepped up.

IV.1 Monitoring and statistics

There is little point in listing per country the illegal transactions that have come to light. It may well be that the totality of confiscated goods reflects strictness of controls rather than the actual extent of illegal trade. It goes without saying that the actual extent of illegal trade is not known. However, according to the WTMU the statistics show that illegal trade that it detected only constitutes a small fraction of total illegal trade. This reflects the generally held view. One example will illustrate this: in 1984 the CITES goods confiscated in the Netherlands (species and products listed in Appendix I) constituted 44% of the total trade in species and products listed in Appendix I/E-1.

Analyses of detected illegal trade, in terms of trade route, country of origin, transit, import and re-export, country of confiscation, all broken down by type of trade are very important. The WTMU and various TRAFFIC departments are engaged in making these analyses. The EC ought to support this activity.

Finally, mention must be made of illegality relating to lack of papers. If a consignment arrives at the border without the requisite CITES papers the owner/carrier is often given the opportunity of obtaining the papers before the goods are actually confiscated. No punishments are then imposed. This would seem to be undesirable.

In the first place, confiscation can be counterproductive. If the papers are obtained subsequently the country can be held responsible for the costs of confiscation and possibly the costs of the delay. The lack of papers should itself be a punishable offence. Dead animals or plants or products of such animals or plants can always be returned if the papers are subsequently presented. The dealer then need only pay the authorities the costs they have incurred.

Secondly, in the case of live specimens the lack of accompanying papers suggests a lack of concern about transporting such (sometimes very delicate) goods. Such cases will have to be punished by irrevocable confiscation and further prosecution, with the possibility of prosecuting transport firms as being partly responsible.

V. Measures

The proper functioning of the EC-CITES Regulation requires efforts on a number of fronts. The provision of information for the public and, more importantly, for institutions actively engaged in trading in and keeping plants and animals is an important element in this. NGOs should also be encouraged to participate in information, education, monitoring and formulation of policy.

The most important means of curbing illegal transactions and providing proper regulation of trade, however, is frontier checks and inspections in each country. In addition to many shortcomings in the administrative procedures in most countries practical checks are particularly inadequate. This is mainly due to a shortage, or lack, of specially trained customs officials and inspectors. If checks are inadequate at frontiers, inspections of sales points, storage places and facilities where live specimens are kept are completely non-existent.

A number of measures are required. Firstly, the number of import and export points per country could be restricted. These points should preferably have facilities for temporary storage of live animals and plants. By analogy with the situation in Denmark it might be possible to make notification one or two days in advance compulsory, so that an inspector can be present. Checks on CITES consignments should also be made more practical and compulsory.

It goes without saying that the customs officials need to be properly trained in CITES regulations and in basic recognition of species. They also need to be assisted by a mobile team of inspectors, backed up if necessary by identification experts. The team of inspectors could also carry out inspections within the country and help coordinate the compiling of lists of commercial goods.

These teams ought to be assisted at the international level by a sort of EC inspectorate whose tasks could include identifying instances of infringement, reporting these to the Member States and the EC Commission and investigating illegal transactions and pressure points, or coordinating such investigations. Another important contribution this body could make would be the exchange of experience and other information between the monitoring institutions in the different countries.

This inspectorate could also cover other EC matters, e.g. EC nature conservation legislation. At the national level it might be found necessary to link the inspection services with existing veterinary or phytosanitary inspection services or special sections of the police force. However, a specific concern for CITES aspects would need to be retained. The use of volunteers might also be considered. A lot of NGOs are willing to help in this respect.

V.1 Monitoring non-CITES species

The monitoring of non-CITES species is also necessary. This would provide information for designating priority species for further study and for inclusion in the Appendices to the EC-CITES Regulation. In this way the species of wild flora and fauna to be added to the appendices could be properly systematized. Since the (EC-)CITES appendices were first compiled the updates have not been tackled in a systematic way. Nor is it possible to do so as long as there are no trade statistics on non-CITES species.

A proposal to include a species in the CITES appendices requires both field data and trade data. If it is discovered on the basis of field data that it is necessary to restrict trade in order to protect the species, inclusion in CITES still takes a long time. In most cases it takes several years before it is possible to submit reasonable trade statistics. Given that the pattern of trade can shift with extreme rapidity, sometimes within the space of a number of months, this is a highly unsatisfying situation. The problem can only be solved if reasonable statistics are at all times available. And this requires monitoring of the trade.

Experience in the United States shows that updating the statistics referred to above does not represent so much work. Importers can fill in the registration forms themselves. These could then be verified by the customs authorities and then passed on to the CITES. The latter would collate the forms and arrange for the data to be analyzed, e.g. by the WTMU. In this respect rapid computerization of the recording of CITES trade in all Member States of the EC is a requisite.

V.2 Inclusion of non-CITES species in EC-CITES appendices

Although scientific recommendations are of course an important element in formulating proposals to amend CITES, unfortunately there is no denying that political considerations play an important role in amendment decisions. This is one reason why proposals made by the EC may be rejected or withdrawn. However, the EC retains the right to include the proposed species in the EC-CITES Regulation.

Hitherto the EC has not done so. There is an agreement within the Council not to do so. This needs to be reconsidered. Examples of non-CITES species which really ought to be included in the EC-CITES appendices are those unsuitable for transport or captivity, species whose exploitation would result in harmful ecological side-effects and species in respect of which public opinion is opposed to trade. There is therefore no longer any need to establish separate regulations, as has been the case with seals and whales.

V.3 Developing countries

In conclusion, a note on developing countries which export wild flora and fauna. The plundering of nature in developing countries for commercial purposes is carried out sometimes with, and in many more cases without, the permission of the authorities of the country. Two examples of animal species in respect of which trade is still at unacceptable levels are the rhinoceros (mainly because of the horn) and (young) gorillas.

Improved monitoring in these countries in particular, possibly coupled with programmes permitting a reconstitution of populations or even, in some cases, exploitaton on a long-term basis, will make a substantial contribution towards the better functioning of CITES. These countries often do not have the financial resources for this. Because conservation programmes are usually also concerned with improving the living environment, and it is often the case that additional employment and income can be created for the local population, e.g. from tourism and culling for local needs or for commercial purposes, it is important for the EC to provide greater funding or other forms of assistance than has been the case so far (e.g. via EC budget Article 946, Ecology in the developing countries).

2.

Amendment of the CITES Convention in respect of butterfly ranching in certain tropical rain forests

- Resolution voted by Parliament on 11 December 1986
  (OJ C 7/115 of 12 January 1987)

- Explanatory statement of report drafted by Mr Hemmo J. **MUNTINGH** (S-NL)
  (Doc. A2-0153/86)

Thursday, 11 December 1986

Regulation on the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

— Proposal for a Regulation COM(86) 167 final: approved

— Doc. A2-153/86

RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Regulation amending Regulation (EEC) No. 3626/82 on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

The European Parliament,

— having regard to the proposal from the Commission to the Council (1),

— having been consulted by the Council pursuant to Article 235 of the EEC Treaty (Doc. C2-21/86),

— having regard to its resolution of 20 May 1980 on the World Conservation Strategy (2),

— having regard to the European Community's action programme on the environment,

— having regard to the resolution of the ACP-EEC Joint Assembly of 26 September 1985 on the creation of biogenetic reserves and the rational management of stocks of animal and vegetable living matter, both terrestrial and marine stocks (3),

— having regard to the report by the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on External Economic Relations (Doc. A2-153/86),

— having regard to the result of the vote on the Commission's proposal,

A. concerned at the precarious situation of many species of butterfly owing to deterioration of habitats, particularly because of deforestation, and the collection of specimens from the wild,

B. having regard to efforts to reserve this trend in Papua New Guinea, by commercial butterfly ranching programmes and the protection of endangered species of butterfly,

C. noting that these programmes remove the need for the illegal capture of and trade in butterflies,

D. noting that the butterfly racing programmes also have a positive impact on the conservation of the virtually untouched tropical forests of Papua New Guinea,

E. noting that the programmes' small-scale approach makes butterfly ranching easily accessible to the local people and provides many of them with an income,

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(1) OJ No C 97, 25. 4. 1986, p. 7.
(2) OJ No C 147, 16. 6. 1980, p. 26.
(3) OJ No C 322, 13. 12. 1985, p. 33.

F. whereas butterfly ranching in Papua New Guinea may be taken as a model for the concept of conservation for development, which lends itself admirably to imitation in other countries,

G. whereas interest has been shown in these programmes in various countries in Asia, Oceania and South America,

H. noting that the species of butterfly bred in Papua New Guinea may not however be imported into the EEC owing to Regulation (EEC) No 3626/82 on the implementation in the Community of the Convention on international trade in endangered species of wild and fauna and flora (the Washington Convention),

I. having regard to a resolution by the Conference of the Washington Convention (Conf. 3.15, 1981) in which it was recommended that populations of species should be transferred from Appendix I to Appendix II (thus permitting controlled trade for commercial purposes) if they were no longer regarded as endangered and if it were agreed that cultivation or breeding would be beneficial,

J. whereas in this respect the inclusion of the butterfly species in question in part 1 of Annex C of the Community regulation has in fact a counterproductive effect on the protection of the species and on the conservation of their habitats in general,

K. being of the opinion that the EEC should play a role in encouraging projects similar to those described above,

1. Expresses its approval of the Commission's proposal;

2. Urges the Commission to investigate ways of providing financial or other support for small-scale commercial butterfly farming programmes that go hand in hand with conservation of endangered butterfly species and their natural habitats, particularly tropical rain forests;

3. Calls on the Commission also to give aid where possible to projects within the EEC aimed at improving the natural habitats of endangered species of butterfly;

4. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENT

About 100 000 species of butterfly have already been discovered. An unknown, but undoubtedly large, number probably remain to be recorded. The number of known species is however declining at a rapidly increasing rate, largely because of loss of habitat, 'assisted' in certain cases by collectors. In Europe a third of all species of butterfly are endangered in this way. The outlook is no better in the tropical regions and this must be primarily ascribed to the disappearance of tropical rain forests.

Birdwing butterflies and butterfly ranching in Papua New Guinea

In the possession of its tropical rain forests Papua New Guinea is (still) a fortunate exception: a very large area of forest is almost untouched. Nevertheless this does not mean that all species of butterfly are automatically safe. The birdwing butterflies, including the Ornithoptera and the Troides, are particularly at risk. Birdwing butterflies reproduce much more slowly than most other species of butterfly and in addition are highly prized by collectors. At the beginning of the last century and perhaps earlier butterflies were already being captured in Papua New Guinea and sent back to Europe, where they took pride of place in collections.

The government of Papua New Guinea has now declared seven rare and endangered species of butterfly protected species. Other species may still be caught and sold. To help trade and to prevent it from becoming a threat to the species currently available, butterfly ranching programmes were set up with the help of the World Wildlife Fund and the IUCN (International Union for Conservation of Nature and Natural Resources). The programmes initially concentrated on two fairly common species of butterfly, the Ornithoptera priamus and the Troides oblongomaculatus, and with success.

One major problem in breeding insects is a lack of suitable host and food plants. The important plants for the butterflies have been identified and have been planted in small fields between existing trees. The butterflies are attracted to these areas and can breed unhindered (protected by the rancher from hazards such as insect predators). They can now be regularly collected.

As these areas contain indigenous trees and vegatation that occur in the wild and because it is beneficial to create as natural an environment as possible there is very little disruption of the natural environment. As the product involved in butterfly farming and trading is very small and light, there is no need to make major changes in the infrastructure. This cannot be said of other options available elsewhere and potentially also in Papua New Guinea: the timber trade, coffee and palm plantations mostly require relentless deforestation.

Another, economic, advantage of butterfly ranching is that very little money has to be invested before breeding starts. Still less is there any need for complicated and expensive technical equipment. It is a form of economic activity that is exceptionally well adapted to local circumstances.

A special agency, IFTA (Insect Farming and Trading Agency) has been set up to deal with farming and trading. In addition to technical assistance and regulating sales at home and abroad, IFTA is also responsible for the conservation of endangered species of butterfly and for education. Efforts are also being made, by means of a farming programme, to increase the numbers of a rare butterfly, the Ornithoptera Victoriae.

Butterfly ranching removes the need for illegal collection practices. In particular, collectors prefer whole specimens (without torn wings, etc.) and these are seldom, if ever, found in the wild. Furthermore, international trade is being channelled, increasingly, through IFTA. Consequently it is becoming ever more difficult to find suitable and interested buyers through other channels.

The butterfly ranching programme in Papua New Guinea is a unique example of nature conservation working in the interests of development, as recommended by the World Conservation Strategy. It is fulfilling a pioneer role that can act as a model for many other countries. Planning has already reached an advanced stage in Indonesia in particular and interest has also been expressed in other countries in Asia, Oceania and South America.

The sections of the World Wildlife Fund, the IUCN and the Societas Europaea Lepidopterologica associated with the project have commented favourably on Papua New Guinea's approach.

The European Community

One stumbling block still remains. The Community, an important customer for exotic butterflies, at present does not allow the import of birdwing species. These species, Ornithoptera, Trogonoptera and Troides, are at present listed in appendix II of the Washington Convention. The EEC considered that stronger measures were required and has put them in part 1 of Annex C, banning commercial trade. This acts as a barrier to trade in farmed butterflies from Papua New Guinea, which certainly cannot be the intention either of concerned nature and butterfly lovers or of those who care about the fate of tropical rain forests and their inhabitants and even less of those who set store by development cooperation for the benefit of the poorest regions in the world. In 1981 the Conference of the Parties to the Washington Convention also came out in favour of raising the ban on trade in species that can no longer be considered endangered (by trade) (Res. Conf. 3.15, 1981).

Your rapporteur therefore proposes, along the lines of the Commission's proposal, that these species of butterflies should be moved to part 2 of Annex C of the Community regulation so that trade is permitted, though with safeguards, with and within the Community. In view of the favourable impact of the butterfly farming programme on nature and rural development your rapporteur feels that the Commission should give active encouragement to such programmes in countries other than Papua New Guinea. Investigation of the possibilities in an ACP-EEC context would be a good beginning.

With regard to the worrying situation of butterfly species in the EEC your rapporteur also hopes that the Commission will support similar projects within the European Community, in an active and appropriate manner. A starting point might be authorization of an investigation into the conservation and/or improvement of the habitats of endangered butterfly species.

The implementation in the European Community of the Berne Convention on the conservation of European wildlife and natural habitats and the Bonn Convention on the conservation of migratory species of wild animals

- Resolution voted by Parliament on 12 October 1988
  (OJ C 290/54 of 14 November 1988)

- Explanatory statement of report drafted by Mr Hemmo J. **MUNTINGH** (S-NL)
  (Doc. A2-0179/88)

Wednesday, 12 October 1988

Conservation of European wildlife and natural habitats

— Doc. A2-179/88

RESOLUTION

on the implementation of the Berne Convention (on the conservation of European wildlife and natural habitats) and the Bonn Convention (on the conservation of migratory species of wild animals) in the European Community

The European Parliament,

— having regard to the Council Decisions regarding the implementation of the Berne Convention and the Bonn Convention on the EC (Nos 82/72 and 82/461 respectively),

— having regard to the motion for a resolution by Mrs Bloch von Blottnitz on the violation of the Berne Convention in Italy (Doc. 2-536/84),

— having regard to the motion for a resolution by Mr Roelants du Vivier on the banning of certain forms of hunting, particularly riding to hounds (Doc. 2-1060/84),

— having regard to the motion for a resolution by Mrs Squarcialupi and others on the protection of wild birds and mammals during times of cold weather (Doc. 2-1476/84),

— having regard to the motion for a resolution by Mr Flanagan and others on swan deaths from lead poisoning (Doc. B2-253/85),

— having regard to the motion for a resolution by Mr Roelants du Vivier on Community regulations implementing the 1979 Berne Convention on the conservation of wildlife and the natural environment in Europe (Doc. B2-400/85),

— having regard to the motion for a resolution by Mr Roelants du Vivier on the need for a Community information programme on the protection of wildlife and the natural environment (Doc. B2-402/85),

— having regard to the motion for a resolution by Mr Roelants du Vivier on the conclusion of regional agreements with third countries on the protection of migratory species (Doc. B2-403/85),

— having regard to the motion for a resolution by Mrs Bloch von Blottnitz on the contravention of the Berne Convention in Greece (Doc. B2-939/85),

— having regard to the motion for a resolution by Mrs Bloch von Blottnitz on the problem of hunting in the wetlands of north-eastern Greece (Doc. B2-941/85),

— having regard to the motion for a resolution by Mr Tridente on the survival of wildlife in Europe (Doc. B2-14/86),

— having regard to the motion for a resolution by Mr Tridente on the protection of the source of the Pescara River (Doc. B2-954/86),

— having regard to the many parliamentary questions to the Commission on shortcomings in the implementation of the Berne and Bonn Conventions in the Community,

— having regard to the Council Resolution on the continuation and implementation of a European Community policy and action programme on the environment (1) which refers to the need to protect threatened natural habitats,

— having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A2-179/88),

(1) OJ No C 328, 7.12.1987, p. 1.

I. with reference to the Berne and Bonn Conventions:

A. whereas both the Berne Convention and the Bonn Convention offer an excellent framework within which nature conservancy can be carried out at Community level and on a wider basis, an activity to which the Community has committed itself through Council Decisions Nos 82/72 and 82/461,

B. whereas the Standing Committee of the Berne Convention shows little willingness to act,

C. whereas the financial and human resources available to the Berne Convention are completely inadequate,

D. whereas communication and the exchange of reports between parties to the Berne Convention and the Secretariat leave much to be desired,

E. whereas the active involvement of NGOs in the Berne and Bonn Conventions is highly constructive,

F. whereas the incorporation of the Berne and Bonn Convention into national law and the implementation of their provisions are giving rise to problems as a result of discrepancies in laws on nature conservancy and hunting and varying regional and local legislation and activities,

II. with reference to the protection of species:

G. whereas a number of species of flora and fauna found in the wild in the Community are not included in the annexes to the Berne Convention,

H. whereas various countries use Article 9 of the Berne Convention as a licence to exploit and indeed exterminate even strictly protected species such as the wolf,

I. whereas specific reference must be made in legislation to species in need of active protection which is not the case with many species in need of protection in, for example, Portugal and Italy,

J. whereas most Member States do not grant legal protection to all the species of flora and fauna to be protected under the Berne and Bonn Conventions and which are found on their national territories,

K. whereas there are various examples of the successful reintroduction of protected species into the wild,

L. whereas non-native species are still being introduced into the wild, an action which has been shown to have a damaging impact on other species and on agriculture,

M. whereas Greece, Portugal, Spain and Ireland, amongst others, have laid down no legal guarantees regarding the introduction of acceptable or non-active species,

N. whereas more than 1 000 of the roughly 6 000 plant species found in the Community are endangered, and 215 or more species are facing extinction,

O. whereas practical measures to protect plants are often inadequate or entirely non-existent,

P. whereas 10 to 20 % of the roughly 60 000 species of invertebrate identified in the Community are endangered, and whereas such species are virtually unmentioned in the annexes to the Berne Convention,

Q. whereas special mention must be made of the extremely destructive over-exploitation of red coral in the Mediterranean, which is endangering the entire seabed ecosystem,

R. whereas an extremely high proportion of freshwater fish species (100 out of about 200 face extinction in Europe,

S. whereas around half of the 130 or more species of amphibians and reptiles present in the Community are endangered in one or more Member State,

T. whereas many species of mammal are endangered,

U. whereas of the roughly 30 sea mammal species found in European waters 13 are declining in number,

V. whereas too little is known about the status of many species of flora and fauna in the marine environment,

W. whereas the threats facing specific species of flora and fauna are varied, including damage to or destruction of their habitats, over-exploitation and poaching,

X. whereas there is a need to grant all species of fauna and flora present in the wild in the Community some form of legal protection,

III. with reference to the protection of habitats:

Y. whereas all countries make some sort of legal provision for certain types of conservation area, such as nature reserves, but virtually no single Member State has adopted adequate legislation to protect the habitats of wild flora and fauna in general or of specific species,

Z. whereas there are various examples of bilateral or multilateral cooperation regarding the protection of conservation areas which straddle frontiers,

AA. whereas international cooperation and planning is hindered by the lack of a classification system, accepted by the Member States, of the various functions of conservation areas,

BB. whereas the picture regarding the practical protection of conservation areas or specific habitats is a sad one,

CC. whereas conservation areas are often too small and/or too isolated to serve adequately as natural habitats,

DD. whereas, in addition to pressure of space, conservation areas are threatened by a wide variety of internal and external processes which encroach upon them and disturb their natural balance,

EE. whereas semi-natural areas and areas which, through their long history of use, play a special role in the environment, are decreasing in size and quality, for example through the felling of olive orchards and cork oak woods, agricultural developments, the grassing over or reclamation of heathlands, the effects of acid rain,

FF. whereas wetlands in the Community are under great pressure from a wide variety of threats and disruptions such as draining, reclamation, recreational activities, hunting, peat-cutting and pollution,

GG. whereas, with regard to the stewardship of habitats, autonomous and systematic instruments are needed covering the protection, management and development of the environment,

HH. whereas the Community programme CORINE is making an important contribution to the cataloguing of conservation areas in the Community, but still displays shortcomings with regard to the delimitation of such areas,

IV. with reference to hunting:

II. whereas hunting and related activities can fulfil a variety of useful functions,

JJ. whereas the uncontrolled pursuit of hunting can lead to the disturbance of, and lead pollution in, conservation areas and the disruption of wild animal populations,

KK. whereas the pursuit of hunting can also have tragic consequences for human beings, as illustrated by the four deaths on the opening day of the hunting season in Italy this year, including a ten-year-old boy killed near his home because he was mistaken for a pheasant,

LL. whereas in many countries it is permitted to hunt species strictly protected under the Berne Convention;

MM. whereas in some countries the rules regarding the hunting season contravene the provisions of the Berne Convention,

NN. whereas, with regard to species which may be exploited subject to certain conditions, too little is known about killing through hunting and the size and dynamics of the populations being hunted to be able to state with any confidence that the populations concerned are not being endangered in this way,

OO. whereas during hard winters many animals are vulnerable and are simply weakened further by being driven away or hunted and should therefore be protected,

PP. whereas there is no need to prohibit riding to hounds on purely ecological grounds, assuming it does not involve endangered species,

QQ. whereas the Bonn and Berne Conventions do not cover internal organization of hunting in the Member States as regards administration and associations,

RR. whereas under Article 842 of the Italian Civil Code, only hunters are allowed into agricultural estates, unless the latter are surrounded by a fence at least 180 cm high or a ditch at least 300 cm deep,

Calls on the Commission and the Member States

1. To encourage the implementation of the Berne and Bonn Conventions by lending financial and practical support and by rationalizing environmental protection in the Community itself;

2. To draw up as quickly as possible a Community directive implementing the Berne and Bonn Conventions covering all species of marine and terrestrial flora and fauna present in the wild and their habitats;

3. To draw up an autonomous Community nature conservation policy including a framework for the coordination of the protection, management and development of the terrestrial and marine environment, on the basis of a common structural plan for nature conservation;

4. To apply, as part of such a Community environment policy, ecological compatibility as a criterion for the granting of Community support to projects which may have an impact on the natural environment and as a binding prior condition for activities and planning in other policy sectors, particularly agriculture and fisheries;

5. To employ the classification system drawn up by CORINE of the various functions of conservation areas as a basis for international cooperation;

6. To use the forums provided by the Lomé and Maghreb Conventions, and other agreements, to encourage non-European countries to accede to the Bonn Convention;

7. To set up a Community environment inspectorate which would, with regard to the implementation of the Berne and Bonn Conventions, support national nature protection and monitoring services, coordinate inquiries into illegal international trading and problem areas and thus assume responsibility for the exchange of information;

with regard to the protection of species:

8. To support attempts to reintroduce species into the wild if these go hand in hand with efforts to improve the habitats of the species involved;

9. To prohibit the introduction of non-native species;

10. To catalogue all species of flora and fauna found in the Community, including invertebrates;

with regard to the protection of habitats:

11. To seek to achieve a more effective geographical definition of the various types of conservation area;

12. To set up a chaine of protected marine conservation areas with the aim of protecting migratory species and providing a breeding ground and a nursery for economically important marine organisms (including fish and shellfish);

13. To impose a complete ban on the exploitation of red coral in the Mediterranean;

with regard to hunting:

14. To draw up recommendations on hunting at Community level, taking due account of the geographical, game stock and historical characteristics of the Member States;

15. To coordinate hunting with European farm policy and the future Community environment policy as a function not of the Member States but of the regions and their traditions;

16. To change the approach adopted in many Member States to hunting, which is permitted everywhere — with some exceptions such as parks — whereas it should be subject to a general prohibition, save in places specifically set aside for it;

17. To encourage the Standing Committee and the institutions responsible for the application of the conventions to compile statistics on hunting and populations, to study the dynamics of the populations which are the target of hunters and lay down cull quotas on the basis of these statistics in conjunction with national and European hunting organizations;

18. To prohibit the use of lead in sport fishing and recreational hunting (including clay pigeon shooting);

19. To restrict the use of lead in endangered areas and as a matter of principle to press ahead decisively with research into and the development of alternatives;

20. To urge France to replace the Verdeille Law by a democratic hunting law;

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21. Instructs its President to forward this resolution to the Council, the Commission and the Member States.

EXPLANATORY STATEMENT

Note to readers

Because of the internal rules of the European Parliament, this report is a very brief summary of a more comprehensive document which exists only in Dutch and is available on request. Owing to its brevity this report may perhaps appear incomplete and/or unclear. The rapporteur regrets this fact but, for the reasons given above, he cannot be held responsible.

I Bern Convention

The Convention on the conservation of European wildlife and natural habitats drawn up under the auspices of the Council of Europe, the Bern Convention, has been in force since 1982. The Community approved the Convention by Council decision in 1981 (82/72/EEC). Apart from the Community as such, seventeen European countries have ratified it. Belgium and France are the only Community Member States which are not yet members.

The Convention is concerned with the conservation of wildlife and in particular endangered species. It also refers specifically to the conservation of natural habitats, with priority being given to the habitats of endangered species.
The prohibition, or the regulation under specific conditions, of the removal of specimens from their natural environment (e.g. by means of capture, killing, picking) and of the damage or destruction of habitats is of great importance. Cooperation between countries is encouraged.

The Convention contains four appendices. Appendices I and II contain 'strictly protected' flora and fauna species. Appendix III lists 'protected' fauna species, for which, however, regulated exploitation, hunting and/or trade are permitted. Appendix IV covers the prohibited means and methods of killing and capture.
Many of the species occurring in the wild in Europe are not listed in the appendices. As a result of the wording of Appendix III these species thus have no protection under the Convention.

I.1 The Standing Committee

Many people saw the Bern Convention as as a milestone in European nature conservation. Quite apart from its broad scope and its binding nature, the Convention differs from many other conventions by virtue of its Standing Committee of representatives of the contracting parties which meets annually in the presence of representatives of approved organizations who attend as observers.

The Standing Committee was not particularly active at its first four meetings. Despite several proposals no new species had been added to the appendices by 1986 and only at the sixth meeting in 1987 were formal proposals submitted for the inclusion of species (fish and invertebrates). No progress was made either in setting up a system for the protection of habitats or for the extension of the scope of the Convention beyond Europe, although some African countries have expressed an interest.

The lack of decision from the Standing Committee is the result of various factors:
- the conservative attitude of most of the contracting parties;
- the poor interaction between the Scientific Council (CDSN) and the Standing Committee;
- the totally inadequate staff and financial resources available to the Convention (in 1986 the total budget was only FF 62 500);
- the poor communication between the contracting parties and the secretariat. The contracting parties, including the Community, have failed with regard to reporting in particular;
- the attitude of the Council of Europe which, for political reasons, is often afraid to take any action.

I.2 Reporting

It is clear that the incorporation of the Bern Convention into national policy in the Community's Member States still leaves much to be desired, but because of poor reporting there is no satisfactory picture of what is happening. Steps must be taken to counter this unacceptable situation by making the submission of reports obligatory. It should be noted that the shortcomings are largely made good by two non-governmental organizations, Wildlife Link and the IUCN.

In 1985 Wildlife Link, an association of British nature conservation organizations produced documentary evidence that Great Britain was clearly not implementing the Bern Convention satisfactorily in a number of areas. For example, the habitats of strictly protected fauna species, with the exception of bat habitats (Appendix II) were not adequately protected. In many cases the destruction or disturbance of habitats was noted. Protected fauna species (Appendix III, i.e. which may be exploited under certain conditions) seemed to obtain even less protection. Their exploitation was regulated inadequately and monitoring was insufficient if it happened at all. By means of this report Wildlife Link compelled the British delegation to respond at the 1985 meeting of the Standing Committee and a number of allegations were modified, denied or confirmed. However the most important aspect was that a discussion was held in a large international forum and the facts were considered at supranational level.

In 1986 the IUCN (International Union for the Conservation of Nature and Natural Resources) drew up a comparative survey covering all contracting parties. The report considers the incorporation of the Berne Convention into individual national legislation, gives instances of the actual situation with regard to the protection of flaura and fauna, makes a critical assessment of the functioning of the Standing Committee and concludes with a number of constructive recommendations with regard to the functioning of the Convention. It would demonstrate a positive attitude and understanding if all countries asked non-governmental organizations to draw up similar studies for publication.

I.3 Incorporation of the Bern Convention into national legislation

Although there are indications of a slow but steady improvement, nature conservation legislation in many countries is still unsatisfactory.

The greatest shortcoming in all countries is the lack of unconditional protection for the habitats (in particular breeding and resting areas) of strictly protected flora and fauna species (listed in Appendix I and II). Furthermore, a considerable number of wild flora and fauna species which need protection in various countries are still not identified.
A political problem is that legislation or implementation of legislation can be delegated to lower regional or local authorities. Further problems can arise from complex legislation where certain species are covered by a conservation law and others a law on hunting.

Exceptions

Fairly frequently use is made of the provisions on possible exceptions under the Bern Convention (Article 9, reservations with regard to the species to be protected or prohibited methods). A considerable number of countries seem to use this clause as a type of carte blanche to exploit even strictly protected species or to justify elimination (as in the case of the wolf, Canis lupus). During the fifth meeting of the Standing Committee it was proposed that exceptions (and the reservations which countries could make prior to accession) should be subject to critical appraisal.

I.4 The European Community and the Bern Convention

Following the Community's accession to the Bern Convention the Community should incorporate the provisions of that Convention into legislation for mammals, birds, amphibians, reptiles and plants.
Thus far the Community only has specific legislation for birds (under the Community directiveon the conservation of birds) and, to a certain extent for seals and whales, and a regulation to on international trade in endangered species of flora and fauna. There is also a regulation on Community environmental actions and a directive on environmental impact assessment. However the Community has not specific legislation for all species of wild flora and fauna covered by the Bern Convention. So far there has only been a declaration of intent in the Commission's Fourth Environmental Action Programme.

It could be asked whether separate Community legislation is necessary since almost all the individual Member States have ratified the Bern Convention. The rapporteur does consider it necessary for a number of reasons. Judging by the directive on birds, the Community can go beyond what is strictly necessary under the Bern Convention, partly because of the important role given to the European Court of Justice in Luxembourg . An equally important argument for Community legislation is that conservation policy, although it must have a position in its own right, is closely linked to other policy areas such as agriculture, forestry, fisheries and regional planning. These policy areas are dealt with to an increasing extent at Community level.

Additional measures at national level should not in any case hamper the Community's support for the Convention. Such measures should, rather, be supported both financially and in terms of their content.

II Bonn Convention

The Bonn Convention, on the conservation of migratory species of wild animals was drawn up under the auspices of UNEP (United Nations Environment Programme) and entered into force in 1983.
It is an international convention specifically concerned with the conservation of migratory species of animals, their habitats and migration routes.
Special emphasis is placed on the drawing up of cooperation agreements with regard to specific species.
The convention has two appendices. Appendix I deals with endangered migratory species and Appendix II with species which should be the subject of cooperation agreements. Non-governmental organizations are also actively involved.

The first meeting of the Parties in 1985 represented a reasonably dynamic start. It proved necessary to amend the appendices immediately and they were extended to cover a number of species of fish. The Wadden Sea population of the common seal (Phoca vitulina) was placed in Appendix II. West Germany, Denmark and the Netherlands expressed their intention to conclude an agreement to this end. Under the Bonn Convention moves were made towards several cooperation agreements, inter alia for bats and the stork (Ciconia ciconia). The plans being made to protect the monk seal (Monachus monachus) and the loggerhead turtle (Caretta caretta) could be seen as an example for the implementation of the Bonn Convention.

II.1 The Community and the Bonn Convention

The Community approved the Convention by Council decision in 1982. Ireland, Belgium, Luxembourg, France and Greece have not yet ratified it. It is important for the Community that the Bonn Convention creates a clearer framework than the Bern Convention with regard to cooperation with non-European countries. More countries should accede to the Convention in order to increase its geographical scope. On the basis of cooperation under the Lomé and Maghreb agreements the Community should be able to encourage non-European countries to accede to the convention . This would, however, be more convincing if the Community itself could put its own affairs in order both with regard to ratification by all Community countries and with regard to Community legislation for all species of fauna.

III. Conservation of species

III.1 Legislation

When the Member States' legislation on the conservation of plant and animal species is compared, major differences with regard to structure and content are immediately apparent.
In Italy and Portugal conservation of species is based mainly on the reverse listing system - species which are not covered by the hunting laws are protected. They are thus not explicitly listed as being protected. Some Italian regions do however have specifically named species which are protected, e.g. amphibians and reptiles in Bolzano. A failure to name species specifically is not conducive to active conservation.

Denmark, Great Britain, West Germany, Luxembourg and the Netherlands seem to have included in their own legislation all species of flora and fauna occurring in their national territory which are to be protected under the Bern and Bonn Conventions (with a few exceptions).
However there are still some shortcomings with regard in particular to the species covered under Appendix III (Bern Convention, protected species which may be exploited subject to controls). Thus Great Britain regulates trade in certain species of reptiles and amphibians but collecting and killing are not subject to controls. Some species are also protected only against certain forms of capture and killing.

Southern Community countries

In the southern countries (including Belgium and France) there would seem to be more shortcomings with regard to legislation to protect species. In Greece, for example, some strictly protected species of fauna (Appendix II, Bern) are not included. It is striking that Greece, Spain and Portugal have made an exception for the wolf (Canis lupus). Only in the Spanish provinces of Estremadura and Andalusia and throughout Italy is the wolf protected. In Spain too Cetaceans (which are also to be strictly protected) are not protected under the law, nor are many species of birds and reptiles (with Estremadura and Andulasia once again as favourable exceptions).

The importance of harmonized legislation

Differences and shortcomings in national legislation can undermine international nature conservation. Harmonized legislation in the Community's Member States is therefore extremely important. This is illustrated by a study carried out by TRAFFIC (Trade Records Analysis of Flora and Fauna in Commerce) which examines the role of the Netherlands in the international trade in amphibians and reptiles.
In the Netherlands trade in all domestic species of reptiles and amphibians is prohibited by law or subject to controls by law. However only a small number of non-indigenous species are covered, even though these are listed under the Bern Convention (all species of European amphibians and reptiles are listed either in Appendix II or Appendix III of the Bern Convention). In the Netherlands the result of this omission has been that trade has shifted and now includes species in which it is not forbidden to trade.

One example out of whole catalogue is given here. It relates to species recently imported from Spain and Greece where the export of these species is prohibited. The viperine snake (Natrix maura), the common gecko (Tarentola mauritanica), the Mediterranean tree frog (Hyla meridionalis) and the marbled newt (Triturus marmoratus) were imported from Spain. Imports from Greece included the Milos lizard (Podarcis milensis) and the leopard snake (Elaphe situla). This case shows clearly that it is essential for all countries to include all species listed under the Bern and Bonn Conventions.

A second aspect which is apparent from the TRAFFIC study is the need to add to the Bern appendices species which are protected in one or more of the contracting countries. In the Community directive(s) on the conservation of wild species of flora and fauna, which is to be drawn up along the lines of the

Community directive on birds, all these species must be included. An important addition could be taken from the American Lacey Act, which prohibits the import of species protected in the exporting country.

III.2 Exceptions

A critical observation should be noted with regard to reservations made on ratification and exceptions pursuant to Article 9 of the Bern Conventions where such reservations would make the Bern Convention inoperable either for a whole area (for example Northern Ireland, for which Great Britain made an exception) or for certain species.

The wolf

The wolf (Canis lupus) can serve as an example. It is listed in Appendix II of the Bern Convention and is thus a strictly protected species.
As a predator, however, the wolf can cause damage among animals such as sheep. In addition there is an almost mystical, and basically unfounded, fear of this animal. Both the damage done by the wolf to animals and the danger to humans is grossly exaggerated. At the same time little effort is made to prevent the damage in any other way than by killing the wolves, although the Bern Convention specifies that steps should be taken to find and use alternative methods (Article 9). The same article also states that the species for which an exception is to be made should not be endangered.
The Pyrenean wolf (a sub-species, Canis lupus signatus) is in considerable danger as a result of various types of pursuit such as legal bounty hunting, battues, poison, traps and snares. In a two-month period in 1986 ten wolves were killed, six of which during battues, two by professional hunters and two by illegal hunters. Whilst there are only a few hundred wolves in the Iberian peninsula, there are tens of thousands of feral dogs, each of which causes not much less damage than a wolf. In addition to the threat of hunting there is also the danger of hybridization (i.e. cross-breeding) with feral dogs and a deterioration of the wolf's habitat by the replacement of oakwoods with conifers and eucalyptus for timber production.

It would seldom appear necessary to hunt wolves. In Italy a system of compensation payments has been established. In Spain the first step should be to encourage the use of good and well-cared for herd dogs to reduce the risk from wolves (and feral dogs!). In the United States dogs of European races have been used (sometimes even hired) for this purpose. It is also important that the over-hunting of wolves' prey animals should be halted and steps taken to prevent an increase in the numbers of feral dogs.
Only when such measures have been investigated and actual damage by wolves documented would it be the time to consider making an exception for the threatened Pyrenean wolf.

III.3 Introduction of flora and fauna

The provision in Article 11 of the Bern Convention on the introduction of particular species (only if effective and acceptable) and of non-native species

(to be strictly controlled) appears not to have been implemented in a number of countries including Greece, Portugal, Spain and Ireland. Almost all countries are failing in this area.

There are several examples where the reintroduction of protected species seems to have been successful, as in the case of the beaver (Castor fiber) in West Germany and a number of species of reptiles and amphibians in that country and in Great Britain. The possiblity of future reintroductions of native species is another reason for including on the national list of protected species more species than actually occur in the country concerned at a given moment.

Examples of undesirable and harmful introductions of non-native species are at least as numerous. The American mink (Mustela vison) threatens several species of fauna, such as the Pyrenean desman (Galemys pyrenaicus) which already suffers as a result of water pollution. The release and breeding of the rainbow trout (Salmo irideus) which is a native of the United States has ousted the sea trout (Salmo trutta) in certain places.
The American cottontail rabbit (Sylvilagus horidanus) introduced by French hunters has already become a problem of such proportions that the Bern Standing Committee has recommended its elimination.

III.4 Implementation of legislation on specific species

The drawing up of legislation is an initial stage in the protection of species. Its effectiveness depends, however, largely on whether it is actually implemented.

Plants

Of the approximately 6 000 plant species which occur in the Community, at least 1 000 are exposed to one or more direct threats. There is a risk that 215 or more species will disappear from the Community and since the beginning of this century at least 22 species have become extinct.
Greece tops the list with about 500 rare and more than 100 vulnerable and endangered species of plant. In addition there are probably a considerable number of species which are endangered but without this risk yet being established.

Practical protection, against collectors, grazing and land development does not exist in the case of a number of strictly protected plant species (Appendix I, Bern). Examples are Artemesia granatensis in the Spanish Sierra Nevada, Euphorbia handiensis, a cactus-like oleaginous plant on the Canary Islands and, in Greece, Gymnospermium altaicum and the orchid Cephalanthera cucullata.

Invertebrates

It is thought that the Community has about 100 000 species of invertebrates. Of these about 60 000 have been identified and of these 60 000 species about 10-20% are endangered. Few countries have made an inventory of endangered invertebrates but these include the Netherlands and Great Britain.

Deterioration and/or destruction of habitats seems to be the most important cause for a species becoming endangered but pesticides and exploitation certainly also play a part.
The red coral (Corallium rubrum) provides a textbook example of shortsighted exploitation. This is one of the valuable corals which used to occur in large areas of the Mediterranean but which has now become rare because of the continuing extremely destructive and wasteful exploitation. A total ban is needed on this over-cropping.

Exploitation must also be regulated for lobster fishing. The Norway lobster (Nephrops norvegicus) is heavily over-fished and also the European lobster (Homarus gammarus). The Bern appendices and also Community legislation should be extended as quickly as possible to cover both marine and terrestrial invertebrates.

Fish

Of the approximately 65 known native species of freshwater fish in the Community, some 47 run the risk of extinction. This extremely high percentage requires rigorous measures to be adopted.
The most significant risks are caused by fishing (both commercial and for sport), pollution, drainage and other hydraulic engineering activities such as canalization and dams. The creation of obstructions on fish migration routes (including routes to spawning grounds) and the establishment of dams are a field which could clearly be considered for cooperation within the framework of the Bonn Convention.

The introduction of exotics can in certain cases lead to the decline of the native populations and the case of the rainbow trout and the sea trout has already been mentioned. An example in salt water is Valencia hispanica which occurs in Spain, a much sought-after aquarium fish which was already suffering at the hands of collectors and because of the reduction of its habitat as a result of tourist developments. There is now a risk that it will be eliminated completely by the introduced mosquito fish (Gambusia affinis).
The discussion of plants and fishes has not referred to the endangered species in the marine environment. This is mainly because of the large gaps in our understanding of the marine environment in relation to a nature conservation policy. The Community must, as a matter of urgency, draw up an inventory of the marine flora and fauna, similar to the studies carried out on terrestrial flora and fauna in the framework of the Bern and Bonn Conventions. This should be combined with an analysis of the associated nature conservation problems .

Amphibians and reptiles

Of the 130 or more amphibians and reptiles which occur in the Community at least half are certainly endangered in one or more countries. At Community level three species of amphibians and six species of reptiles are endangered. For the loggerhead turtle (Caretta caretta) and the Italian frog (Rana latastei) the situation is not hopeful even at international level. A major problem with which reptiles and amphibions have to contend is that they are often closely associated with specific, very small habitats. A slight disturbance can thus have a disastrous effect for a whole population.

In West Germany, for example, many Länder have not adopted conservation measures for wild reptiles and amphibions. The government has thus made no objection to the fact that in the only area North Rhine Westphalia, the only area where the green toad (Bufo viridis), which is strictly protected under the Bern Convention, occurs some gravel pits where this toad normally breeds have become sites for dumping waste and others have been infilled to be used as agricultural land.

A completely different problem is the general public's fear of snakes. This fear often results in the death of the snake should human and animal meet. Education of the public could considerably reduce this problem.

Birds

For birds the reader is referred to the discussion of the Community directive on the conservation of birds as this can in fact be seen as supplementing the Bern, and to a certain extent, the Bonn Conventions. With regard to migratory birds which leave the Community's frontiers, the Bonn Convention is a significant supplementary measure to the Community directive on the conservation of birds.

Mammals

The approximately 150 mammals which occur within the Community include about 30 species of bat and about 30 marine mammals. Of the land mammals, with the exception of bats, about 30 species are seriously endangered. The precarious situation of the wolf has already been discussed. A considerable group of other species are similarly at risk.
Only a few hundred brown bears (Ursus arctos) occur, for example, in the Community's Mediterranean area and exact figures are not known for the various populations. Because of loss of habitat, partly through tree felling and road building and through hunting or poaching, the bears live widely dispersed and withdrawn, if not isolated. However in some areas, including the Italian National Park of which the brown bear is the symbol, the populations are healthy.

Poaching also threatens the mouflon (Ovis ammon) on Corsica, the Corsican deer (Cervus elaphus corsicanus), the chamois (Rupicapra rupicapra), the grey seal (Haliochoerus grypus) in Ireland and the common seal (Phoca vitulina) in the West German Wadden Sea in particular.

The otter

Otters (Lutra lutra) are also declining dangerously in numbers in almost all areas where they occur. Despite this critical situation, rescue activities are uncoordinated, very scattered and slow to get off the ground. The knowledge that the otter is an endangered species has not prevented the Commission from providing funding for a project to dam the Fioro river in Italy, which could mean the end of the local otter population. Like the otter, the Pyrenean desman (Galemys pyrenaicus), the beaver (Castor fiber) and the sea otter (Mustela lutreola) are affected by pollution or such activities as river canalization.

Although less is known about them than other mammals, European bats are also exposed to a wide range of unintentional and intentional dangers such as collection, disturbance and deliberate killing. The treatment of wood in old buildings (using substances such as dieldrin and lindane) have caused considerable harm to the bat population.

Marine mammals

Approximately 30 species of marine mammals are found in European waters with varying frequency and the numbers of 13 species are declining. It is not possible to say for any of these species whether these reduced numbers have fallen below a critical level. Hunting, including 'incidental' or 'accidental' catches has been the major factor in the decimation of whales. In this context a rather dubious custom should be noted: in the Danish Faroe Islands, which are incidentally not part of the Community, 2000 pilot whales (Globicephala malaena) are slaughtered each year on the pretext of self-sufficiency.

The Monk seal

The monk seal (Monachus monachus) provides a symbolic conclusion to this depressing survey. It is symbolic because the species is in danger at world level as a direct result of human activities. Adult and young seals are killed by fishermen and their habitat is disturbed by fishermen and tourists.

IV. Conservation of habitats

If the populations (or communities) of wild plants and animals are to be protected and given the opportunity to establish themselves or expand then the chief need is for the available habitat to be suitable for the purpose. The attention paid to this subject by the Bern Convention in particular is thus completely justified. The Convention called for the conservation of habitats of wild flora and fauna by means of legislation and changes in other relevant policy areas. Special emphasis is placed on the conservation of areas which are of importance for migration routes (Article 4). Deliberate damage to or destruction of breeding or resting sites (see Article 6) is also prohibited.

IV.1 Legislation on habitats

The Community has just as little legislation explicitly concerned with the conservation of the habitats of wild flora and fauna as it has for the conservation of species. Birds are an exception. The individual Member States also do not have any adequate legislation in this field, apart from Ireland for strictly protected plants and Great Britain for bats.
Certain sites such as birds' nests, dens and breeding grounds (although not for all species) are protected in Great Britain, Ireland, the Netherlands and some Spanish provinces, but activities such as agriculture, forestry and infrastructure operations almost always carry more weight if choices have to be made.

Nevertheless, all countries have legal provisions for the conservation of certain areas such as nature reserves. Whilst this is important, such areas do not always coincide with the habitats of (strictly) protected wild flora and fauna. Moreover, legally protected status does not always have to be much more than a designation without any additional provisions.
Denmark is one of the few countries which has taken further steps. Interventions in nature reserves above a certain size are only allowed when a special permit has been issued. Permission is granted only after various interests have been assessed, with the nature conservation aspect playing a major role. The Irish approach to plants is also more far-reaching. Under the Irish Wildlife Act it is an offence knowingly to alter, damage, pollute or affect the habitat of an endangered plant species.

International cooperation

The Bern Convention (Article 4(4)) requires countries to coordinate their activities with regard to natural habitats which cross frontiers (in the Bonn Convention international cooperation on individual species is fundamental to the agreement).
A number of countries have alreay concluded agreements in this area, for example, West Germany and Belgium (Hautes Fagnes-Eiffel) and West Germany and the Netherlands (Maas-Swalm-Nette area). Since 1982 a joint declaration by Denmark, West Germany and the Netherlands has also existed on the protection of the Wadden Sea. It should be noted, however, that the Netherlands and West Germany have agreed to built a port (the Dollard port) in this wetland which is very important internationally.
Similarly, in the Dutch part of the Maas-Swalm-Nette referred to above a trunk road is to be built even though an alternative exists. The road is now planned to pass straight through the habitat of one of the few badger populations in the Netherlands (where the number of badgers killed on the roads each year is higher than the natural growth of the population).

Area agreements need not of course be limited to the Community. Thus, the Bern and the Bonn Conventions can serve as a framework for agreements with neighbouring countries.

IV.2 Actual conservation of habitats

In view of the patchy legislation it should not come as a surprise that the actual protection of areas rich in wildlife is somewhat poor. The appropriate habitat for many species of wild flora and fauna has shrunk drastically, been fragmented or has totally disappeared and very few areas have improved or expanded.

Because of the extremely mediocre ecological quality of the interventing areas, including areas on migration routes (stepping stones) many habitats are now islands in need of help in a biological desert. They are isolated patches of nature which, moreover, are constantly threatened in their very fragile state by all sorts of external and internal disturbances and attacks.

In the Community's southern countries, where at present the position is less unfortunate and artificial, the same situation is rapidly being created. Examples of the destruction of habitats are the Evros plain and in particular the Mikra Prespa lake in Greece. The latter is surrounded by marshland providing a home for innumerable and rare birds, brown bears, wolves and otters. Community funds have been provided for development work on agriculture and fish-farming in which virtually no account has been taken of the ecological circumstances and great damage has been done to the natural environment. The lake has already been polluted by agricultural chemcicals.

Wetlands

Many more examples could be given here of degradation or destruction of habitats such as acid rain, the felling of olive groves and the planting of single species commercial plantations in areas of great natural value in Spain and Portugal. The fact that virtually no wildwood remains in the Community should also not be forgotten.

One further type of terrain is dealt with separately here - the wetlands, which fulfil an extremely important function both in terms of the special flora and fauna and in general ecological (and economic) terms. Drainage, the removal of peat, pollution and hunting are important factors threatening wetlands.
In the Netherlands, for example, only 3.6% of the original peat bog still remains. Over the past 30 years 225 000 hectares of peat have been lost in Ireland as a result of peat-cutting and forestry.
The Spanish wetlands which include Tablas de Daimiel, the Donana National Park and the Nino estuary suffer as a result of pollution and dislocating water removal for irrigation.
The construction, to be subsidized by the Baden-Würtemberg state government (West Germany), of a Daimler-Benz factory on the edge of the Rastatter Reinaue nature reserve could lead to the disappearance of 35 hectares of alluvial woodland. A protected area in Lombardy, in the Lungaville commune which is extremely rich in particular species of fish is faced with pollution from a nearby dump which can overflow during heavy rainfall. Hunting in the wetlands where wildlife is found in high concentration is a cause of additional stress and often a real threat.

The Community and wetlands

The Community is largely responsible for the drainage of numerous wetlands. This is not just because of the considerable funds made available by the Community for this purpose (500 million ECU in 1984) but also, and mainly, because of the common agricultural policy.
The Community also plays an important role even beyond its own frontiers. The European Development Fund and the Commission spent 767 million ECU on activities directly related to and thus also affecting wetlands in the period 1976 to 1986. Given the position of the European wetlands and the fact that until very recently the Community has taken no interest in the environment beyond its own frontiers, it can be presumed that these projects have also contributed to the ecological dislocation of wetlands.

Ecological assessment of planning and implementation

In order to prevent unwanted intervention in areas of importance for wildlife, clear ecological criteria must be drawn up for projects inside the Community and projects outside the Community in which Member States, or the Community as such, are involved. This applies not only to the planning stage but in particular to the implementation stage, when ecological support would be needed where nature reserves are concerned. The directive on environmental impact assessment offers an opportunity to build this into the structure of Community policy.
However, in addition to a response instrument such as the environmental impact assessment, an independent and systematic instrument is need for nature conservation which will be considered in Chapter VI.

V Hunting

In view of the many misunderstandings it is important to consider hunting in more detail. Hunting can be undertaken for various reasons. It can assist with nature conservation and the prevention of damage in agriculture. The recreational aspect is incidental or separate, as is hunting for food or to supplement incomes.
Hunters sometimes contribute to better control in the countryside of various undesirable factors such as destructive practices or the dumping of rubbish. Hunters in their turn also have to be supervised by game-keepers. For the purpose of hunting, hunters may encourage stocks of game animals. Sometimes nature reserves are purchased and very strictly protected, often in relation to the encouragement of game for hunting elsehwere.

According to FACE (Féderation des Associations des Chasseurs de la CEE) there are about 6 million hunters in the Community and the Commission figures indicate that about 80 million kg of game are produced each year, with a total value of 400 million ECU. Game accounts for about 0.5% of Community meat consumption. The Commission does not have figures on income from hunting permits and taxes. However, 3 500 m ECU is spent annually (as at 1983) on hunting, of which 500 m on hounds. 80 to 85,000 jobs are connected with hunting, some of these being in the firearms industry.

V.2 Observations on hunting

Critical observation should be made with regard to various hunting activities. The unavoidable generalization which follows must be set against clear regional and national differences.
In many countries it is permitted to hunt a number of species of fauna which are strictly protected under the Bern Convention. Measures are inadequate with regard to the protected species which may be exploited (Bern Appendix III). There is not enough understanding of population numbers and population dynamics and figures are seldom kept of numbers of animals killed. Because of inadequate coordination and figures hunting quotas for a given species are set at regional or national level with too little thought for the ability of the population or species to recover. Hunting seasons should also be better coordinated in order not to endanger populations.

Harsh winters require special consideration. Animals are often very vulnerable in extremely cold conditions. Constantly having to avoid being hunted or forced into new territory weakens them even more. In such cases hunting must be prohibited and driving out authorized only exceptionally. Special sanctuary/rest areas must be established. In certain cases governments could start paying compensation for damage.

The same applies for (overwintering) sites, for example, for birds in the Mediterranean region affected by severe drought. The Community could also give assistance for this purpose for African regions.

Another question concerns the desirability or need for hunting. The rapporteur takes the view that the aim should be to achieve self-regulating nature reserves. The natural environment will certainly not degenerate if there is no more hunting, apart from in a few exceptional cases.
Should it still be absolutely necessary to regulate numbers in a specific nature reserve this should preferably be carried out by the staff managing the site to prevent unnecessary hunting and to minimize disturbance. Because of the disturbance and the lead pollution, clay pigeon shooting should also not be allowed in or near nature reserves. It should be permitted only if provision has been made against the spread of the lead in the environment.

Whilst hunting may, in certain cases, be a necessary way of helping to redress an extremely disturbed balance in the animal world, sometimes the natural balance is disturbed for the purpose, or because, of hunting. An example would be the introduction of protection for game animals and the driving out of predators or the over-hunting of prey animals.
Perhaps an honest objective is being pursued, the lasting use of natural resources, but at the same time other equally important nature conservation objectives are undermined. Such activities should therefore be grouped more in the agriculture and forestry sectors, areas which do not primarily have a natural function. In certain extensive or marginal agricultural areas a contribution can then be made to increasing the economic base.

'Chasse à courre'

'Chasse à courre' is a form of hunting in which a group of people on foot or on horseback and mostly accompanied by hounds hunt a specific animal.
Parliament's motion for a resolution Doc. 2-1060/84 called for this form of hunting to be prohibited.
The rapporteur's personal view is that any form of unnecessary killing of animals, including hunting for pleasure, is reprehensible. However, in the framework of this report which is concerned with the ecological aspects of nature conservation it should merely be stated that this form of hunting should be regulated, as outlined below.
Such hunts are mainly for red deer (Cervus elaphus, Appendix III, Bern), hare (Lepus capensis europaeus, Appendix III), roe deer (Capreolus capreolus, Appendix III), wild boar (Sus scrofa) and fox (Vulpes vulpes). In the countries where this 'sport' is practised, in particular France, England and Ireland, on average a few hundred animals are killed each year. However, thousands or tens of thousands of animals are affected by other forms of hunting, accidents etc.
It should be noted, however, that 'chasse à courre' is sometimes difficult to distinguish from the battues for such animals as the wolf in Spain.

Verdeille law in France

On 10 July 1964 the Verdeille law was introduced in France concerning the establishment of regional hunting cooperatives - the 'Associations Communales de Chasse Agrées (ACCA)'. The law can be implemented in two ways:
- where at least 60% of the inhabitants of an area, who represent at least 60% of the territory, agree to it or
- where the law is imposed compulsorily on the instructions of the department council.

About 9 000 of the 40 000 French communes are already subject to the ACCA, more than 8 600 of them having had the law imposed by a decision from the department council.
The provisions require people to be members of the ACCA and to permit hunting on their own land. Exemption can be obtained from the latter requirement if a person owns more than 20 hectares of land (in the plain - 100 hectares in the mountains and 3 hectares in an area with abundant water). In other words, a land owner with, for example, more than 300 hectares of land can ban hunting on his own land although there is nothing to prevent him hunting on another person's land. Someone with a smaller amount of land than that given above cannot prevent hunting on his territory.
It can only be said that the law described here imposes a totalitarian feudal hunting regime on those concerned. The Verdeille law should therefore be repealed forthwith.

V.3. Regulation of hunting

It is important when regulating hunting to define hunting areas at national and international level, ranging from areas where hunting is strictly prohibited, for example in bottlenecks on migration routes (mountain passes etc.) and in vitally important habitats through areas where it is desirable to regulate numbers and areas where hunting can be practiced as a form of wildlife farming. Account must of course be taken of the minimum size of protected areas and the maximum levels of hunting to be permitted in hunting areas.

Another aspect of the reggulation of hunting must be the requirement, by means of an examination and the drawing up of the code of conduct, that hunters demonstrate certain levels of knowledge and expertise (such as marksmanship). The granting of hunting permits could be linked inter alia, to periodic submission of hunting figures by the hunter concerned. A country should issue hunting permits only for species where the status of the population is monitored with reasonable accuracy.
Lastly, sufficient staff should be employed to monitor hunting in the field, since any system of nature conservation stands or falls on supervision in the field.

VI. New Community legislation and a common nature conservation policy

The shortcomings with regard to legislation and policy on and implementation of nature conservation in the Community are at variance with the obligations under the Bern and Bonn Conventions approved by the Council.
Explicit Community legislation is required for all land and marine species of wild flora and fauna which are found in the Community. A link must be made between conservation of species and habitats, with particular attention being paid to the latter.
Such legislation could be couched in the form of a framework directive, to be supplemented at a later stage by implementing directives. The Community directive on the conservation of birds is such an implementing directive and the necessary supervision of hunting could,, for example, also be included in an implementing directive.

However, such legislation and its harmonization with other Community legislation such as the environmental impact assessment directive and the directive on Community environmental action is not sufficient. It still does not guarantee that nature conservation activities will take place on a less ad hoc basis in future and that nature conservation will no longer be a secondary derivative of other policy areas. It is vital that the conservation, management and development of the natural environment is part of a planned policy. An independent common nature conservation policy must be formulated.

VI.1. Common structural plan for natural conservation

Some basic ideas for and necessary aspects of such an independent common nature conservation policy are given briefly below. The key idea should be the link between the conservation of species and habitats.

All species of wild flora and fauna must be assured of sufficiently large habitats. An ecological infrastructure must be created such that these areas if necessary, are adjoining or are linked to each other by means of distribution and/or migration routes (ecological links or corridors and stepping stones). In all cases they must be linked to areas which are not part of the Community.

To enable planning to be carried out, inventories must first be made of the distribution areas of species of wild flora and fauna and of areas which could be of importance for species and/or communities of plants and animals. The latter should also take into account any appropriate developments of the natural environment in these regions. These inventories should list areas of high concentration, marginal areas, distribution and migration routes and the scale and nature of threats to species, populations or districts as a whole. Much of this information is already available in the Member States. The Council of Europe in particular has carried out a considerable amount of work in this field of which use could be made.

The overview and understanding of the ecological situation thus obtained could serve as the basis for a common structural plan for nature conservation. This structural plan should then form the main guideline in the common nature conservation policy. It could be used to set priorities and indicate opportunities for habitats which require urgent protection, or which need to be restored or expanded and it could also indicate the possibilities for and desirability of possible reintroductions.
It would also enable the Community to guide activities. For example, compatibility with the common nature conservation policy could be used as a criterion for granting requests for project subsidies. It could also be used as an instrument for the land-related aspects of hunting controls (for example the designation of areas where hunting is, or is not permitted).
These broad outlines have already been included in policy in some countries, but it is clear that such a policy should be delineated and coordinated on a supranational basis. It is equally important that there should be coordination with other policy areas such as agriculture, forestry, fisheries and regional development. Whilst this process will produce some problems which will be difficult to solve satisfactorily, it will also give rise to many new opportunities. Such areas could include coordination on the agricultural land to be taken out of production, reforestation, conservation and recreation. The important coordinating role of the Community in this field is obvious.

CORINE

The Community has already taken a significant step forwards by setting up the CORINE project (Coordinated Information on the Environment in the European Community). Much of the information required for a common structural plan for nature conservation is being or has already been collected under CORINE. A list already exists of habitats of major importance for nature convervation. The cartographic aspect is very important if the scheme is to be actually operable - all these habitats and other areas of importance for nature conservation, management and development must be mapped.

Under the Community directive on the conservation of birds and the Bern Convention the Community Member States should have notified special conservation areas but as yet this has not been completed satisfactorily. Through the CORINE project (and, of course, through other lists) many of these areas are in fact known and can be placed in their international context. On the basis of this and the common structural plan for nature conservation effective pressure can be exercised to achieve official recognition of these areas and effective protection.

A further advantage of the CORINE project is that it has established a classification system which can be applied for all Member States for various types of natural area and which is integrated with other national systems. Without the Member States having to drop their own systems, which they have often developed over the years, it will be essential to harmonize them, for example on the basis of CORINE, for the purposes of international planning and cooperation.

4.

The implementation in the European Community of the Directive on the conservation of wild birds

- Resolution voted by Parliament on 13 October 1988
  (OJ C 290/137 of 14 November 1988)

- Explanatory statement of report drafted by Mr Hemmo J. **MUNTINGH** (S-NL)
  (Doc. A2-0181/88)

Protection of birds

— Doc. A2-181/88

RESOLUTION

on the implementation of the directive on the conservation of wild birds in the European Community

The European Parliament,

— having regard to the motion for a resolution by Mrs Schleicher and others on the directive of 2 April 1979 on the conservation of wild birds (Doc. B2-90/85),

— having regard to the motion for a resolution by Mr Remacle and others on the catching of birds in Belgium and the conservation of wild birds (Doc. B2-484/86),

— having regard to the motion for a resolution by Mrs Bloch von Blottnitz on hunting in the Wadden Sea (Doc. B2-535/86),

— having regard to the motion for a resolution by Mr Zarges on hunting in the Wadden Sea (Doc. B2-889/86),

— having regard to the motion for a resolution by Mrs Lentz-Cornette and Mrs Schleicher on bird deaths in the Donana nature reserve (Doc. B2-1013/86),

— having regard to the motion for a resolution by Mrs Bloch von Blottnitz on the keeping and breeding of wild birds threatened with extinction (Doc. B2-1198/86),

— having regard to the motion for a resolution by Mr Zarges and others on the conservation and control of Corvidae in the European Community and the amendment of the Council Directive 79/409/EEC of 2 April 1979 (Doc. B2-733/87),

— having regard to the numerous parliamentary questions to the Commission exposing the shortcomings in the implementation of the directive on the conservation of wild birds,

— having regard to the numerous infringement procedures initiated by the Commission with regard to deficient national legislation and implementation of the directive,

— having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A2-181/88),

I. With regard to the Council directive on the conservation of wild birds in general, noting that:

A. the Commission officials dealing with the directive on the conservation of wild birds should be congratulated on their work and the practical results they have achieved in implementing it,

B. that far too few officials are employed on the implementation of the directive on wild birds and other Community legislation and activities relating to nature conservation in general,

C. both the Commission and the Member States observe excessive secrecy with regard to information on the directive,

D. almost all Member States are too slow in submitting reports to the Commission on implementation of the directive on wild birds, submit incomplete reports or sometimes do not submit any reports, although this is an obligation under the directive,

E. as a result, the European Parliament cannot carry out its monitoring function and non-governmental organizations are hampered in their important role with regard to the implementation of the directive and the provision of information to the public,

F. the Commission's coordinating activities are thus hampered and frustrated, with the shortage of staff making matters even more serious,

G. national legislation implementing the directive is inadequate in all countries, in particular as regards the control of trade and hunting, the authorization of prohibited methods of capture and killing and the authorization of excessive derogations from the general protection arrangements,

H. problems arise in the implementation of the directive in various countries because the nature conservation and hunting legislation is not consistent and, moreover, a number of countries have autonomous regions with separate legislation,

I. Article 9 of the directive causes many difficulties,

II. With regard to the protection of bird habitats, noting that:

J. Article 4 concerning the protection of habitats does not contain any reference to bottlenecks on migration routes where birds pass through in large concentrations and that such a reference should therefore be added,

K. of the approximately 1 000 areas in the Community which could definitely be classified as special protection areas, and despite repeated reminders by the Commission, by no means all have yet been notified by the Member States to the Commission,

L. the areas which have been notified are often too small and only rarely form part of a coherent network,

M. actual protection and monitoring in these areas is very deficient, as in almost all areas there are problems which actually or potentially endanger their status as nature reserves,

N. the habitats of many species extend into Asia and Africa where it is very difficult to initiate bird conservation,

O. little account is taken of species which do not need special protection areas but do require appropriate land use, such as birds of prey,

P. there are only a few positive human influences on bird habitats and many harmful ones, for example, agriculture (deforestation, drainage, reclamation and recultivation, reduced genetic diversity, mechanization, pollution and eutrophication through excessive quantities of fertilizers and pesticides, culling to prevent damage), water engineering, transport, industrial and domestic pollution, lead pollution through hunting and angling, shipping disasters and discharges at sea, poisoning, the replacement of cork-oaks and ilexes by mono-culture plantations of eucalyptus in Spain and Portugal etc.,

Q. Mikri Prespa provides an example of the extremely poor functioning of the Community environment policy and the Commission in general, in view of the fact that no coordination of any sort took place between the various DGs concerned in the Commission, with the result that Mikri Prespa has been changed from a key nature reserve to unnecessary agricultural land,

R. large sums of money are to go to the southern Community Member States for regional and rural development in the years ahead, which will involve an unprecedented danger for the diversity of bird species and flora and fauna in general,

S. it is oftern quite possible to organize or alter land use in such a way that bird habitats are subjected to minimal damage or are even improved in quality,

III. With regard to the protection of species, noting that:

T. poaching occurs in all countries and on a massive scale in the Mediterranean area,

U. in various countries and in particular Belgium, France, Portugal, Spain, Italy and Greece, non-selective methods of capture prohibited under the directive are used, whether or not with the agreement of the authorities,

V. the illegal trade in birds and bird products has three main centres, namely thrush paté in France and Spain, birds of prey in West Germany, Greece, Italy and Belgium and singing and cage birds in particular in Belgium, the Netherlands, West Germany, Northern Ireland and all the southern Community countries,

W. these illegal practices are often associated with an extremely accommodating attitude or lack of action on the part of local and regional authorities,

X. the commercial sector encourages such practices,

Y. as a result of the non-specific formulations in the provisions of the directive such as 'serious damage', 'judicious use' and 'small numbers' and because of the concepts of 'tradition' and 'local customs', many more species are hunted and traded in the Member States than is permitted under the directive and Belgium in particular occupies an extremely strange and unsatisfactory position,

Z. many Member States hold views on hunting seasons and prohibited hunting methods which are not in line with the directive,

AA. some relatively rare species are included in Annex II (species which may be hunted) of the directive and can therefore be hunted,

BB. some more numerous species are not listed in Annex II because they can be hunted in a number of countries where the derogations under Article 9 are applied,

CC. some species or sub-species of birds are listed in both Annex I and Annex II of the directive, with the result that the directive's provisions on hunting and protection for these (sub) species are in conflict,

DD. a number of endangered species are not listed in Annex I and the annexes have not been revised since the accession of Spain and Portugal,

Calls on the Commission and the Member States to:

1. Allocate more staff for the implementation of the directive on the conservation of wild birds and nature conservation in general;

2. Submit forthwith a proposal for a regulation standardizing reporting on nature conservation;

3. Hold regular meetings to assess the directive on the conservation of wild birds (and possible other nature conservation legislation) in the presence of, and with the possibility of participation by, the NGOs;

4. Ensure that reports and assessments are published;

5. Draw up a separate document detailing the provisions of Article 9;

6. Allow, pursuant to Article 9, only derogations for Article 6 (prohibition on trade) and for certain methods of capture and killing listed under Article 8, in a controlled and selective manner in accordance with the Court of Justice judgment of 27 April 1988 handed down in Case 252/85;

7. Continue action against infringements;

8. Establish stricter and more extensive controls in which the NGOs are involved, including a network of field inspectors;

9. Set up a Community environment inspectorate which, as regards the Community directive on the conservation of wild birds will support national monitoring services, coordinate research into international illegal activities and problem areas and take responsibility for the exchange of information;

with regard to the protection of habitats, to:

10. Take measures for the specific protection of bottlenecks on migration routes;

11. Bring greater pressure to bear on the Member States to ensure that they fulfil their obligations under the Community's directive on the conservation of wild birds and in particular inform the Commission of the bird habitats to be protected in their territory;

12. Seek to achieve clearer delineation of the areas to be protected and the setting up of a coherent international network of such areas, making use of the CORINE programme;

13. Provide subsidies for projects in and near these areas only when they will not cause any damage or will help to improve protection;

14. Facilitate 100 % financing for special cases in the next revision of the Community actions for the environment and create the opportunity for NGOs to approach the Commission directly for financing;

15. Extend existing provisions available to farmers for conservation-oriented land management (for example, the hill-farming provisions);

with regard to the protection of bird species, to:

16. Bring about better regulation of hunting and the setting-up of a data bank for all species of wild birds to include both the distribution and size of bird populations and hunting figures;

17. Include all endangered bird species in Annex I and to add species whose habitat is also in the Community since the accession of Spain and Portugal;

18. Revise the annexes to the directive on the basis of the most recent ecological findings with regard to the populations concerned, remove the fairly rare species of birds and species contained in Annex I from the list of species which may be hunted and expand Annex II only where there is reliable information on populations and the possible effects of hunting on these populations;

19. Call on the Maghreb countries with whom trade agreements are concluded to ban hunting in the resting places of migratory birds, and to prevent their intensive destruction in their winter habitats;

* * *

— Takes the view, finally, that in general bird protection is best served by an approach based on communities, together with the protection and development of habitats and improved monitoring in the field of illegal and undesirable activities and measures for some specific species of birds such as birds of prey;

— Instructs its President to forward this resolution to the Council, the Commission and the Member States.

EXPLANATORY STATEMENT

Introduction

Thanks to the internal rules of the European Parliament, this is a very brief summary of a much longer report. The latter is available in Dutch only, but may be inspected on request. Because it is a brief summary, this report may be incomplete and/or unclear. The rapporteur regrets this but, for the reasons given in the foregoing, cannot be held responsible.

I. The EC Birds Directive: general

The EC Birds Directive (Council Directive of 2 April 1979 on the conservation of wild birds, 79/409/EEC, amended by Directive 81/854/EEC and Directive 85/411/EEC) is concerned with the conservation of all species of wild birds found on the European territory of the EC. The protection, management and control provided for apply to birds, their nests, eggs and habitats. The Directive is particularly concerned with threatened, rare and vulnerable species, those characteristic of specific areas and migratory birds in general. Coordination of the measures taken pursuant to the Directive is the ultimate responsibility of the European Commission.

There are 5 annexes to the Directive:

Annex I lists species requiring special conservation measures concerning their habitat because of their threatened, rare or generally precarious status.

Annex II lists species which may, under certain conditions, be hunted anywhere in the Community (Annex II/1) or in specific Member States (Annex II/2).

Annex III lists species in respect of which possession or keeping for sale is forbidden, under certain conditions, in the Community (Annex III/1) or in respect of which the Member States may, under certain conditions, permit trade (Annex II/2). Annex III/3 consists of species in respect of which the Commission is carrying out studies on biological status or on the effects of marketing on such status.

Annex IV lists prohibited means and methods of capture and killing.

Annex V lists the research and conservation work to be carried out by the Member States.

The Birds Directive and the Berne Convention

Although predating it, the Birds Directive can be seen as a detailed application of the Berne Convention in respect of birds. One of the main weaknesses of the Directive compared with the Convention lies in the secrecy with which both the Commission and the Member States apply the Directive: there is no formal role for non-governmental organizations (NGOs). This could be remedied by instituting triannual meetings to evaluate the Directive (and, possibly, other legislation on nature conservation) with NGOs able to attend and contribute.

I.1. Criticism of the wording of the Directive

As far as the wording of the Directive is concerned, the main criticism is of Article 9. This article provides derogations from the prohibitions and restrictions on killing, caputre, offering for sale and prohibited means as specified in Articles 5-8.

The point at issue is the difficulty of defining the reasons on which a derogation may be based: in particular, when is damage 'serious', and what, precisely does 'judicious use ... in small numbers' mean? Nor is it easy to reconcile Article 9 with Article 6 (prohibition on sale). Permitting trade because 'there is no other satisfactory solution' (one of the conditions of Article 9) is absurd. For the purpose of conservation of birds refusing to permit trade may be a very satisfactory solution. The derogations in respect of parts of Article 8 (which prohibits certain means of capture and killing, e.g. limes) are just as peculiar. A tighter, more explicit wording is needed.

I.2. Reporting

In 1982, two years after the Directive entered into force, the Member States were supposed, by virtue of Article 18, to have brought into force the laws and administrative provisions necessary to comply with the Directive. They were supposed to inform the Commission of this. There was, and still is, a similar reporting obligation in respect of conservation areas (Art. 4(3)), sale (Art. 6(3)), hunting laws (Art. 7(4)), derogations (Art. 9(3)) and research (Art. 10). With effect from April 1981 the Member States must also report every three years on application of the measures taken nationally.

Answers by the Commission to questions from the European Parliament show that there have been considerable delays in communicating information on the texts of laws. Belgium and Italy, and at a later stage Greece, have been particularly at fault. By its own admission the Commission was still not able in 1983 to make a statement on effective application of the legislation, because the Member States were not obliged to submit an initial report until April 1984 at the latest. However, subsequent enquiries have shown that a composite report was still not available in 1986. This report should have been published in 1987, i.e. three years too late, but the Commission refused to make it available to Parliament or to the author of this report who was appointed by Parliament. What the Commission has done is provide a summary of the status on 13 July 1987 of reports in respect of Articles 9 and 12 of the Directive (see Annex I). This illustrates once again the fact that reports are submitted late and incomplete. Infringement proceedings in respect of the reporting would certainly not be inappropriate.

The unverifiable nature of the national and Commission reports, and hence of application of the Directive, is unacceptable and Parliament should not tolerate this state of affairs. In this respect it is interesting to refer to the intention expressed by the Commission in its proposal for a Fourth Action Programme on the Environment 'to provide public access to its database which stores information on the national legislation - whether specially adopted or already in existence' (i.e. including the Birds Directive) '- which formally implements Community law'.

I.3. Incorporating the Directive in national legislation

Because the reports and related correspondence between the Member States and the Commission concerning incorporation of the Directive into national legislation are not accessible to third parties, this aspect needs to be evaluated on the basis of what the Commission was willing to communicate at the hearing organized by Parliament's Environment Committee and in reply to parliamentary questions and on the basis of what NGOs have been able to find out.

In 1983 there were still so many gaps in national legislation that the Commission was obliged to initiate infringement proceedings against all the Member States. In the Commission's view the main respects in which legislation was deficient were:

- inadequate regulation of trade and hunting;
- the authorizing of prohibited methods of caputre and killing; and
- excessive deviations from the general system of conservation.

One important problem complicating the situation is the incompatibility of the conservation of nature or species with hunting laws; in many cases this stems from the legislative autonomy of regional authorities in certain countries. One obvious example is the Pacini-Fiocchi Law in Italy which is a flagrant violation of the Birds Directive. There are similar regional problems in Belgium, France, Spain, Germany and Britain. Even today it is still not clear which countries formally comply with the Directive.

Implementation of the Directive

A more important problem than incorporation of the Directive in national legislation is the application of this legislation and the development of appropriate policy in administrative measures, i.e. implementation of the Directive.

In most countries - particularly the southern ones and Belgium - implementation is defective at all levels because too little attention is paid to the matter and there is a lack of staff and funds. At the national level this is quite probably due to a lack of interest in conservation, while at regional or local level there is probably also resistance to measures imposed from above which involve restraints on local customs and traditions.

The Commission, too (i.e. DG XI), is partly responsible for this. Its coordinating, supervisory and information role is hindered by a reluctance to cooperate on the part of the Member States. In addition, the Commission itself has a shortage of staff and other resources needed to give greater impetus to the process of application. Furthermore, it is difficult for outsiders, e.g. NGOs and MEPs, to make a contribution or exert pressure because of the counterproductive atmosphere of secrecy. Openness of reporting and evaluation procedures could help to overcome this problem. At the same time it must be said that the Commission has done a lot, and not without success, to update national legislation in particular. The (official) abolition of spring hunting in Greece and France is perhaps the best example of this.

II. Conservation of the habitats of birds

II.1. Special conservation areas

Among the main provisions of the Directive are the measures on the conservation, maintenance, re-establishment and creation of habitats (Articles 3 and 4). These include in particular the designation of special protected areas for the species listed in Annex I and for regularly occurring migratory birds which are not listed in Annex I. With regard to species in Annex I, the Directive states that special account must be taken of the nature of the threat of extinction, rareness, vulnerability to changes and species requiring particular attention because of the specific nature of their habitat. Measures concerning the habitat of migratory birds must be concerned in particular with their breedings, moulting and wintering areas and staging posts along their migration routes. Not explicitly mentioned in the Directive but just as important are the 'bottlenecks' on migration routes, the places where there are heavy concentrations of migratory birds. Examples include certain passes in the Alps and Pyrenees and straits such as the Kattegat, Skagerrak, Straits of Messina, the Bosporus, Gibraltar and the Dardanelles. However, the Directive does say that particular attention should be paid to wetlands of international importance.

Classification and designation

Since the adoption of the Directive in 1979 the Commission has arranged for several inventories to be made of important bird areas in the Community. In 1986 the Commission said that in the 12 Member States there were approximately 1000 areas eligible for classication as 'special protection areas', although this figure was not regarded as exhaustive.

However, in May 1986 the Commission stated that of these 1000 priority areas it had been given full details of only 48 (by Denmark, Italy, Germany, Ireland and Britain), even though a Council resolution accompanying the Directive stated that this process of designating areas was to be completed in 1981.

In 1984 the Commission reported that most countries had already been reminded three times to designate special protection areas. Given that the Member States have already exceeded the 1981 deadline by six years infringement proceedings would certainly be in order.

II.2. Threat to bird reserves

The small number of areas reported would indicate that very little indeed has been done about the active protection and maintenance, let alone development, of biotopes and habitats. There has certainly been little in the way of protecting transfrontier habitats because there has been no coordination of Member States.

At the hearing organized by Parliament's Environment Committee the experts present made it quite clear that:

- too few areas had been designated for protection and maintenance;
- in many cases the designated areas were too small and only in rare instances had a systematic approach been adopted;

- there are considerable shortcomings in active protection, and the monitoring of intervention intended to be constructive is inadequate;

- too little account is taken of species which require no special protection areas, but rather appropriate land use, e.g. certain species of birds of prey.

To give a few figures, of ca. 700 major bird areas which had been classified in 1984 (i.e. excluding Greece, Spain and Portugal), some 30% are apparently exposed to a direct threat, and in almost all areas there are problems jeopardizing the natural status. Nor should it be forgotten that the habitats of many birds extend to areas where protection is very difficult to implement, for example in Asia and Africa.

II.2.1. Harmful anthropogenic effects

Saying that most problems in bird areas are caused by Man is a cliché but, unfortunately, true. Once the diminution in natural areas comes to be regarded as a 'fact of life', the inevitable result of 'development', it will actually become so: self-fulfilling apathy.

Agriculture

The main anthropogenic effect on bird areas comes from agriculture because it involves radical changes and extensive land use. Deforestation, and the drainage and reclamation of wetlands, for example, have reduced or eradicated from some regions the habitats of many bird species. e.g. capercaillie (Tetrao urogallus), hazelhen (Bonasia), black stork (Ciconia nigra), lesser spotted eagle (Aquila pomarina) and eagle owl (Bubo). Wintering areas are also drastically reduced by the drainage and reclamation of wetlands, with serious consequences for geese, ducks and waders.

At the same time, however, the (open) landscapes and edges of woods that have been created have resulted in an increase in other species such as lark, partridge, quail, bunting, lapwing, vulture and other birds of prey. Some developments and changes in farming methods, such as shorter fallow periods and improved grasslands, have to a certain extent had a positive effect on a lot of species.

However, the trend towards intensification which has dominated farming in recent decades has had a predominantly negative effect on bird numbers. Some of the features of intensification are:

- an intricate infrastructure and greater rationalization, resulting in less diversity of crops, fewer weeds and fewer insects. The ortolan bunting (Emberiza hortulana) is an example of a species threatened by this trend;

- greater mechanization, affecting the corncrake (Crex) for example;

- changes in the water balance with a negative effect on the grey wagtail (Motacilla cinerea), kingfisher (Alcedo atthis), dipper (Cinclus) and sand martin (Riparia);

- the re-use of abandoned farming land, such as heathland, which has a very serious effect on the black grouse (Tetrao tetrix);

- pollution and eutrophication as a result of excessive use of artificial fertilizer and discharging excess natural fertilizer;

- pesticides: numerous victims;

- damage prevention by means of culling.

Other factors

Factors other than farming which often have a combined effect include: Hydraulic engineering works, traffic, industrial pollution, disasters at sea (e.g. the Torrey Canyon in 1967 and the Amoco Cadiz in 1978), discharges from production platforms, poisons (poisoned cereals and other feedstuffs for corvidae, gulls, pigeons and birds of prey with effects on other species, too, obstacles such as electricity pylons and lines, nets used in both freshwater and deep-sea fishing and, finally, deforestation, in particular replacing slow-growing cork-oak and holm oak by monocultural plantations of fast-growing exotic eucalyptus in Spain and Portugal.

Donana National Park, Spain

Problems in bird reserves always result from the interaction of internal and external factors. This can be seen from the example (one of many) of the Donana National Park in Spain. It hit the headlines in 1986 because of the sudden deaths of some 20 000 or more waterfowl including spoonbills, flamingos, herons, geese and large numbers of duck. It is believed that the excess use of pesticides in nearby rice fields caused this disaster. It may also be connected with the regular occurrence locally of botulism, which is held responsible for the deaths of 70 000 birds in the area in 1973. There are also problems in this park caused by nets used to catch the crabs introduced to the area which reproduce rapidly. Every year hundreds of purple gallinule (Porphyrio) and other rare birds are caught in these nets. There are also irrigation and drainage plans for the nature reserve itself and its surroundings which may have an extreme, and possibly disastrous, effect on the water balance.

Mikra Prespa

Another national park and important bird reserve that has been in the news is Mikra Prespa in Greece. In the course of an EC-funded development programme in late 1985/early 1986 serious damage was caused to this internationally important wetland by a radical tree-felling operation (55 000 trees) and other drastic, inexpertly managed activities such as the creation of a fish farm and the widening and deepening of natural water courses. It was possible to stop subsequent plans being carried out for further altering the hydrology which could have meant extinction for pelicans occurring locally (the Dalmatian pelican (Pelecanus crispus) and the white pelican (Pelecanus onocrotalus)).

Northern EC countries

Although the above examples are of southern EC countries, a similar distressing state of affairs can be found in all countries including the northern EC Member States where most nature reserves have already disappeared or survive in limited numbers and poorly maintained.

Duich Moss

On Duich Moss (Islay, Scotland) a project started in 1984 for digging peat from one of the most important wintering places of the Greenland white-fronted goose (Anser albifrons flavirostris) and other uncommon species. The peat was needed by a whisky distillery. Although alternatives were available and the distillery was offered money to dig peat elsewhere, the project went ahead. It was eventually stopped after pressure from private bird protection and nature conservation organizations and also from the Commission.

Markermeer

The Dutch government has agreed in principle to the reclamation of the Markermeer. This lake occupies ca. 40% of the Ijsselmeer, a wetland of international standing which provides an important function not only for the local bird population but also for adjacent wetlands which are themselves unique bird areas. The plans to reclaim the land have been temporarily shelved because of lack of funds, but the intention is still there.

Africa

Finally, reference must be made once again to the deteriorating state of the habitats (i.e. wintering areas) of many European migratory bird species in Africa. This results mainly from the process of desertification and the use of pesticides.

II.3. Measures to aid bird reserves

Measures to protect and extend bird areas are urgently needed. This is the undeniable conclusion. The designation of important bird areas, as described in II.1., is the first requirement. For the general method to be used readers are referred to the report on the Berne Convention. A mangement plan needs to be drawn up for the designated areas to protect birds, other forms of flora and fauna and the local environment in general, after which appropriate management agreements need to be signed with the managers or users of the area.

Funds

For the management, and in some cases the purchase, of areas funds are required. The EC can provide funds from the Actions by the Community relating to the Environment (ACE). However, apart from the fact that the sums involved are quite small and need to be increased, two changes would significantly improve the situation: funding up to 100% (instead of the current maximum of 50%) and the opportunity for NGOs to apply to the Commission direct for aid, without eliminating ultimate permission from the national authorities. Unfortunately, the Council has provided for fixed amounts of ACE for the next three years without including these points, although they will certainly have to be included the next time the ACE is reviewed.

Another important fund could be created in certain farming areas which are important to birds by diverting some of the subsidies for maintaining unnecessary agricultural surplus production to land management by farmers for bird or nature reserves. A certain percentage of the agricultural funds could be earmarked for this. To prove the feasibility of this policy the Commission could test it - obviously in cooperation with the relevant national authorities - in a number of countries or regions.

Other measures

It would go beyond the scope of this report to propose detailed, specific solutions to the problems mentioned in II.2. Nevertheless, some general guidelines for active conservation are given below. Firstly, regional planning must make provision for bird reserves (and nature reserves in general), taking into account the requirements of an ecological infrastructure. Scope should also be provided for creating buffer zones around vulnerable areas to minimize the effects of disruption and pollution etc. The planning and, more importantly, the implementation of projects in and in the vicinity of nature reserves must utilize ecological expertise. The example of Mikra Prespa clearly illustrates the need for this. Besides relocating certain dangerous installations such as high voltage cables, simple warning devices can also be used to prevent the death of many birds. Finally, monitoring in the field is a tried and tested way of preventing a whole range of illegal practices and other undesirable developments. For example, there might be a network of field inspectors who would also monitor other illegal practices described below. NGOs - both hunting associations and nature conservancy organizations - will certainly be prepared to cooperate. This sort of system is already in operation in the Netherlands and Great Britain.

III. Threats to individual species and the protection of birds

Human activity can affect the bird population, not just because of the effect on birds' habitats but directly, too: the deliberate capture or killing of birds for various purposes such as sport, damage prevention, as a source of food, to keep and taxidermy. There is, of course, a whole range of protective activities.

III.1. Illegal activities

One immediate problem in any attempt to survey illegal activities in various Member States is the absence of reliable, verifiable information. With the courageous exception of Portugal governments only admit the existence of illegal practices when they are taken to court. NGOs are often less reticent and are better informed of the situation in practice. The problem with NGOs is that the differences in level of detail of their monitoring activities are often considerable and difficult to evaluate, particularly at grassroots level. Two attempts at classification have each endeavoured to circumvent this problem. They are described below.

Report on the Mediterranean Sea region

In 1980 the European Committee for the Prevention of Mass Destruction of Migratory Birds published its study 'Bird killing in the Mediterranean'. The author visited the countries around the Mediterranean and, on the basis of talks with bird protection people, government representatives and hunters, came to the conclusion that hundreds of millions of birds are killed every year, the highest death toll being in South Western Europe. He believed that this figure represented some 15% of the wintering and migratory birds in the region. Because of preferences for catching and killing certain birds, particularly those with bright plumage and birds of prey, but also ducks, waders, quail and pigeons, the percentage is likely to be much higher for some species. The main reason was for sport and, to a much lesser extent, as a source of food, additional income and damage prevention. The report provides a detailed description for each country. The study appeared before application of the Directive became compulsory. Nevertheless, many people are convinced that there has been scant improvement in the situation since then,

and that the report can still be regarded as providing a reasonable picture of the situation as it really is.

Report by the Secretariat of the Berne Convention

Another attempt to chart the illegal capture and killing of (protected) birds was made in 1986 by the Secretariat of the Permanent Committee of the Berne Convention. The report - 'Illegal hunting and catching of protected birds' (December 1986) - compares for each country the government's own returns and reports by non-governmental sources. Not surprisingly, there are enormous differences.

Hearing organized by Parliament's Environment Committee

The experts invited to the hearing organized by the Environment Committee confirmed many of the abuses quoted in the abovementioned reports and provided the necessary background information. Some of the conclusions are given below. For more detailed information readers are referred to the report of the hearing and the annexes which can be obtained from the secretariat of the Environment Committee.

Illegal hunting of protected birds occurs in all EC countries. Non-selective, prohibited means of capture are often used, e.g. funnel traps (Belgium) and various other types of trap (particularly in south-east France), bird lime (France, Portugal, Italy and Greece), nets (e.g. in the Pyrenees) and night shooting (France).

With regard to numbers it is unfortunate that few reliable figures are available. The most optimistic estimate in 'Bird killing in the Mediterranean' refers to hundreds of millions of birds killed each year in that region. A recent study demonstrated that this is no exaggeration. In the space of one year (1984/85) enormous numbers of turdidae and other small birds were caught in the Spanish province of Jaen, and the situation was worse in the other provinces of Andalusia. Another recent study by the Spanish organization for the protection of birds showed that between 1960 and 1985 at least 1245 young peregrine falcons (Falco peregrinus) had been taken from their nests.

Illegal trade

The illegal trade in birds and bird products involves three main areas: thrush paté, birds of prey and songbirds and cagebirds. Each of these illegal activities is concentrated in a different part of the EC.

The trade in thrushes and the sale of thrush paté is concentrated in France and Spain. In the early 1980s tens of millions of thrushes were killed in France to make paté. It is know that in Corsica there are seven small and medium-size firms producing ca. 5000 kg of thrush paté annually, with a total turnover in the order of 2 500 000 French francs. Thrush paté is still being produced and sold in France today, but on not such a large scale. It recently emerged that there is also a commercial thrush processing and packaging industry in Spain, mainly in the southern provinces and Mallorca. Every year millions of thrushes are transported to various countries, including Japan, but mainly to France.

The centre of the trade in birds of prey is West Germany. It is believed that large numbers of birds are caught in the wild in Greece, Italy and Belgium and then sold as being bred in captivity. Court cases in Germany show that the purchasers include exhibitions, private individuals and, in some cases, zoos. Large sums of money appear to be involved in the German black market in birds. The rarity value pushes the price up to tens of thousands of marks for certain species. In 1984 Great Britain decided to impose a ban on trade in daytime birds of prey with Germany.

The illegal trade in songbirds and cagebirds is mainly centred in Belgium, the south-east Netherlands and Westphalia in Germany. However, in southern Europe and in Northern Ireland there appears to be a lively trade in caged songbirds, with the local and regional authorities usually turning a blind eye to these illegal activities.

Where commercial factors are involved (as in the thrush paté industry and the bird trade) there is obviously greater pressure to capture or kill birds. In fact, in the past some MEPs have urged in written questions to the Commission that account should be taken of the commercial aspect of the thrush paté industry, i.e. the turnover and the jobs, and of culinary traditions, too, and that exemptions should therefore be allowed to the Directive. Traditional commerce also plays a part in Germany, Belgium and the Netherlands where the trade in birds of prey, songbirds and cagebirds may represent a handsome source of income for those engaged in this illegal activity. Bird protection organizations in Germany and Belgium believe that the illegal trade in birds is ten times greater than the legal trade.

Commercial aspects also affect the number of birds killed legally, e.g. in Denmark where all birds than can be hunted can also be bought and sold. Finally, one commercial element which may increase the number of birds killed in the practice of attracting foreign sportsmen, e.g. in the Netherlands where the goose hunt attracts Germans and in Greece which tends to attract Germans and Italians (e.g. in the spring season). In Greece there are even travel brochures extolling the opportunities for hunting on some islands because of the great variety of large numbers of birds.

III.2. The grey area between what is legal and what is not

There are very many activities which are not prohibited in accordance with national legislation but which, it might be argued, infringe the Directive. One might therefore enquire whether the national (or regional) legislation in question is in line with the Directive. In a number of instances these cases have prompted the Commission to initiate infringement proceedings. The basis for these disputes is whether Article 9 (derogation) is interpreted more freely than the wording actually allows (cf. I.1.).

III.2.1. Article 9

Although the criterion for derogations used by Article 9 is 'serious damage', a number of countries regard damage per se as sufficient. As a result some species of birds soon get branded as 'pests'. The same applies to the difference of opinion on the criterion of 'the judicious use of certain birds in small numbers'. Some countries also use 'tradition' and 'local customs' as reasons for derogations. The upshot is that in the Member States many more birds may be hunted or bought and sold than are specified in either Annex II

or Annex III of the Directive. Many Member States also differ considerably on what constitutes hunting seasons and prohibited means and methods of hunting.

Furthermore, a country does not have to wait for the Commission's permission before enacting regulations different to those specified under Article 9, although every year a report has to be made (but is not) to the Commission on the application of Article 9. The Commission is supposed to monitor proper compliance with the regulations and to take action where necessary. In a number of countries the idea is beginning to gain currency, not least amongst hunting associations, that using Article 9 for these species is a cumbersome and bureaucratic procedure. Inclusion of the relevant species in Annex II is claimed to be a particularly glaring example of this.

Bird protection organizations have warned against using 'pest' as a general term for certain species. For example, they maintain that as far as a number of corvidae are concerned, although damage may under certain circumstances be a problem at the local level, in general these species cannot be held liable for serious damage. They therefore believe there is no justification for large-scale hunting. Nor do they believe that the jay (Garrulus glandarius) can be proved to cause serious damage. In any case this is unlikely since it is a predominantly woodland bird. With regard to birds of prey, too, bird and nature protection organizations find it hard to accept that damage to hunting (including problems with game) and pigeon lofts can justify persecuting a species. They also advise caution in increasing the number of species that can be hunted; indiscriminate decimation of species should not be allowed without an understanding of the part they play in various natural and semi-natural processes. They also warn against 'mistaken identity': birds that resemble each other can easily be confused during hunting.

The rapporteur is in favour of a compromise solution. A number of species to be indicated by the Commission, including the starling, house sparrow, magpie, jackdaw and crow, could under certain conditions be included in Annex II (II/1 or II/2). This can be justified on the grounds that it is in fact odd that a number of species already included in Annex II (such as garganey, woodcock, jack snipe, capercaillie, quail and water rail) are relatively rare while species such as the five mentioned above are not included. One of the conditions for including species in Annex II should therefore be removing a number of species which are currently listed there. It is up to the Commission to research this matter and to develop proposals. The rapporteur also believes that extreme caution should be exercised in extending Annex II pending a reliable system for monitoring living populations and the number of specimens that are taken from these populations every year. The second condition, which would also be pursuant to Article 10 and Annex V, would be that research is carried out into the effect of deaths on given populations and the development of ecological methods for the prevention of damage by birds.

Belgium

Belgium occupies a special position with regard to exceptions to the Directive in respect of hunting, capture and sale. It is permissible to capture (e.g. to replenish stocks of aviary birds) or kill large numbers of species which are not included in Annex II. Landowners are also permitted to destroy nests and remove eggs, although the sale of eggs or of young birds is prohibited. There is no ban on keeping, buying or selling a considerable number of species. A number of species of duck, goose and swan protected pursuant to

the Directive may be bought and sold only if they are clipped, thereby counting as poultry. Flanders and Wallonia have their own lists of birds in relation to these regulations.

It is obvious that a system like this is wide open to abuse. Anyone familiar with the Belgian bird markets will be aware of this, with whopper swan (Cygnus), white-fronted geese (Anser Albifrons), barnacle geese (Branta leucopsis), ferruginous duck (Aythya nycora) and white-headed duck (Oxyura leucocephala) on sale as poultry.

Another respect in which Belgian legislation differs from the Directive is the keeping of birds in small numbers. Every year the Belgian authorities permit the capture of tens of thousands of birds. It does so by invoking Article 9, since a number of species which can be captured do not appear in Annexes II or III. But it is hard to stretch the concept of 'small numbers' to include this figure. It would be very illuminating if the Commission were to give figures explaining what this term means; this might be accompanied by a definition of the term 'judicious use'. Belgium has been used as an example because it departs quite significantly from the Directive. But such discrepancies are found in every country, albeit - fortunately - on a smaller scale. Given the fact that monitoring facilities are very poor in almost all countries, as a general rule at present the extent to which national legislation differs from the Directive is in inverse proportion to the strictness of monitoring. Strict action by the Commission by means of infringement proceedings is of crucial importance for the functioning of the Directive and of conservation of birds in general. Whether the Commission uses this as a yardstick is difficult to determine.

Hunting certain species on the grounds that they are 'pests' is paralleled by differences in the permitted hunting season. Some species can be hunted all year round, others for only part of the year but including the migrating or breeding period. Infringement proceedings have been initiated against France and Greece because of this. Another problem is the time of day when hunting is allowed. In Ireland, Britain, Germany and France hunting is allowed at night and in Denmark until twilight. Poor visibility - and hence greater problems of indentification and a greater likelihood of missing or wounding - disturbing the peace at night in nature and the impossibility of monitoring are arguments for abolishing these practices.

Decoys

The use of mutilated or protected birds as decoys is not permitted. One powerful argument for completely abolishing the use of decoys for hunting is that it often concentrates a lot of hunters in one spot; this is the case with goose hunting in the Netherlands, for example. Consequently, there is a likelihood of a very heavy local concentration of lead in the environment.

III.3. Hunting

Although the EC does not have a hunting policy as such, the Directive includes quite a number of provisions which can be regarded as a basis for this; because of these provisions the Directive bears directly on national laws on hunting, as we have already noted in several instances. The provisions in question are those of Articles 6, 8 and 9 which have already been discussed as such above, and Article 7. The latter states that:

(a) hunting must not jeopardize conservation efforts in the distribution area of the species in question. In other words, hunting policy in one country or region must not conflict with conservation measures in another;

(b) the species listed in Annex II may be hunted in certain circumstances (Annex II/2) with a restriction on the number of countries;

(c) hunting must comply with the principles of wise use and ecologically balanced control;

(d) there are restrictions on the times when hunting is allowed, i.e. no hunting during the return of species to their rearing grounds or during the breeding period or until the young birds have left their nests.

Ambivalent features of the Annexes to the Directive

The provisions of Article 7(1) - that hunting must not jeopardize conservation efforts in the distribution area of the species in question - is at variance with the contents of Annexes I and II because some species are included in both Annex I and Annex II/1. A number of sub-species of species listed in Annexes II/1 and II/2 are also included in Annex I. Hence, the Directive stipulates on the one hand (Article 4 and Annex I) that conservation measures must be taken for the habitats of these species, while on the other hand the same species may be hunted in a number of countries or even throughout the EC.

Since the Commission has also already stated in correspondence that the species listed in Annex I need general protection, the relevant species should be removed from Annex II and hunting of those species should be prohibited. Species listed in Annex II but not in Annex I whose status is a cause for concern at EC or regional level should also be removed from that Annex. Only if there were a proper understanding of the status of all populations of the species in question in their distribution area and if quotas could be laid down for culling would this dual classification (or reclassification in the case of species not listed in Annex I) be a viable option. Even if that were the case, however, caution would be needed lest hunting were to impede the natural reestablishment of the variety in question from a 'densely populated' area to former breeding grounds.

Database

We are repeatedly confronted with the lack of reliable data on the status of populations of bird species in their distribution area and of reliable hunting statistics. These sorts of data are indispensable for a sound European bird management programme. The best way of obtaining these data and producing them in a usable form would be to create a database, whose main tasks would be:

- monitoring the populations of bird varieties in general and with particular reference to the species listed in the annexes;

- producing and updating hunting statistics broken down by region in connection with the distribution of species/populations;

- keeping data on the distribution, scope and impact of other legal and illegal forms of catching and killing birds.

III.4. Revising the species annexes of the Directive

We have already referred on a number of occasions to the need to revise the annexes of the Directive. But that is not enough. The contents of the annexes will have to be continually evaluated in the light of current knowledge. What is required is an effective and coordinated effort to tailor this knowledge to the needs of the species. A database could help here. The Committee for the Adaptation to Technical and Scientific Progress of this Directive will also have to meet more frequently.

Annex I will have to be extended, not just because of the accession of Spain and Portugal but also because of various listings of threatened species (e.g. those compiled by the Commission and those included in the IUCN Red Data Book 1986), many of which are not yet in Annex I. However, compiling lists must not be regarded as an end in itself. As far as the rapporteur is aware there are no exhaustive lists. Moreover, very many species which are not under threat worldwide or in the EC are in such a precarious position regionally or at the population level as to require special attention. Furthermore, lists differ often markedly, e.g. the two mentioned above. This point alone underlines the need for greater coordination of research and the exchange of information.

The Commission also needs to clarify the position with regard to Annex III/3. The Commission should study the biological status of the species listed in this Annex and the effect of trade on such status, with a view to including the species in Annex III/2. Although the Commission maintains that this study was completed in 1980, an undertaking was given in 1983 - in reply to a written question from a MEP - that in 1984 proposals would be made about Annex III/3 and about a number of species in Annex II. As far as the rapporteur is aware these proposals have not been made; nor was any reference made in the amendment to the Directive of 25 July 1985 to amendments to Annex II (although a number of species listed in that Annex were also included in Annex I) or to measures relating to Annex III/3. It is not unreasonable to expect in the very near future a report on the study of Annex III/3 accompanied by relevant proposals and an updated issue of the Annexes.

III.5. Priorities for protected species of birds

Given the modest resources available for the protection of birds it is unreasonable to expect the same amount of attention to be devoted to every species that needs protection. Moreover, a policy based too closely on species would prove ineffective. In many cases an approach based on communities and the protection of habitats would be much more efficient and effective. A good example of this approach is the Wetlands Convention (Ramsar). The EC is still not a signatory to this Convention. It should sign so as soon as possible.

However, this is not to detract from the fact that for a number of species specific attention and species-related protective measures are a must: either because there is a risk of their disappearance from the EC or they are under threat worldwide or because in some instances the threats are species-related or because protection based on habitats is not feasible. A number of birds of prey, for example, are often in one of these situations. However, it is very

difficult to improve the habitat of a number of birds of prey. These include the honey buzzard (Pernis apivorus), red kite (Milvus), Egyptian vulture (Neophron percnopterus), short-toed eagle (Circaetus gallicus), golden eagle (Aquila chrysaetos), booted eagle (Hieraaetus pennatus), osprey (Pandion haliaetus) and peregrines falcon (Falco peregrinus). For these species it may be necessary to create a nature reserve for only a few pairs. If absolutely necessary chicks can be hatched in captivity and released into the wild in the reserves. However, monitoring is needed to prevent the birds being hunted. In some countries breeding areas are guarded round the clock by volunteers.

III.6. Research

Finally, mention must be made of research. Article 10 of the Directive enjoins the Member States to carry out research for the protection, manangement and use of populations. Annex V indicates a number of priority areas in this respect. The Commission ought to produce a list of areas and species in respect of which there is an urgent need for active protection measures. The CORINE programme will facilitate this. Research, in particular practical research, should be tailored to this list. This would also bring some order into the half-hearted research to back up specific bird protection measures.

5.

The monk seal

- Resolution voted by Parliament on 16 September 1988
  (OJ C 262/200 of 10 October 1988)

- Explanatory statement of report drafted by Mr Hemmo J. **MUNTINGH** (S-NL)
  (Doc. A2-0151/88)

Protection of the monk seal and turtles

(a) Doc. A2-151/88

RESOLUTION

on the monk seal

The European Parliament,

— having regard to the motion for a resolution by Mrs Schleicher and others on the monk seal (Doc. B2-1251/87),

— having regard to its resolution of 17.1.1984 on the protection of the monk seal [1] and of 15.3.1985 on Community trade in seal products and in particular products deriving from the white-coat pups of harp and hooded seals (Pagophilus groenlandicus and Cystophora cristata) [2],

— having regard to the report of the Committee on Environment, Public Health and Consumer Protection (Doc. A2-151/88),

A. whereas the programme of action for the protection of the monk seal (Monachus monachus) expires in 1988,

B. whereas, although this programme has proved particularly successful in Greece, it has failed to prevent the trend towards extinction of the monk seal elsewhere in the Mediterranean,

C. noting with satisfaction that there is a good chance of preserving the remaining monk seal colonies in the Atlantic Ocean and in particular those of Mauritania, Morocco and Madeira,

D. whereas the rehabilitation and release of young monk seals by a joint cooperation of the Research Institute for Nature Management (RIN), the Seal Nursery Station Pieterburen and the Greek Ministry of Environment has been very successful and the subsequent radiotracking has provided unique data on dispersal and behaviour of young monk seals,

E. whereas even after 1988 it will undoubtedly be necessary to continue providing financial aid and assistance for organization and coordination purposes,

F. having regard to the recent outbreak of viral disease among common seals (phoca vitulina) in north-west Europe as a result of which the numbers of this seal have almost halved and in certain regions have been reduced by almost three-quarters in a few months,

G. noting with great concern the outbreak of this virus which demonstrates that sufficient numbers of seals are needed to withstand it and similar pathogens; whereas this certainly does not apply in the case of the monk seal, making this species particularly vulnerable and likely to become extinct as a species should a similar epidemic occur,

1. Requests the Commission to continue its valuable work in protecting the monk seal after 1988, to commence a second three-year action programme for the protection of the monk seal, and to earmark a sum of 600 000 ECU against item 6 610 in the Budget (Community action to protect the environment);

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[1] OJ No C 77, 19.3.1984, p. 112.
[2] OJ No C 94, 15.4.1985, p. 154.

2. Also requests the Commission to enter appropriations under Article 946 for projects to protect the monk seal in Turkey, in Cyprus, on the Mediterranean coastline of North Africa, especially in Tunisia and Algeria, and on the Atlantic coastline of Morocco and Mauritania;

3. Requests the Commission to establish two coordination stations within the framework of its action programmes: one for the Eastern Mediterranean centred on the Northern Sporades marine wildlife reserve and on Greek territorial waters and one for the Western Mediterranean and Atlantic Ocean;

4. Asks the Commission to study the dispersal and behaviour of wild seals in the Northern Sporades by telemetry and recommends calling in the RIN for this purpose;

5. Requests the Commission, within the framework of the second action programme, to give priority to genetic research concerning the monk seal in order to establish definitively whether or not genetic differences exist between the eastern and western monk seal;

6. Requests the Commission also to give priority to the Greek programme to create five protected areas for the monk seal and a programme to protect and increase Madeira's remaining monk seal colonies;

7. Requests the Commission also, with a view to resolving the conflict with fishermen, which is proving deadly to the monk seal, to give priority to a programme for the development of fishing nets which can withstand the monk seal and to introduce such nets on a large scale in collaboration with fisherman's organizations in those areas throughout the Mediterranean where the monk seal is to be found;

8. Also requests the Commission to examine the possibility of funding other alternative activities, such as fish farming, and studies designed to improve exploitation of fishing grounds in order to offset the loss of income suffered by fishermen as a result of the continued presence of the seals;

9. Requests the Commission to pursue and extend its research into the ecology and biology of the species;

10. Requests the Commission also to give priority to publicity campaigns among those sections of the population affected by the protection of the monk seal;

11. Requests the Commission to draw up an emergency plan within the next six months containing the steps to be taken in the event of an epidemic occurring among the monk seal and also to examine whether, in view of the disastrous consequences of such an epidemic, it is not already necessary to remove monk seals from their natural habitat in order to form breeding groups to safeguard the future existence of the species;

12. Requests the Commission to provide extra resources from its research budget to fund studies into the effect of water pollution on the resistance of seals to disease;

13. Requests the Commission, finally, to do its utmost to help protect the monk seal from the danger of extinction, which is inevitable unless action is taken;

14. Instructs its President to forward this resolution to the Commission and the Council.

EXPLANATORY STATEMENT

I. INTRODUCTION

References to the Mediterranean seal go back as far as the Odyssey, some 2 800 years ago. It was however a long time before the monk seal was known to science. It was first described as Phoca monacha by J. Hermann in 1779 on the basis of a specimen from the Adriatic. Later, in 1822, the name was changed to Monachus monachus (summary in AVELLA, 1986).

Monachus is the only tropical and sub-tropical genus of the Phocidae. It has only three species, and their existence is under threat: Monachus tropicalis, the Caribbean seal, has recently become extinct, and the two others, Monachus schauinslandi of Hawaii and Monachus monachus, the Mediterranean monk seal, are at present endangered species.

The Mediterranean monk seal was widespread over an area including the North Sea, the entire Mediterranean basin, the Atlantic coastline of North Africa (up to the 20th parallel) and the Canaries, Azores and Madeira islands, but it has progressively disappeared from most of the coastline it inhabited in the Mediterranean and in Macaronesia. The population is currently estimated to be between 500 and 1000 (REIJNDERS and DE VISSCHER, 1987).

Not until the early Seventies did research and projects begin to clarify the trends and the current status of the species, together with certain biological aspects (see REIJNDERS and DE VISSCHER summaries, 1986 and SERGEANT et al. 1978). Nevertheless, gaps in our knowledge remain and certain projects need to be pursued and extended to protect and manage the species in the long term.

The Commission of the European Communities has taken an interest in the conservation of the monk seal since 1983. After a parliamentary resolution was adopted on 17 February 1984 (OJ C 77/112), the Commission launched an emergency programme for the conservation of the monk seal in 1985. The purpose of this initial programme, for a period of three years, was to establish and implement a conservation strategy for the species. It is coordinated by the Belgian Royal Institute of Natural Sciences, in close collaboration with the Commission. Also involved in the project are the Greek, Italian and French Ministries of the Environment, the Universities of Athens, Thessalonica and Munich, the Sea Mammal Research Unit at Cambridge, the Port-Cros National Park, the Rijksinstituut voor Natuurbeheer, the Zeehondencrèche Pieterburen (seal nursery), the Madeira National Park and the Greek Association for the Protection of Nature.

This paper begins by summarizing present knowledge of the population trends and status of Monachus monachus. It then summarizes the strategy that has been adopted over the first three years, reviews what has been achieved and proposes a series of projects to be continued or undertaken in a second phase.

II. POPULATION TREND AND CURRENT STATUS

a. Introduction

The original range of the monk seal extended from the Crimea to Senegal and thus covered the entire Mediterranean. Many coastal place names still witness the presence of the species in the past. The colonies have been in steep decline especially in the 20th century (AVELLA, 1986; SERGEANT et al., 1978).

The decrease has been due partly to direct human persecution and partly, especially in the last few decades, to the loss of habitat and disturbances caused by tourist and industrial development (ROLAND and DUGUY, 1979; SERGEANT et al., 1978).

The monk seal is now very much dispersed. Apart from a number of larger colonies, it is scattered in small pockets. In the summary of trends and present state of the population we distinguish between three major zones: the Atlantic, the western Mediterranean and the eastern Mediterranean (see map 1).

b. Atlantic

This zone comprises continental Portugal, the Atlantic coast of Morocco, of Western Sahara and northern Mauritania, and the Azores, Madeira and Canaries islands.

Table 1 shows estimated present populations, or the last dates of breeding or sighting.

The sole evidence for breeding on the coast of continental Portugal was the capture of a very small specimen in 1797. The last observation dates from 1817 (AVELLA, 1986).

The presence of the monk seal on the coastline of Western Sahara has been known since the fifteenth century, when Portuguese sailors discovered what was probably the largest colony ever. It was estimated to number about 5 000 seals at the time. It was decimated in a few expeditions by Portuguese hunters to the northern part of the Cap Blanc peninsula (MONOD, 1923, in MARCHESSAUX and MULLER, 1985). TROTTIGNON (1979) followed developments in the Seventies, and he put the size of the colony at 45 - 50 individuals between 1976 and 1980 (MAIGRET, 1984). MARCHESSAUX and MULLER (1985) currently estimate the number of seals along the Cap Blanc peninsula at a minimum of 100 (possibly nearly 200) with a further small and relatively stable colony of about one dozen individuals at Cap Blanc itself (MARCHESSAUX, 1986). Further north there are several colonies along the coast of Western Sahara but their numbers are as yet little known (MARCHESSAUX and AOUAB, 1988). At present, changes in the political situation in this area have made inshore fishing easier. The new accessibility of some areas will probably reduce the seal population with an increase in accidental nettings (MARCHESSAUX and AOUAB, 1988).

There have been regular sightings in Senegal over the last ten years. They are probably stray individuals from a colony further north (DUPUY, 1983).

There is little data concerning the Azores (AVELLA, 1986); the species appears to have disappeared from there several centuries ago.

Although there are no precise figures for the seals living in the Madeira islands in recent centuries and even the beginning of the twentieth century, there was certainly a great number (several thousand?). Counts over the last ten years have shown a constant decline in numbers. The present population is estimated to be about 6-8, perhaps a little more, but at all events less than twenty (REINER and DOS SANTOS, 1984, VASCONCELOS, 1988).

The monk seal has completely vanished from the Canaries as a resident species. However, the islands are still occasionally visited by seals probably from the coast of Sahara, as the sighting of a young individual in the Alegranza Islands, north of Lanzarote, in 1983 would indicate (HERNANDEZ, 1985 in MARCHESSAUX, 1985).

c. Western Mediterranean

This zone covers Spain, France and continental Italy, the Balearics, Corsica, Sardinia, Sicily and the Moroccan, Algerian and Tunisian coast, including the neighbouring islands and archipelagos. Of the latter, the Chafarinas and Galite are the most important.

The main figures are summarized in Table 2.

In Spain the species disappeared from the coastline since the middle of the twentieth century. Nevertheless, isolated individuals or small groups (2-3) have been sighted regularly in recent decades, especially along the southern and south eastern part of the coastline. They were probably individuals from the North African colonies (AVELLA, 1986; FUNDACION BLANC, 1986).

The population of the Balearics probably disappeared in the Fifties but there have been some recent sightings (Seventies). Only a few seals survive in the Chafarinas Islands (AVELLA, 1978; 1986; ICONA, pr. com., 1987).

The first figures for the monk seal along the French Mediterranean coastline date back to the sixteenth century. The largest part of the population was then located along the coastline of Provence. In Corsica the species was well-established. Several colonies existed on the mainland until 1920 (on the Hyères peninsula for example). Breeding can be said to have stopped around 1930-35. The last sightings were made around 1950 on the island of Port-Cros (DUGUY and CHEYLAN, 1980).

In Corsica the population survived beyond 1950 but has tailed off since 1985. The last reported sightings on the island date back to the early Seventies, but a single example was observed in 1980 (BOULVA, 1975, in SERGEANT et al., 1978).

The monk seal colonies disappeared from the Italian mainland coastline probably around the mid twentieth century. In Sardinia the population, estimated at about a dozen at the end of the Sixties, has now fallen to 2-4 seals, and is located along the east and north east of the island /Gulf of Orosei, Tavolara). In Sicily the last colony died out in 1975, but stray individuals have been sighted recently on islets in the vicinity (ANONYMOUS, 1987; BOITANI, 1979; REIJNDERS and DE VISSCHER, 1987).

Small scattered colonies survive along the Moroccan and Algerian coasts where the situation seems to have been fairly stable over recent decades. The present population is estimated at 110-130 (AVELLA GONZALEZ, 1984; pr. com. R. Chebab, Oran).

In Tunisia the seals were 'plentiful' towards the middle of the eighteenth century (DE MARMORA, 1836 in MARCHESSAUX, 1987b). After that, without data, it is difficult to follow developments there. Only the Galite islands colony was relatively well observed. It has shrunk to between one and three individuals (MARCHESSAUX, 1987b).

d. Eastern Mediterranean

This covers the coastlines and islands of the Adriatic, the Ionian and the Aegean (eastern Italy, Yugoslavia, Albania, Greece and Turkey), the Black Sea and the eastern Mediterranean coastline from Syria to Libya. The main data on this area are given in Table 3.

The monk seal was plentiful in the Adriatic but began to thin out towards the end of the nineteenth century. Colonies survived there on the islands along the Yugoslav and Albanian coast until the Seventies, when there was a rapid decline in numbers. The population is now estimated at between 20 and 40 (GAMULIN-BRIDA, 1979; RONALD, 1984, oral evidence A. ECONOMOU, Athens).

The population among the Ionian islands is known with some accuracy thanks to the studies by PANOU (1987) on Cephalonia and Ithaca. Numbers are estimated at 14-20 seals. The species is also present around Zakynthos and Corfu but numbers are not known with any accuracy.

Most of the eastern Mediterranean population is in the Aegean. It is thought to be some 300 strong (REIJNDERS and DE VISSCHER, 1987, HARWOOD, 1987). The figures are incomplete for some areas, especially along the Turkish coast. Although there has clearly been some reduction in numbers (MARCHESSAUX, 1987a), general conclusions on trends are still difficult. The species used to be present along the entire Greek and Turkish coastlines, but now survives only where its habitat has been least affected.

There are no recent figures for the monk seal in the Black Sea. At a rough estimate there is a population of about 20 along the coastline between Syria and Libya. The species has certainly disappeared from Israel and Egypt since the Fifties.

e. Conclusion

It is obvious that the monk seal has disappeared from much of its former range and can survive only where there has been as little disturbance as possible. The decline in the species has taken place especially over recent decades, and it is to be feared that it will continue unless further protective action is taken.

The total numbers of the monk seal are difficult to assess with accuracy as there are no figures for some regions. Further surveys need to be carried out at many points.

Total numbers are estimated at between 500 and 1 000 at present. In the Community, the Aegean is obviously the most important area, containing a total of about 300 seals, and including a large colony of between 20 and 40 in the northern Sporades. However, more detailed surveys, especially in certain islands in the Dodecanese, might yet reveal the existence of other sizeable colonies. Outside Greece, there are still small numbers surviving around Madeira and Sardinia.

Outside the Community, the most important region is obviously the Saharan coast. There are scattered groups along the North African coast and on the Turkish and Adriatic coasts but we do not yet have complete figures for them.

III. COMMUNITY ACTION TO PRESERVE THE MONK SEAL MONACHUS MONACHUS

a. Outline of the programme

The most recent estimates and research on the subject clearly show that the monk seal is in general decline wherever it is found and its population is widely dispersed. The most important factor in its decline is the high mortality rate among adult and young seals, mainly due to the deliberate killing of seals by fishermen and to a lesser extent to disturbance of the breeding beaches and caves.

The Community programme has concentrated on the following conservation measures:

a. establishing a network of reserves,
b. establishing an information and rescue system, publicity and the dissemination and exchange of information,
c. research into the biology and ecology of seal populations and the interaction of seals and fishermen,
d. the development of suitable techniques for capturing seals and breeding them in captivity.

We shall then describe the results achieved by this strategy, which has been applied for three years, and propose a course of action to be continued or adopted in a second stage.

b. Review of activities

1. Establishment of a network of reserves

The purpose of this network is to protect the main colonies of the species.

The first is in the northern Sporades in the Aegean. This almost intact habitat contains a population of between 25 and 40 individuals. The marine park was established in September 1986 and will comprise three stages. The first was the promulgation of the prefectorial decree in September 1986, followed by the publication of a ministerial decree in November 1987 which will provide protection until the end of 1989. Subsequently, a presidential decree will provide long-term protection for the marine park.

The park is divided into two parts covered by separate rules. The part comprising the islands of Kyria Panaghia, Youra, Psathoura, Skantzoura and Piperi is placed under strict conservation rules with special arrangements for local inshore fishing. The main seal colony is situated around the island of Piperi. The second part of the park, comprising Alonissos, Skopelos, Skiathos and part of the eastern Pilion coastline on the mainland has the status of a buffer zone. These zones are controlled by boat and aircraft by the two park wardens, working in close cooperation with the port police. A chart of the park has been circulated, showing the legal status of the different zones, to serve as a basis for the review and amendment of the rules in force. A biology centre is being built and should be completed this summer. It has been financed jointly by the Commission, the Greek Ministry of the Environment and the International Fund for Animal Welfare (IFAW). This scientific research station will include facilities to receive visitors and pools for abandoned or injured seals to recover in. It will be the centre for the Greek effort to protect the monk seal.

There is a second large monk seal population in the Ionian Islands. Studies between 1986 and 1988 have shown that there is a colony there of at least 14-20 individuals. Procedures for establishing a reserve are under way, directed by the Greek Ministry of the Environment.

In Sardinia, where there are still 2 or 4 seals, a part of the coastline on the Gulf of Orosei was declared a sanctuary for the monk seal by ministerial decree in July 1987. The precise location is on the coastline between Foce Codula di Luna and Punta Pedra Longa, south of the village of Cala Gonone. Within that area all fishing and navigation is prohibited. A marine park is being set up in the gulf.

In the Madeira Islands, consideration has been given to establishing a reserve on the Desertas Islands. This is the only place in Macaronesia where monk seals survive (6 to 8 individual, perhaps up to 20).

Outside the Community, the Commission has given financial support for the establishment of the reserve at Cap Blanc (Mauritania) which protects a colony of about a dozen monk seals under severe threat.

2. Information and rescue system, publicity

As the network of reserves was established, a system was set up to collect and disseminate information on seals and seal colonies. It also provides the framework for the rescue and publicity operations. It is based on the activities of local volunteer teams of observers at the coastal reserves who send their data to the regional centres.

In Greece these teams have already been set up at Alonissos (Northern Sporades), Cephalonia (Ionian Islands), Crete (Heraklion) and Samothrace. Other teams are being set up on Lesbos, Syros and Zakynthos.

In Madeira, teams have been set up with the aid of the IFAW and are active both on the main island and the Desertas. The information is brought together at the Funchal Municipal Museum.

In Sardinia the system is linked to a national information network on marine mammals. Teams of students from the University of Cagliari are observing the coastline at the Gulf of Orosei, mainly during the summer months.

The presence of on-the-spot teams is most important as a way of interesting the public in the protection of the monk seal. Some have already played an important role in this field, for example on Cephalonia and in the Northern Sporades.

Several publicity campaigns have been set in train. The first was of a very general nature conducted at Community level and involved the issue of posters and brochures. Other more local schemes have been carried out since then aimed at fishermen and tourists in particular. An illustrated guide to the Northern Sporades park is in preparation. On Cephalonia, an information campaign is being aimed at 'flotilla' holidaymakers and local schools. Information and publicity campaigns in the schools are also being carried out in Madeira and Sardinia.

For the rescue programmes, a Greek veterinary surgeon has been given special training at the Pieterburen seal nursery and at the RIN Centre on Texel (Netherlands). The facilities required are being built on Alonissos (Northern Sporades). In the meantime the Pieterburen seal nursery is being used as a reception centre; two young seals picked up in Greece (Tilos and Corfu) in mid-October 1987 have been successfully treated there. They are to be returned to Greece on 21 April. They will be released into the Northern Sporades marine park, after which their progress will be traced by telemetry, directly financed by the Greek Ministry of the Environment and the IFAW, carried out by a team of Dutch and Greek scientists working under the direction of Dr Reijnders (RIN, Texel) and professors at the University of Thessalonika.

3. Research

The Sea Mammal Research Unit in cooperation with the IRSNB carried out a study of monk seal populations in Greece in 1985-6 on behalf of the Commission to provide the basic data required to draw up a suitable conservation programme. As conventional methods could not be used to study this elusive creature, the main purpose chosen for the project, which was too short to provide a detailed survey of the biology of the colonies, was to develop techniques for estimating the size and composition of seal colonies. The information was also used to develop mathematical models to determine which population parameters were the best indicators of the long-term viability of the species.

At the same time, surveys were carried out, mainly in Greece, to assess the interaction between fishermen and seals, and in general the effect of fishing on monk seal conservation. These interactions took two forms: competition for the same resource and damage to nets. The seals are too few in number to offer significant competition for catches of fish. On the other hand, it is not impossible that in certain areas where fish stocks had been heavily thinned out by commercial fishing, this was a factor restricting seal breeding. The survey showed that the seals caused not inconsiderable damage to nets, especially static nets, which are used in small-scale inshore fishing. About 11% of static nets set around northern Cephalonia were ruined by seals. A pilot project for the introduction of more robust nets is being set up.

4. Work on breeding in captivity

In a programme to rescue a species under severe threat it may at a certain point become necessary to develop techniques for breeding in captivity if the effort to protect the species in its own habitat is not producing adequate results. In the case of the monk seal, the present situation, while not yet requiring a programme to reintroduce them, is sufficiently serious for small-scale breeding to be experimented with. In order to help develop techniques for capture and breeding in captivity, the IRSNB therefore supported a pilot project conducted by the Port-Cros/Antibes National Park, coordinated by the French Ministry of the Environment.

Spotter missions have already been carried out along the Tunisian coast (MARCHESSAUX, 1987b) and the frontier region between Morocco and Mauritania (MARCHESSAUX and AOUAB, 1988), but an exact site for capturing specimens has not yet been selected.

IV. OTHER PROJECTS AND COORDINATION

At the same time as the Community projects described above, international and regional bodies have been conducting, coordinating or financing projects to protect the monk seal.

The League for the Conservation of the Monk Seal, based in Guelph (Canada), which has been concerned with the survival of the monk seal since 1978, has organized a number of international conferences on the subject, the third of which was held in November 1987 in Turkey.

The IUCN, the UNEP, the WWF and the IFAW have set up research expeditions and specific research projects, in Tunisia (IUCN), Cap Blanc/Mauritania (IFAW, WWF, IUCN), in Turkey (UNEP, IUCN) and in the Mediterranean in general (WWF and UNEP-IUCN) (Marchessaux, 1986, 1987, a, b, c; Reijnders and De Visscher, 1987).

Reijnders and De Visscher's research on the Mediterranean and their report on the status of the Mediterranean monk seal was taken as the basis for the expert meeting held jointly by the IUCN and UNEP in January 1988 in Athens. At that meeting the guidelines for a general plan of action to conserve the monk seal were set out.

The Council of Europe has set up an expert working party on the monk seal under the Berne Convention. The first meeting was held in September 1988 (sic) and the second is scheduled for May 1988.

National and regional bodies such as the Greek Association for the Protection of Nature, the 'Fondo por la proteccion del Foca monje' in Spain (Balearics) and the 'Vereinigung Sehen und Handeln' have also carried out local publicity campaigns (e.g. the production and distribution of literature on the monk seal and its protection). Other publicity campaigns like that recently conducted by 'A.R.D.E.A.' (France) are planned.

The IRSNB has been in regular contact with these bodies. To encourage the exchange of information on surveys, research results and conservation and publicity activity, the IRSNB distributes a circular, the 'Monk Seal Bulletin', to the various ministries, bodies and individuals involved in or affected by the programmes to conserve the monk seal.

V. FUTURE STRATEGY

Three years ago when the Commission at the European Parliament's request instituted this emergency programme, the situation of the monk seal was all the more critical as, apart from the certainty that the species was in constant decline throughout its range, practically nothing was known about its biology, distribution, numbers or the causes of its disappearance. In this alarming situation, we saw an urgent need to sponsor a wide range of activities.

Since then there have been successes, encouraging us to continue, putting more emphasis on some activities and embarking on others. It is known that according to the most recent research, the most urgent requirement for the survival of the seal populations is to cut the mortality rate of adult and young seals.

Future action must be taken at three levels:

- legislative
- scientific
- human.

Legislative level

The immediate requirement here is to draw up legislation protecting seals and their habitats. The monk seal is already legally protected but, in the absence of supervision, this is often a dead letter. It is therefore equally urgent that monitoring and enforcement arrangements be set up.

Over-fishing of inshore waters is a general problem throughout the Community. It exacerbates competition between fishermen and seals. Marine parks and sanctuaries have been set up and help improve the situation, but specific measures governing the techniques and intensity of inshore fishing must also, by legislation and administrative action, directly and indirectly extend protection of the monk seal to areas outside the marine parks and other protected areas.

In view of the critical situation of the species, it would also be valuable for non-Community countries to introduce similar protection to that recommended by the Commission and to allow research and conservation programmes to be coordinated via international and bilateral conventions.

Scientific level

Legislation needs to be based on reliable scientific data. We therefore have to continue to gather information on seal numbers, habits, range, interaction with fishermen, to list all colonies and large groups, identify beaches and caves used for breeding etc.

The observer network needs to be strengthened (especially in Madeira and the Aegean) and to become one of the basis for conserving the monk seal.

It would also be valuable to monitor selected seal populations so as to be in a position to sound the alarm and to have a proper basis for deciding the action required. A central data bank should therefore be set up.

Human level

None of the above measures can properly be applied unless supported and/or followed up by action to arouse public awareness. In the long term the species can only be protected if there is a radical change of attitudes. By the public we mean:

- people active in seal protection;
- fishermen;
- the public in general.

Observer teams need to be strengthened and increased in number, and given clear instructions regarding contact with those involved in seal conservation. The rescue system must be made more efficient, thus increasing the chances of locating injured, abandoned or accidentally netted seals.

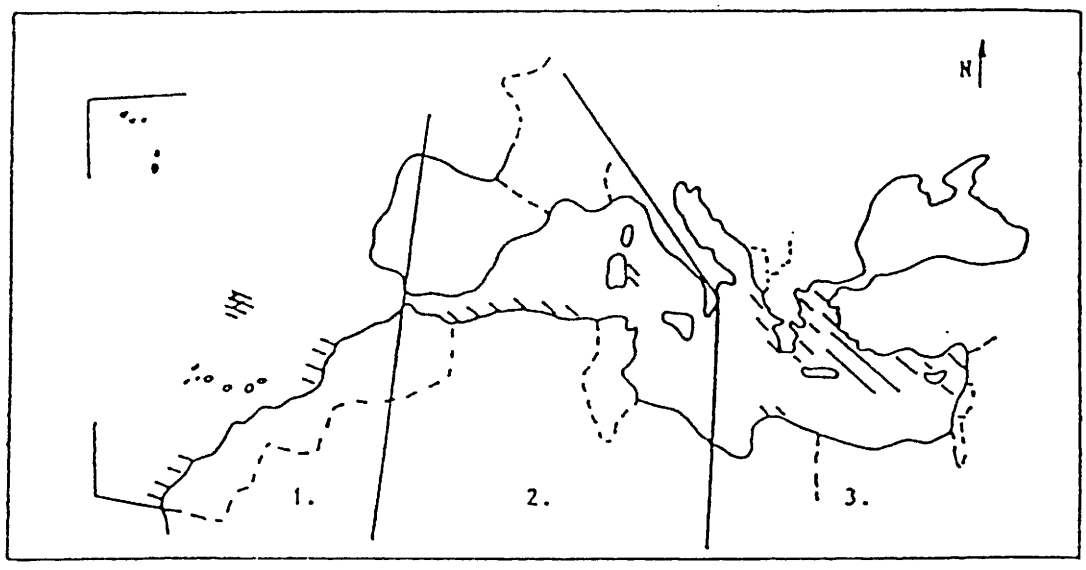
Experience has shown that regular contact with fishermen can be very valuable and produce genuine cooperation. Such a favourable response by fishermen should be met by encouragement for local development projects to offset the impact of any enforcement measures. It is therefore vital to carry on with pilot schemes using more robust nets, and to demonstrate how they can improve the prospects for protecting the monk seal.

The general public needs to be made aware of the monk seal in order to protect the species outside the specific protected areas.

This report was drawn up in close collaboration with Anny ANSELIN, Marie-des-Neiges van der ELST and Roseline BEUDELS of the IRSNB, to whom the rapporteur gives his heartfelt thanks for their assistance.

* These annexes exist in French only

ANNEX II



Carte 1: Division en trois grandes zones de l'aire de distribution du Phoque moine: 1.= Atlantique; 2.= Méditerranée occidentale; 3.= Méditerranée orientale (distribution d'après Reijnders & De Visscher, 1987; zones hachurées: présence de l'espèce en 1988).

REGION/PAYS	Dernière reproduction	Dernière observation	Estimation population
PORTUGAL	1797	1817	E.
MAROC SAHARA OCC, MAURITANIE	REC.	REC.	min. 100 (200?)
SENEGAL	-	1976	E.
ACCRES	?	1680	E.
MADERE	?	REC.	6-8 (20?)
CANARIES	?	1983	E.
		TOTAL:	106-108 (220?)

Tableau 1: Statut du Phoque moine dans la zone Atlantique (REC.=observations récentes, E.=éteint, ?= statut inconnu, (n?)=nombre incertain, -= pas de données).

REGION/PAYS	Dernière reproduction	Dernière observation	Estimation population
ESPAGNE:			
Continent	1950	1984	E.
Baléares	1951	1977	E.
Chafarinas	?	1984	< 5
FRANCE:			
Continent	1891	1982	E.
Corse	1947	1980	E.
ITALIE:			
Continent	?	1974	E.
Sardaigne	?	REC.	2-4
Sicile	?	1980	E.
MAROC	?	REC.	110-130
ALGERIE	?	REC.	
TUNISIE/ La Galite	1970 ?	REC.	< 5
		TOTAL:	120-140

Tableau 2: Statut dans la zone de la Méditerranée occidentale

REGION/PAYS	Dernière reproduction	Dernière observation	Estimation population
Adriatique:			
-YOUGOSLAVIE			
-ALBANIE	?	REC.	20-40
-ITALIE ORIENTALE	?	'70	-
Ionienne:			
-GRECE	REC.	REC.	14-20
Egée:			
-GRECE	REC.	REC.	300
-TURQUIE	REC.	REC.	50-100 (?)
Mer Noire	?	?	?
SYRIE-LIBYE	?	?	20 (?)
		TOTAL:	400-500 (?)

Tableau 3: Statut dans la zone de la Méditerranée orientale (pour symboles, voir T1)

ANNEX III

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ANNEX IV

BUDGET

1. Développement du réseau d'équipes locales:
   a) Public hearings et installation (par équipe).....350 ECU

   b) Coûts opérationels (par équipe).....1200 ECU

2. Campagne de sensibilisation.....30.000 ECU

3. Recherches scientifiques:
   a) Suivie des populations par un scientifique (par an)
   .....35.000 ECU

   b) Expertises (par an).....5000 ECU

4. Actions de compensation (examples):
   a) Filets renforcés (6800 m de trammel net).....130000 ECU

   b) Construction digue protectrice dans port.....45000 ECU

5. Coordination et gestion du programme:
   a) Salaires (par an).....50000 ECU

   b) Déplacements (par an).....7000 ECU

TOTAL: 303.550 ECU

- Installation d'un Parc Marin: 300000-500000 ECU
- Sauvetage et entretien d'un Phoque moine: 20000 ECU

6.

Community trade in seal products

- Resolution voted by Parliament on 15 March 1985
  (OJ C 94/154 of 15 April 1985)

- Explanatory statement of report drafted by Mr Hemmo J. **MUNTINGH** (S-NL)
  (Doc. A2-1785/84)

Community trade in seal products

RESOLUTION

on Community trade in seal products and in particular products deriving from the white-coat pups of harp and hooded seals (Pagophilus groenlandicus and Cystophora cristata)

The European Parliament,

— having regard to the motion for a resolution by Mrs Castle and others on Community trade in seal products and in particular products deriving from the white-coat pups of harp and hooded seals (Pagophilus groenlandicus and Cystophora cristata) (Doc. 2-432/84) and the motion for a resolution by Lord Bethell and others on the continuation of the EEC Directive concerning the importation into Member States of skins of certain seal pups and products derived therefrom (Doc. 2-591/84),

— having regard to its resolution of 11 March 1982 on Community trade in seal products and in particular products deriving from the white-coat pups of harp and hooded seals (Pagophilus groenlandicus and Cystophora cristata) (1),

— having regard to the same resolution in which it called for a Community ban on imports of products derived from harp and hooded seals (1),

— having regard to its resolutions of 16 September and 19 November 1982 on the same subject (2),

— having regard to its resolution of 18 November 1982 on the Commission's failure to implement Parliament's resolution of 11 March 1982 (baby seals) (3),

— having regard to Council Directive 83/129/EEC concerning the importation into Member States of skins of certain seal pups and products derived therefrom (4),

— having regard to its resolution of 17 February 1984 on the protection of the monk seal (5),

— having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 2-1785/84),

A. welcoming the Council Decision of 28 March 1983 concerning a Community import ban on products derived from young harp and hooded seals, which entered into force on 1 October 1983 and was to be valid for two years unless the Council, acting on a proposal from the Commission, should decide otherwise by a qualified majority,

(1) OJ No C 87, 5. 4. 1982, p. 87.
(2) OJ No C 267, 11. 10. 1982, p. 47 and OJ No C 334, 20. 12. 1982, p. 135.
(3) OJ No C 334, 20. 12. 1982, p. 87.
(4) OJ No L 91, 9. 4. 1983, p. 30.
(5) OJ No C 77, 19. 3. 1984, p. 112.

B. noting with concern that the abovementioned ban expires on 1 October 1985,

C. noting that the senseless annual slaughter of seals still arouses a deep sence of outrage,

D. whereas it will continue to be necessary to protect harp and hooded seals in the future for the same fundamental reasons already advanced by Parliament in previous resolution on this subject,

E. noting with the utmost concern the increasingly hopeless situation with regard to the continued survival of the monk seal in the Mediterranean Sea,

F. aware of the need for swift and effective action if there is still to be any chance of saving this species from extinction,

G. noting with appreciation the measures taken by the Commission since the adoption by the European Parliament of its resolution of February 1984 concerning the monk seal,

H. shocked to note that, in response to pressure from the Danish and Federal German governments, the Council has, by Regulation (EEC) No 1872/84 of 28 June 1984 on Community measures relating to the environment, ruled out future financial participation by the Community in important measures to prevent the extinction of animal species other than birds, in other words including the monk seal, a fact which is deeply to be regretted,

1. Calls on the Commission to submit proposals as rapidly as possible to the Council extending for an indefinite period the present EEC Directive banning imports of skins of certain seal pups and products derived therefrom;

2. Calls on the Commission, in accordance with the request contained in its resolutions of 11 March, 16 September and 19 November 1982, to ensure that the EEC Directive banning the import of these products is applied in unambiguous fashion to all seals less than one year old;

3. Calls on the Commission to continue to do its utmost to promote measures to save the monk seal;

4. Calls on the Commission to include in the new preliminary draft budget a new item entitled 'Protection of endangered animal species of Community interest';

5. Calls on the Member States bordering the Mediterranean Sea to do everything in their power, as quickly as possible, to help save the monk seal in the Mediterranean Sea;

6. Calls on the governments of France and Greece to make available as rapidly as possible the financial and technical resources for the establishment of reception and breeding stations in their countries;

7. Calls on the governments of France and Greece to ensure that all the necessary administrative procedures relating to the establishment of such stations can be completed as swiftly as possible;

8. Calls on the Greek Government to implement effective protection of the area around the Northern Sporades as swiftly as possible;

9. Instructs its President to forward this resolution to the Commission, the Council and the governments of the Member States.

EXPLANATORY STATEMENT

1. EXTENSION OF THE BAN ON THE IMPORT OF SKINS OF CERTAIN SEAL PUPS AND PRODUCTS DERIVED THEREFROM

1.1. Seldom has an issue in the field of nature conservancy caused feeling to run so high in Europe as in the case of the hunting of young hooded and harp seals. The European Parliament too has on various occasions concerned itself in depth with this subject:

- on 11 March 1982 a resolution was adopted, on the basis of the Maij-Weggen report (Doc. 1-984/81), calling among other things for a Community import ban on products derived from harp and hooded seals;

- on 16 September 1982 a resolution was adopted, on the basis of the motion for a resolution by Mr Johnson and others (Doc. 1-582/82), urging the Commission actually to implement the resolution of 11 March 1982 and make proposals;

- in October 1982 the Commission submitted a proposal providing for an import ban (COM(82) 639 final). With reference to this proposal, the European Parliament adopted a new resolution on 19 November 1982, on the basis of the Collins report (Doc. 1-831/82), underlining once again the importance of implementing the previous resolutions and incorporating a number of amendments to the Commission proposal;

- on 28 March 1983 the Council finally decided on a Community import ban on products derived from young harp and hooded seals.

1.2. This import ban entered into force on 1 October 1983 for a period of two years. To date, no proposals have been made by the Commission to extend the ban beyond this period, i.e. after 1 October 1985.

Against this background, two new motions for resolutions were tabled in the European Parliament, one by Mrs Castle and others (Doc. 2-432/84) dated 2 August 1984 and one by Lord Bethell and others (Doc. 2-591/84) dated 24 September 1984.

1.3. The situation with regard to hooded and harp seals appears to have changed since 1982/83.

Owing of the very low demand now for products derived from seal pups, there was a sharp drop in the numbers caught in 1983 and 1984. For harp seals, the number caught fell from around 165,000 in 1982 (with Canada accounting for approx. 140,000, Norway for approx. 25,000) to somewhat less than 50,000 in 1983 (only from Canada) and 20,000 in 1984 (again only from Canada); these figures apply to Canadian waters. In other areas where the harp seal is hunted, the number of animals slaughtered also dropped sharply. A sharp reduction in the number of hooded seals slaughtered can also be observed; figures for 1984 were not yet available, however, at the time this report was drawn up.

The changed circumstances have also resulted in the setting up of a 'Royal Commission on all aspects of sealing' in Canada (June 1984). The Royal Commission has been given broad terms of reference covering social

and cultural aspects, economic dimensions, costs, ethical considerations, the status of the species concerned, the relationship between fish and seals, the methods of slaughter employed and the importance of sealing to the economic prosperity of many Canadians. The Royal Commission must report to the Canadian Government by 30 September 1985 at the latest. Fairly soon after the Royal Commission had been set up, criticism was voiced, particularly by those active in nature conservation, of the one-sided composition of the Royal Commission, which was such as to bias it in favour of Canadian seal-hunting.

In January 1985, the Canadian Minister of Fisheries announced that the annual seal hunt in Canada would be considerably curtailed. Furthermore, there have been reports that the emphasis of sealing will shift from hunting seal pups for their fur to hunting somewhat older animals with a view to the processing of leather and leather products.

1.4. The general impression is that the aim of the Community import ban has in fact, to a not insignificant extent, been attained; the objectionable practice of hunting seal pups is on the decline.

It should, however, be pointed out here that this is solely a result of the collapse of the market for seal products. In order to guarantee that the original intention has a lasting impact in the future, it will be essential to maintain the appropriate inducements, viz. the import ban on products.

In past years this measure has proved its worth and, for that reason alone, it should not be discarded.

1.5. Although, in practical terms, the original objective has been partially attained, it also has to be said that no response whatsoever has yet been forthcoming to the fundamental objections to sealing, insofar as it will ever be possible to respond to such objections. This circumstance also prompts the thought that, as soon as there is a revival of demand for the products in question, sealing will resume on the previous scale.

The following arguments in favour of fundamental opposition to sealing remain extremely important:

- hunting baby seals is unethical, immoral and cruel and will always be so; shifting the emphasis of sealing from baby seals to somewhat older animals (which may be envisaged) is equally reprehensible, not least because sealing will take place during the same season;

- the slaughter of (wild) animals for no other reason than the manufacture of luxury goods is and will remain unacceptable;

- to date there is not a shred of scientific evidence that seal populations need to be 'managed', for example, in the interests of the fishing industry; the prevention of over-fishing by the fishing industry itself is a more effective means of maintaining a healthy fisheries sector than making unfounded allegations about seals being responsible for the disappearance of over-exploited commercial varieties of fish;

- if it is not spelled out absolutely clearly that commercial sealing with a view to the manufacture of luxury products is unacceptable, it will be impossible to draw up satisfactory rules governing subsistence-level hunting by the indigenous population of countries such as Greenland.

1.6. Various considerations lead to the inevitable conclusion that the ban on imports of skins of seal pups and derived products should be extended for an indefinite period after 1 October 1985.

At the same time, the Commission should be asked to evaluate the results of the Canadian Royal Commission on all aspects of sealing and the European Parliament should be asked to draw up a report on its findings.

Your rapporteur would, however, point out that he is convinced that this Royal Commission will not be able to put forward arguments capable of meeting the fundamental objections to this form of hunting so that modification of the import ban on the basis of its report will not be necessary.

2. THE MONK SEAL

2.1. ACTION IS NEEDED NOW BUT MAY ALREADY BE TOO LATE

2.1.1. The monk seal (Monachus monachus) has also received much attention from the European Parliament in the past.

However, compared with the attention shown on many sides for the problems of the hooded seal and the harp seal, the non-committal and ineffective nature of much of the interest shown in the monk seal all too often appears rather hypocritical and inadequate.

Criticism has rightly been voiced of the hunting techniques employed against young harp and hooded seals in Canada. This attention paid to a species of animal whose numbers run into hundreds of thousands or even to more than a million contrasts sharply, however, with the lack of action on behalf of seals in European waters that are seriously threatened.

In the Baltic Sea, the stocks of all seal species there have declined considerably during this century; since 1900, the grey seal has declined from roughly 100,000 to around 1,500, the common seal over the same period from around 15,000 to around 200, and the ringed seal from around 500,000 to 7,000 - 12,000.

Since 1930, the number of common seals in the Waddenzee has dropped from 5,500 - 6,000 to approx. 4,500 at present; in the Dutch sector of the Waddenzee, where the problems are gravest, the number has dropped from around 3,000 to approx. 750 at the present time. The seal population in the Dutch Waddenzee can survive only through the arrival of fresh stocks from the more easterly sectors of the Waddenzee. Partly as a result of polluted water, its own reproductive capacity has become insufficient to maintain the level of the population.

The most serious example of a threatened species of seal is, however, to be found in the Mediterranean Sea. A previous report (Doc. 1-1401/83) already dealt at length with the rapid extinction of this species and sounded the alarm.

2.1.2. The situation with regard to the monk seal has only deteriorated still further in the meantime. Reports by research workers show that monk seals are to be found in fewer and fewer places. There are reports that in Greece the skins of monk seals are sent to market for sale and, in October 1984, it was reported that the last surviving monk seal in Sardinia had been shot dead.

Time is pressing more than ever if the monk seal is to be saved from extinction, assuming that this is still possible.

Only where the population of monk seals off the coast of Mauritania, which faces the Atlantic Ocean, is concerned, are the reports less gloomy (for example, MARCHESSAUX).

In the light of the gravity of the situation and the possibility that the progressive extinction of this species cannot be stopped, it has to be said that not enough has been, and is being, done to save the monk seal.

This observation is not, incidentally, intended as a criticism of the activities pursued by various persons and organizations, which are appreciated; it is directed at those who do nothing and, above all, at those who direct their indignation selectively at issues far away from home.

2.2. Action taken by the Commission

2.2.1. The valuable measures taken by the Commission within its limited range of options are worth a mention here. Over the period in question, the Commission has initiated or facilitated (through joint financing) the following activities:

- identification of areas of importance to the monk seal in order to ascertain where monk seals maintain their habitat or areas that would be suitable as habitats for the monk seal, with particular reference to Greek waters;

- programmes were drawn up and implemented with the aim of fostering more positive attitudes among fishermen towards the monk seal on the basis of experience gained on the Greek island of Alonissos;

- in cooperation with the Greek authorities, a three-year project was drawn up with the aim of protecting the monk seal in the Northern Sporades;

- a study was made into the viability of establishing and running reception and possible breeding stations for seals in the Mediterranean area;

- a procedure was drawn up for the reception and rescue of seals found abandoned and/or ill;

- methods were elaborated with the aim of drawing public attention to the need to protect the monk seal, in particular through a programme of information and education in schools on islands and along the coast.

2.2.2. New measures were recently taken by the Commission:

- aid will be provided for a new, two-year biological survey;

- further research will be carried out into the viability of a reception-cum-breeding station in Greek waters and into possible means of rescuing abandoned and/or sick animals;

- negotiations are still continuing on a three-year programme aimed at coordinating the various activities devoted to saving the monk seal (see also the answer by Mr NARJES to a question by Mr Francois Roelants du Vivier (OJ No. C 4, 1985, p. 14); this programme includes provision for measures relating to:

  . the protection of monk seals living in the wild,
  . public information and education aimed both at a broad public and at the local population (including fishermen),
  . the holding of a seminar on the monk seal bringing together all the parties concerned, public authorities, non-governmental organizations, etc.,
  . the establishment of a reception-cum-breeding station.

It is expected that agreement can be reached in the short term on a subsidy from the Community for this programme.

2.2.3. However, having expressed the appreciation for the measures which have been and are being taken by the Commission, it should, also be pointed out that further measures will perhaps not be feasible.

By a decision of the Council prompted, in particular, by the extremely negative attitude displayed in this connection by the Danish and Federal German Governments, there will no longer in the future be a legal basis in the Community budget for releasing funds for the protection of the monk seal. By this Council decision, appropriations entered under item 6611 (Protection of the natural environment in certain sensitive areas of Community interest) may be used only for expenditure covered by the Directive on the protection of birds.

This development is disastrous; the measures to protect the monk seal should be continued, otherwise the monk seal will become extinct. The Community should continue to play a role here in the future.

The new budget should therefore include a new item specifically earmarked for the protection of endangered species of animals so that once again there is a legal basis for the allocation of appropriations for the protection of the monk seal (and possibly other species in danger of extinction). The Commission should draw up appropriate proposals.

2.2.4. It goes without saying that the Member States concerned also have an important part to play in saving the monk seal. The Commission can act as a stimulus here and, through a clear statement of its position, the European Parliament can also help spur the Member States concerned to action.

The Member States concerned should, in particular, make available adequate technical and financial support, in the first instance, for the establishment of reception and breeding stations.

Top priority should be given in the short term to the setting up of such stations, since such action is, in all likelihood, the only possible way of ensuring that the monk seal can reproduce in sufficient numbers and repopulate the Mediterranean Sea.

This is a matter primarily for the French and Greek Governments because, in both French and Greek waters, the viability of such a station has been investigated and the preparations are so far advanced that a station of this nature can start functioning in the short term.

Financing is the only obstacle yet to be surmounted. In addition, the governments in question should adopt a constructive attitude in respect of the procedures to be completed with a view to obtaining all the necessary authorizations.

Time is pressing.

2.2.5. After breeding stations have been established, it is also essential that the attention of the Member States bordering the Mediterranean Sea be directed towards the setting up of protected nature reserves that are also suitable for repopulation by the monk seal.

Fortunately, the initial steps in this direction have been taken in a number of places along the Mediterranean coastline; however, some of those involved are not making sufficiently rapid progress. Greece in particular should be urged to take steps rapidly to designate the Northern Sporades a protected area.

2.2.6. Finally, it only remains to say that there is of course a task here for non-governmental organizations too. After the combined activities of nature conservancy organizations in the matter of hooded and harp seals had obtained the desired result, it would not have been a bad thing if more attention had been paid to the monk seal.

2.3. The outlook for the monk seal

2.3.1. It has already been pointed out a number of times in this report that it may already be too late to save the monk seal. If no reception-cum-breeding stations are established, it will certainly be too late because the conditions favouring the successful reproduction of the monk seal will not then exist and the small groups living in isolation will slowly but surely die out through lack of replacement stocks.

The chances of setting up two breeding stations must, from a technical angle, be judged very favourable.

In France (Port Cros) and Greece (e.g. in Rhodes) a breeding station could start functioning in the fairly short term. An important part of the infrastructure necessary for such a station already exists. In Greece in particular, it will be possible to locate such a station in, or very close to, protected possible habitats for the monk seal.

In addition to these possibilities, it should also be considered whether Madeira might be a suitable place for such a station. Here as well, there is apparently such a place in the vicinity of a suitable habitat for the monk seal.

2.3.2. A reception-cum-breeding station can, let it be said once again, also play an important part in information and educational activities. If a station of this nature were to be established in a place where it is also easily accessible for the local population and fishermen, it could exert a very positive influence.

2.3.3. Saving the monk seal calls for immediate and effective action, but will also take a long time. It will be at least 20 years before effective action taken now can produce the desired results; this is because the rate of reproduction of the monk seal is fairly slow (4 to 5 years from birth to fully grown animal).

7.

Protection of turtles

- Resolution voted by Parliament on 16 September 1988
  (OJ C 262/202 of 10 October 1988)

- Explanatory statement of report drafted by Mr Hemmo J. **MUNTINGH** (S-NL)
  (Doc. A2-0152/88)

Friday, 16 September 1988

Doc. A2-152/88

RESOLUTION

on the protection of turtles in Community waters

The European Parliament,

— having regard to the motion for a resolution by Mrs Bloch von Blottnitz on the destruction of the breeding grounds of the loggerhead turtle on the Greek island of Zante (Zakynthos) (Doc. B2-657/86),

— having regard to Council Decision 82/72/EEC (Berne Convention) and the statement on Zakynthos made in December 1986 by the Berne Convention's Standing Committee,

— having regard to Council Decision 82/461/EEC (Bonn Convention),

— having regard to Regulation 3626/82/EEC (CITES — Washington Convention),

— having regard to Council Decision 77/585/EEC (Barcelona Convention and Fourth Protocol),

— having regard to Regulation (EEC) No 1872/84 (Community action relating to the environment) and Directive 85/337/EEC (environmental impact assessment),

— having regard to the European Regional Development Fund and other development funds,

— having regard to the Financial Protocols to the bilateral agreements with non-Community Mediterranean countries, and in particular Turkey and Cyprus,

— having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A2-152/88),

A. whereas turtles are among the species most at risk of extinction and the numbers of loggerhead turtles (Caretta caretta) and green turtles (Chelonia mydas) breeding in the Mediterranean area are being steadily and alarmingly reduced,

B. whereas there are many gaps in our present knowledge of turtles, relating for example, to population numbers and dynamics, migration, breeding areas, etc., which makes it difficult to assess populations and makes it extremely complicated to regulate their principal habitat, the sea,

C. whereas the enlargement of the Community to include Portugal and Spain makes it possible to set up turtle observation and surveillance posts, in particular in the Azores, Madeira and the Canaries, in collaboration with the regional authorities,

D. pointing out the many natural and man-made threats to turtles and noting that in the Mediterranean disturbance and pollution of nesting beaches and nearby coastal waters are the most significant threats, although by-catches of turtles as a result, inter alia, of long-line fishing methods, also seem to play an important role and in Malta, in particular, there is still a trade in turtle products,

E. pointing out that Laganas Bay on the Greek island Zakynthos, the southern coast of Turkey and the coast of Cyprus are probably the most important turtle breeding grounds in the (European) Mediterranean area and noting that the turtle populations in these areas are being seriously disturbed by tourism and that the areas available for nesting beaches are becoming dangerously limited,

(A) with regard to Zakynthos, Greece

F. drawing attention to the many illegal building activities on Zakynthos both on the loggerhead turtles' nesting beaches and in protected nature reserves,

G. disappointed that the Greek national and local authorities are showing too much leniency towards violations of existing regulations on Zakynthos at the turtles' expense, and that they are taking too few active measures to protect breeding grounds and the neighbouring coastal waters in Laganas Bay,

H. optimistic in view of several recent developments and measures for the protection of turtles on the island and the willingness of the Greek Government, the European Community and international nature protection organizations to lend financial support,

I. taking account of the considerable environmental attractions of Laganas Bay and the adjacent coastal region and the popularity of the island of Zakynthos with tourists and hence respecting the local population's wish to earn an income from tourism,

J. deeply concerned at the very recent development in which the new presidential decree, intended to reinforce the ministerial decision of 29 January 1987, has been rejected by the highest court in Greece (Council of State), with the result that this 1987 ministerial decision has lapsed and the Lagonas bay is now virtually without legal protection as regards the natural environment,

K. extremely concerned, furthermore, that the nature conservation organizations now consider that the only action thay can take is to organize a boycott of tourism in order to limit the physical damage caused by tourism and to focus the attention of the population of Zakynthos on this hopeless situation as regards nature conservation,

1. Recommends that Laganas Bay, including the neighbouring coastal region and the islands of Marathonissi, Pelouzo and Aghios Sostis be made a marine nature reserve, that the beaches of Daphin and Sekania be expropriated and compensation be provided in accordance with the proposals of the inhabitants, that these beaches together with the beach of Gerakas and the adjacent part of the bay and the neighbouring hinterland be kept as free of tourism as possible and that provision be made for an appropriate form of tourism and a plan for organized facilities on the beaches of Laganas and Kalamaki;

2. Takes the view that Laganas Bay should be completely closed to any form of disruptive activity throughout the nesting season with the possibility of exemption for fishing vessels and government vessels;

3. Takes the view that absolute priority must be given to the compulsory purchase of the Kalamaki beach hotels, possibly with a view to converting them to biological stations or museums;

4. Recommends urgently that the existing zoning programme round Kalamaki should be modified to prevent any extension of tourist activity towards the beach and that a strip of woodland should be planted along the whole length of the beach between the Zante Beach Hotel and the eastern end of the Kalamaki beach, to prevent disturbance in the bay from light and noise and to prevent any building between these two points;

5. Requests that Community and national resources be made available to set up a waste disposal and biological purification network to prevent the beach of Kalamaki and the entire bay being polluted;

6. Calls on the Greek Government and the European Institutions to assist with funds for nature protection and regional development in order to achieve optimum economic management of the Zakynthos marine nature reserve under strict ecological conditions;

7. Calls on the local, regional and national Greek authorities as a matter of urgency during the current legal vacuum not to approve any building permits or any other developments which would adversely affect turtles;

8. Calls on the Commission to do all in its power as quickly as possible to check the current developments which are detrimental to turtles;

(B) with regard to Dalyan, Turkey

L. having regard to the environmental resources of the Dalyan delta and the Koycegiz area of the south-western coast of Turkey and the local beaches' obvious importance for the loggerhead turtle,

M. having been informed of a large-scale plan for the tourist development of the area, with the result that a large number of natural assets, including the turtles' nesting beaches, will be neglected and thus put at risk,

N. expressing disapproval at the fact that the Turkish and West German Governments as well as Turkish and West German firms have been involved in construction work on a hotel at Dalyan without waiting for an environmental impact assessment and without initially taking account of an environmental impact assessment completed later and protests from the European Commission, the Berne Convention's Standing Committee and various environmental and other organizations,

O. having regard to the favourable situation created by the prevailing cultural, social, economic and natural conditions in the Dalyan area for the foundation of a national nature reserve, as was proposed by the Turkish Ministry of Agriculture in 1978, but which is not now the objective of the Ministry of Tourism,

9. Calls on the Turkish Government to declare the Dalyan area a national nature reserve and calls on the European Commission and other European institutions to assist the setting up and financing of this project through the financial protocols when these are unfrozen;

10. Calls on the Commission to urge the Turkish authorities to provide statutory protection for turtle habitats and to draw up plans to protect all important nesting beaches;

(C) with regard to Cyprus

P. noting that turtle nesting beaches in Cyprus are of importance in the Mediterranean but that much work on inventories remains to be done on the north coast in particular,

Q. observing that beach tourism is also rapidly expanding on the north coast of Cyprus and is now a danger to nesting grounds,

R. noting that on the north coast of Cyprus the protection of turtles still leaves much to be desired from a legal and practical point of view,

S. learning with satisfaction that the authorities and nature protection organizations on the north coast of Cyprus are in favour of protective measures although they lack funds and expertise,

T. noting with interest plans to turn the Kirpasa peninsula into a nature reserve,

U. delighted that on the south coast of Cyprus the beaches near Lara, which are major breeding grounds for turtles, are being managed as a nature reserve,

11. Emphasizes that specific protective measures must be taken on all important nesting beaches in Cyprus, on the basis of a zoning plan and with a ban on any potentially disruptive activities on land and in the neighbouring sea area;

12. Expresses the hope that cooperation between the authorities and private organizations in Cyprus and other countries on nature protection and on turtles in particular is getting under way and further hopes that this will lead to an investigation into the possibility of creating a cross-frontier marine nature reserve on the west coast of Cyprus;

13. Urges the Commission to provide financial and other support for the protection of turtles on Cyprus;

(D) with regard to sea fishing

V. very disquieted at reports that every year Spanish fishing vessels involved in long-line fishing for swordfish around the Balearic Islands catch about 20 000 turtles and that Italian and Maltese long-line fishermen appear to do the same,

W. fearing that many turtles are also killed by other fishing methods and by other nationalities' fishing vessels,

X. expressing appreciation of the fishermen who help make inventories of these unwanted by-catches,

Y. expressing its disapproval of any over-fishing of swordfish, and the related use of smaller hooks, which might explain why increasing numbers of turtles are being caught,

14. Calls on the Commission to carry out an urgent survey of the numbers of turtles being taken in by-catches by other fishermen, and to take measures as quickly as possible to limit such by-catches to a minimum, for example by means of a suitable turtle excluder device;

15. Calls for much stricter controls on and prosecution of dynamite fishing;

16. Calls on the Commission and the French Government to make the use of a turtle excluder device compulsory in shrimp fishing off Guadeloupe and Martinique;

(E) in general

17. Calls on all Mediterranean countries to grant statutory protection to all important turtle nesting beaches and to draw up specific protection plans for these areas;

18. Calls on the Commission, in close cooperation with the governments and organizations concerned, vigorously to implement the action programme that it has already embarked upon and to make sufficient funds available for this purpose;

19. Urges the Commission to speed up its inventory of the species of wild marine and land-based flora and fauna and their major habitats in the Mediterranean area;

20. Calls on the Commission and the Member States to work towards lasting coordination between tourism and nature protection, based on the concept of (marine) nature reserves, combined with nature protection zones and (coastal and) rural development, along the lines of the Abruzzo National Park in Italy, the West German Bavarian Forest and the Plitvice National Park in Yugoslavia;

21. Calls on the Commission to contact the Portuguese and Spanish authorities with a view to drawing up turtle observation and surveillance programmes on the islands in the Atlantic;

22. Emphasizes again the great importance of carrying out environmental impact assessments for projects in or near nature reserves;

* * *

23. Instructs its President to forward this resolution and the committee's report to the Commission and the Council, the governments of the Member States and the governments of Turkey and Cyprus.

EXPLANATORY STATEMENT

Foreword

Turtles are one of the species most at risk. Trends in the Mediterranean may lead to their shortly dying out in Europe and an international effort is required to prevent this. The rapporteur has made fact-finding visits to Zakynthos and Cyprus and reports (in English) on his work there may be obtained from him on request.

Turtles

Turtles are members of an order within the class of reptiles. In this class turtles are primarily distinguished by protective shells, consisting of a plastron and a carapace, which completely covers the body. There are two openings in the shell: one at the front for the head and forelimbs and one at the back for the tail and hindlimbs. Turtles may be roughly divided into land-based (tortoises), freshwater and sea turtles.

The shells of sea turtles, which only come onto land to lay eggs and very sporadically to sun themselves, are not so highly domed as the shells of land-based turtles and most freshwater turtles, and the forelimbs are in the form of flippers that propel them forwards in the water. Short, thick hindlimbs act as steering paddles. The relatively large head and limbs cannot be retracted into the shell.

At present it is possible to distinguish seven different types of turtle:
Caretta caretta (loggerhead turtle), vulnerable;
Chelonia mydas (green turtle), under threat;
Chelonia depressa (flatback turtle), not under threat, numerous in certain localities;
Eretmochelys imbricata (hawskbill turtle), under threat;
Dermochelys coriacea (leatherback turtle), under threat;
Lepidochelys olivacea (olive ridley), under threat;
Lepidochelys kempii (Kemp's ridley), under threat.

Information about which of these species are under threat was provided by the IUCN 1986 Red List of Threatened Animals.

So far as is known the olive ridley and the flatback turtle are never sighted in European waters. The other five species are, however, with varying degrees of frequency; the loggerhead turtle and the green turtle are generally found and have nesting beaches in the Mediterranean area. The green turtle is the larger of the two species: the shell can be up to 1.5 m long and an adult can weight up to 250 kg. The loggerhead turtle can be about 1 m long and weigh up to 100 kg. The leatherback turtle, whose shell can be up to 2 m long and which can weigh up to 600 kg (the largest of these reptiles) is regularly found in European waters in the eastern Atlantic and sometimes also in the Mediterranean. So fas as is known these turtles have no important nesting areas in Europe.

The hawksbill turtle and Kemp's ridley (which has long been regarded as a sub-species of the olive ridley) seem to be largely occasional visitors to European waters.

Some ecological considerations

To understand the problems surrounding turtles, some knowledge of their ecology is required, such as breeding conditions.

After being fertilized by male turtles in shallow coastal waters, female turtles lay their eggs on land. They seek out sandy beaches where they bury the eggs above the high water line. They lay between 80 and 120 eggs, depending on the species. The digging and laying and covering the eggs with sand takes a good two hours, the preferred time being night. The females leave their tracks in the sand. They lay several times a season and there is some evidence that they do not lay in every breeding season.

The eggs hatch out after about seven weeks. Successful hatching is dependent upon environmental factors. The eggs are very sensitive to variations in temperature and moisture. The ambient temperature influences the gender, which can have a decisive impact on the distribution of the various species. After hatching, young turtles take several days to crawl from the nest towards the direction in which the most light comes, usually the sea (even at night). They probably take many years (in the case of green turtles several decades) to become adult. Turtles probably seldom live longer than 100 years. They have a well-developed sense of sight and smell.

Turtles can be carnivores, herbivores or omnivores. Of the two species that are primarily concerned in this report, the loggerhead turtle is a carnivore, feeding primarily on crustaceans, echinoderms and molluscs and, as it gets older, the green turtle turns from a carnivore into a plant eater (primarily sea grass).

Very little is known about migration patterns, group formation and orientation ability, partly because turtles spend the greater part of their lives in the sea.

To lay their eggs, turtles often make long migrations of hundreds, even thousands of kilometres, partly helped by currents, to particular nesting grounds, which are different for every species. Thus five leatherback turtles that were marked in French Guyana were sighted 5000 km away.

It is conjectured that turtles in groups always return to the same nesting beaches, so long as these are relatively undisturbed. It is not certain whether this is always their birth place.

It will now be apparent that turtles are extremely vulnerable on the nesting beaches. Despite all the unknown factors, the loss of a suitable beach can prevent the annual replenishment of (a part of) the population and, if coupled with the decimation of adult turtles by fishing for instance, may even put the survival of the whole population at risk. Population counts are chiefly made on the basis of the females that crawl onto the beach and of turtles caught by fishermen. This is supplemented by marking and the registration of marks. Estimates are therefore very inaccurate at best and upward and downward fluctuations of population are difficult to assess and can only be established over a period of several years: thus the effects of disturbances, and of protective measures, can also only be assessed after several years.

In view of turtles' general vulnerability, it is of prime importance to be aware of the threats they face and to reduce these as much as possible.

Threats to turtles

During its life the turtle has to contend with many hazards, both natural and human in origin. Predatory fish are one of the main natural enemies of young and adult turtles.

Disturbed beaches are avoided by the females and the influence of temperature and moisture have already been mentioned as natural factors in successful breeding. In addition, young turtles are at risk on the beach (including at the egg stage) from foxes, dogs, birds and crabs, and if they move towards the sea during the day they also have to contend with the sun beating down. Obstacles such as stones, tree roots or deep tracks increase the danger.

Man-made threats mostly take the form of disturbance of the nesting beach and the nearby coastal waters. Pollution plays a role on the beach but primarily in the sea. For instance, some species of turtle probably take pieces of plastic for jellyfish and eat them. In various countries and on many seas, turtle eggs and flesh are exploited for food (in many languages the green turtle is known as the 'soup turtle') and the shells are also used (particularly the hawksbill turtle shell). In addition, unintentionally or not, turtles are caught by fishing nets and lines.

The loggerhead turtle and the green turtle in the Mediterranean

Both the loggerhead turtle and the green turtle are undergoing a serious and steady decline in numbers in the Mediterranean. For instance in Israel and Egypt there were formerly tens of thousands of nesting turtles; they are now numbered in dozens. The total number of females that now annually lay eggs in the Mediterranean seems to be only several thousand. Not much is known about the present situation in other non-European countries in the Mediterranean. They have certainly also experienced drastic falls in numbers.

The situation in the European Mediterranean countries is no different. This can be shown by the following summary of the situation in all European Mediterranean countries (with the exception of Yugoslavia and Albania, for which no data are available).

Spain: A number of turtles, particularly the loggerhead turtle are found in Spanish waters, but there is no evidence that there are any nesting beaches in Spain.

France: There were formerly loggerhead turtle nesting beaches in Corsica. There are indications that laying began again recently.

Italy: Turtles regularly lay eggs on the islands of Lampedusa, Sicily and Sardinia but numbers are much smaller than a few decades ago.

Greece: At present five areas are known to have nesting beaches: the Ionian Islands (Cephalonia and Zakynthos), the western coastal region, Lakonikos Bay on the south-eastern coast of the Peloponnese and the island of Crete. Loggerhead turtles are primarily found. Nesting beaches are found elsewhere in Greece but they are much scarcer.

Turkey: Important loggerhead turtle breeding grounds formerly found on the west coast and on the Black Sea no longer seem to exist. There are however several loggerhead turtle and green turtle nesting beaches on the south coast. Inventories have been made in six areas along a stretch of 2000 km, from west to east: Koycegiz, Kumluca, Belek, Side, Alanya and Cukurova. The loggerhead turtle was found in all locations and the green turtle only in the four more easterly locations, probably because of the warmer water.

Cyprus: There are several important loggerhead turtle and green turtle nesting beaches around the island.

Malta: No information is available about nesting beaches.

At present the most important areas with nesting beaches are considered to be Zakynthos and the southern coast of Turkey. Action is required in view of the turtles' vulnerability and all kinds of threatened developments in these three areas.

Zakynthos
(For place names mentioned in the text see Annex II, diagram 1)

Laganas Bay on the island of Zakynthos has a number of very important loggerhead turtle nesting beaches. There is a very high density of nests per kilometre. In past years, over a stretch of 4 km in the three most important months of the breeding season (June, July and August), between 800 and 2000 nests have been counted annually. From data on marked turtles it has emerged that some local females return to lay eggs from two to four times in one season.

The problem for the Zakynthos turtles is that there has been a considerable rise in tourism over the past ten years. Many landowners and investors are highly interested in utilizing what has hitherto been marginally used land for the lucrative tourist industry. The peak tourist season coincides with the turtles' mating and breeding season. The commotion and the associated tourist facilities are likely to drive the local turtle population away and may even wipe them out.

Harmful daytime activities on the beach include intensive use of the beach, the setting out of beach chairs and sticking umbrellas deep in the sand (the umbrellas also cast shadows on the sand and thus cool it), deep vehicle tracks (which hatchlings cannot climb over), the planting of trees (the roots make it impossible to dig nests and also form obstacles for hatchlings, in addition the trees' shadows cause lower temperatures in nests), the leaving of refuse on the beach and in the water, the digging up of eggs and building activity, including the removal of sand for building elsewhere. In the water, motorboats and other vessels are a great problem.

Even at night there are still a number of people to be found on the beach. They go boating and water-skiing etc.; they sleep on the beach and thus form obstacles. The dazzling light from discos, hotels and cars is very disruptive and can cause young turtles to become disoriented. Night-time noise, from music and from beach, road and air traffic, is also very disturbing.

At present six areas are used as nesting beaches: the eastern part of Laganas, Kalamaki, Sekania, Daphni, Gerakas and Marathonissi (the island opposite Laganas). Formerly Laganas beach could have been included, but certainly the part near the village can now be written off as a result of tourist development. A short summary of the current situation on each beach is given below.

There are no longer any nests on Laganas village beach. On Laganas main beach, to the east of the village beach, similar development is taking place, although there are still a number of turtles nesting there. There is somewhat less pressure from tourists, but the planting of trees, illegal construction and other evidence of the tourist industry are appearing very rapidly. The same process can be seen on the neighbouring beach at Kalamaki. There is already an illegal cafeteria and preparations are under way for still more illegal and legal building. There is a plan for a considerable increase in Kalamaki's bed capacity (up to 30 000!). The two hotels near the beach (the Kalamaki Beach Hotel and the Crystal Palace Hotel) cause a considerable nuisance and the situation is aggravated by the ill will of the owners. Sekania beach, which is only 500 m long, allows hardly any human access by sea or land and thus is the least disturbed and the most visited by female turtles, but is also subject to noise from elsewhere.

The next important turtle beach is Daphni. It is more accessible and here again there is disturbance, including illegal building and refuse.

At the eastern end of the bay is Gerakas beach. It is still reasonably suited to be a nesting beach, but the first signs of development along the lines of the village beach have appeared: beach chairs, kiosks, water sports and tree planting.

At the western end of the bay is the small island of Marathonissi. It is visited only by day trippers, who leave their refuse behind. Because of the proximity of the village of Laganas, the nesting beach is subjected to a considerable amount of light and noise (including passing motorboats).

Government measures

Turtles are protected by law in Greece. In 1980 a presidential decree banned the catching of turtles, the destruction of eggs and the capture of young turtles. Building regulations introduced in the mid 1980s, which provided turtles with some protection, met with intense popular opposition (illegal building, particularly in nature reserves, seems to be a habit). Nevertheless the government continued its efforts.

At the beginning of 1987 there was a new and more far-reaching ministerial decree on the protection of turtle nesting beaches on Zakynthos, in which tourist and building development in the area was made subject to more detailed regulations. A zoning plan was used for varying degrees of protection, although zoning has proved disappointing, particularly with regard to the tourist development around Kalamaki, and ought to be improved. The decree also contains measures to encourage turtle reproduction, including regulation of beach activities and controls on coastal light. The Commission is prepared to pay half the costs of this programme (total cost Dr 55 million = approximately 330 000 ECU).

Nevertheless, since the 1987 decree, new building licences have been granted in Kalamaki and elsewhere, resulting in dozens of buildings along the nesting beaches. Initially the local government allowed autonomous development more or less to go ahead, but recently there has been an about-turn in favour of the turtles. This is certainly the result of a considerable national and international publicity on behalf of the Zakynthos turtles.

Despite aggressive opposition from some of the local population, particularly those involved in beach development, an increasing number of people and organizations are now involved in monitoring compliance with regulations and with active protection, on the coast and at sea. Special mention should be made of the Sea Turtle Protection Society, which should serve as an example for the whole of Greece and should get large-scale support from Community and other bodies.

This report does not have space for a detailed summary of the many corrective and preventive measures needed to deal with the disturbances. One specific problem may be mentioned: most houses on the bay do not have any system for the treatment of waste water. Laganas's waste is discharged directly into the bay. These and other discharges should be stopped as soon as possible, if the bay is not be heavily polluted and all work on the coast nullified.

Marine nature reserve

In view of the outstanding natural resources of Laganas Bay and the adjacent coastal region and of the popularity of Zakynthos among tourists, the bay, including the coastal region where the nesting beaches are found and the islands of Marathonissi and Pelouzo, could be very advantageously turned into a marine nature reserve.

The beaches of Gerakas, Daphni and Sekania, together with the adjacent part of the bay and the neighbouring hinterland, could form the nucleus of this nature reserve and those beaches that are not yet in government hands should be bought up for this purpose with private or public funds. The whole area should be cleared of tourism, with the possible exception of Gerakas where a very unobtrusive form of beach tourism might be permitted. Tourism on the eastern part of Laganas beach and Kalamaki beach could be maintained in a reduced form, on the understanding that disturbance of the turtles should be kept to a minimum.

A large number of the recommendations for ending the disruption and setting up the nature reserve and making it a success have been put forward by Mrs L. Veniselos of the Hellenic Society for the Protection of Nature. These recommendations, which the rapporteur gladly endorses, may be found in an annex. Attention is also drawn to the annex containing the recommendations of the Berne Convention's Standing Committee.

The whole of Laganas Bay, with the exception of occupational maritime traffic, should be wholly barred to motorboats, particularly speedboats, and all other disruptive activities.

Moreover, in order to prevent disturbance from the hinterland (light, noise, undesirable access, the whole coastline between the Zante Beach Hotel at the beginning of the eastern part of Laganas beach and the end of the Kalamaki beach should be planted with a 100 to 200 m strip of woodland (excluding the beach and a part of the dunes). The zoning plan should be amended accordingly, with any extension of Kalamaki village towards Laganas Bay being ruled out.

Both the hotels on Kalamaki beach, but particularly the Crystal Palace Hotel, should as an absolute priority be bought up at a reasonable price and the owners given the opportunity to start up again elsewhere on the island. After purchase the hotels could be converted into biological stations and/or museums, which would fit in with existing plans.

The hotel owners could for instance be allowed to set up hotels on the east coast of the island where there are no nesting beaches.

In drawing up a plan for the creation of a marine nature reserve on Zakynthos, two basic principles are of great importance. In the first place the ecological conditions have to be defined. Secondly, account has to be taken of the social and economic wishes and opportunities of the local population. As commercialization of tourism on Zakynthos is already far advanced, no schemes can be advocated that would leave the local population without means of support. Efforts should be made to make the marine nature reserve economically profitable. At the beginning investment would be required but this would exceed the funding that Greece has hitherto made available to Zakynthos. The European Community, and possibly the Investment Bank, must contribute. There are several examples of financially well-run nature reserves in Europe that can serve as a model. One is the Yugoslav National Park at Plitvice. In the Community there is the Bavarian Forest in West Germany, the Corsian Scandola and the Abruzzo National Park in Italy.

Dalyan, Turkey
(for location see diagram 2 in Annex III)

A similar situation to that in Zakynthos, where expanding tourism is destroying nature, with a corresponding impact on the local turtle population, can be found on the south-western coast of Turkey at Dalyan.

The Dalyan delta in the Koycegiz region is an exceptional freshwater delta, a wildlife area, with many reeds, beds and watercourses, where until recently many rare and exceptional waterbirds were found including the ibis, the osprey, the stork and the pelican. These species are now less numerous because of an increase in water sports in the region. On the coast a stable and sizeable population of loggerhead turtles breeds annually.

In 1978 the Turkish Minister for Agriculture proposed to make the region a national park. The plan never materialized. Between 1982 and 1984 the Societas Europaea Herpetologica was commissioned by the Council of Europe to make an inventory of vital habitats and biogenetic biotopes for European reptiles. Dalyan was mentioned as one of the two locations to be protected in Turkey.

All this and the legal protection of turtles (which did not apply to their habitats) was to no avail. The Ministry of Tourism took over responsibility for the area, and presented a large-scale plan that would leave little or nothing of the environmental resources. A holiday village would be developed with nine hotels and a total of 10 000 beds.

In 1982 the area was leased for 49 years to the Kavala Group, which signed an agreement with the West German hotel group IFA for the development of the area. The West German finance group DEG was to finance investment to convert the area into a tourist resort. In addition the Ahmed Mamai Group from Qatar expressed interest in financing the creation of a yachting marina (for several hundred yachts).

The building of the first hotel on the nesting beach at Iztuzu (on the eastern side of the delta) is already well under way. No research was done beforehand into the possible effects on the turtles and the environment in general. Partly at the insistence of the Minister for Tourism, no account was taken of the clear warnings and recommendations for a review that appeared in a subsequent environment report (Kinzelbach Schemel). The protests addressed to the Turkish authorities and the West German Government from environmental organizations, the Berne Convention Standing Committee, the Commission and other organizations seem to have staved off the disastrous consequences temporarily.

The cultural, social and economic situation and the very exceptional natural resources in the Koycegiz region, including the Dalyan delta and coastal region, provide perfect conditions for a national park, similar to that proposed for Zakynthos. Here again a long-term financing plan is required, to which the Community institutions might contribute.

West German involvement in the Dalyan project shows the importance of extending the scope of the Community directive on environmental impact assessments to activities outside the Community.

It is of great importance that Turkey should provide some form of statutory protection for turtle habitats. The protection plan must cover all known important nesting beaches and be drawn up as quickly as possible. In view of the fact that habitats suitable for turtles are also attractive to tourists, there is a risk that the beaches will have been taken over by tourism before the problem can be highlighted.

Cyprus
(see diagram 3 in Annex IV)

The nesting beaches on Cyprus are proving to be much more important for turtles than was hitherto thought.

It has been known for a long time that there are loggerhead turtle and green turtle nesting beaches in southern (Greek) Cyprus, particularly on the west coast, including Kissonerga, Lara and Chrysochou Bay. At Lara there is even a turtle breeding station, where research is also carried out. Between 2500 and 4000 young turtles (loggerhead turtles and green turtles) are hatched here every year. The beaches at Lara are leased by the Department of Fisheries and administered as a nature reserve. The department comes under the Ministry of Agriculture and Natural Resources and is responsible for turtles.

The turtles and their eggs are protected under fisheries legislation. The greatest threat to turtles is the removal of sand from the nesting beaches for the construction and the use of beaches by tourists. Foxes also seem to be a danger to eggs and young turtles.

There are also very important nesting beaches in northern Cyprus as the rapporteur discovered on a visit at the invitation of the North Cypriot authorities. There are numerous nesting beaches on both sides of the Kirpasa peninsula in particular, as well as on the coastal area between the town of Birne and Kirpasa. The breakdown between loggerhead turtles and green turtles is unknown. Even less is known about the situation further towards the west. Environmental and nature protection in the north of Cyprus come under the Department of Forestry and Environmental Protection in the Ministry of Agriculture and Forestry.

With regard to threats to turtles in northern Cyprus, the enormous quantity of refuse on the beaches is an acute problem. Much of it seems to come from across the sea and from ferry boats and other vessels. In northern Cyprus too the threat of tourism is looming. Some beaches where turtles used to nest are already overcrowded with tourists.

In plans for tourist development account is being taken of the coastal environment, for example by regulating the height of buildings and their distance from the coastline. These provisions are insufficient to protect nesting beaches from total disruption.

A good inventory must be made of the nesting beaches in northern Cyprus. Furthermore, good legislation must be drawn up for the protection of wild flora and fauna and their habitats, coupled with a specific action programme for turtles and their nesting beaches. The measures might include:

- the introduction of zoning of areas for protection, combined with keeping building at a distance and ensuring that house lights, traffic etc. are not in evidence on the beach,

and with regard to the nesting beaches:

- a ban on speedboats and other disruptive forms of water sports;
- no planting of trees on the beach, no umbrellas, beach chairs, vehicles and night-time access to the beach.

The situation in Cyprus is ideally suited to the creation of nature reserves. There are plans to turn the Kirpasa peninsula in northern Cyprus into a reserve. The extensive use of land (i.e. widespread agriculture), the lack of infrastructure, the many nesting beaches and the fact that a large part of the land is state property are pre-eminently suitable conditions. It is of importance that part of the coastal waters will be included in the nature reserve.

If the western coast of northern Cyprus also turns out to have numerous major nesting beaches then consideration might also be given to a cross-frontier nature or marine reserve. Now the leaders of the two parts of Cyprus have let it be known that they are willing to seek to rapprochement with one another, this is no longer impossible. The Community could make funds available for nature protection in Greek Cyprus, a part of which could be passed on to northern Cyprus. Consideration should be given as to whether this should be used for the creation of a marine reserve. The loggerhead turtle and the green turtle might then serve as a symbol for the new bilateral cooperation.

In view of the lack of expertise in northern Cyprus, assistance has to come from outside. The rapporteur recommends that the Community and its institutions, as well as other organizations, should provide this expertise.

Turtles and fishing

Various sources report that between 16 000 and 22 000 turtles (primarily loggerhead turtles) are caught annually by Spanish fishing vessels. In view of the discrepancy with the small number of nesting beaches in the Mediterranean, these figures raise many questions about the age breakdown of the turtles caught, their nesting beaches, etc. These unintentional catches are mostly due to long-line fishing for swordfish (Xiphias gladius) off the Balearic Islands.

The turtles swallow the hooks intended for the swordfish. The large scale of these unintended catches might be related to the considerable increase in long-line fishing and the use of smaller hooks. Swordfish are being overfished, thus the larger kinds are becoming scarcer, which has led the fishermen to use smaller hooks.

Most turtles are caught in the summer months, which may be related to increased turtle migration and greater activity by the fishing fleet.

In general Spanish fishermen put the turtles they catch back into the water, with the hooks still in them. Another method is to cut the line to which the turtle is attached. There are indications that the larger hooks can disintegrate in the stomach. The turtles sometimes disgorge the hooks. An unknown percentage seem to survive this experience, although not with the hooks still in their intestines.

It seems that Italian and Maltese fishermen also catch large numbers of turtles through long-line fishing. Not much is known about other nationalities' fishing methods and fishng vessels. In Malta a further problem is the fact that turtles are offered for sale in the market places (sometimes openly). Sometimes this even involves living animals, from which a piece may be cut off. Obviously this must be stopped as soon as possible.

There are too many uncertainties to make it possible to put forward clear-cut proposals for the limitation or prevention of these unintentional catches. The introduction of a minimum size of hook is in any case a possibility. Fishermen must be encouraged to remove the hooks from the turtles that they catch. Fishermen could be involved in marking programmes.

Swordfish-fishing itself cannot be left out of this discussion. It has to be known how serious the over-fishing is and the possibilities and consequences of restricting this kind of fishing. In any consideration of a local or periodic restriction or ban on long-line fishing, information must also be obtained on the turtles' migration routes and periods and their foraging areas. Research is needed into the impact of this kind of fishing in other areas of the Mediterranean.

In the United States there is a plan to make a turtle excluder device, which prevents turtles from getting caught in the nets, compulsory in shrimp fishing. This device could not be used in the Mediterranean when fishing for fish the same size as the turtle. Nevertheless it could perhaps be adapted to nets used for catching smaller fish. Support should be given for research into appropriate methods or means for the Mediterranean. (In any case the turtle excluder device could be used for shrimp fishing in Martinique and Guadeloupe).

Dynamite fishing, which is still found in the Mediterranean, is so unselective and destructive of the environment that an absolute ban should be introduced.

Frameworks for turtle protection in the Mediterranean

There are various conventions in Europe that cover turtle protection. The Berne Convention (on the conservation of European wildlife and natural habitats) which is in force in the Community through a Council decision) considers that European turtles should be a highly protected species. Under the convention not only the animals should be protected but also their nesting places and their habitat in general.

The Bonn Convention (on the conservation of migratory species of wild animals, which is also in force in the EEC through a Council decision) states that the species of turtles dealt with here should receive immediate protection. International cooperation is encouraged.

Trade in turtles is banned under the Washington Convention (Convention on international trade in endangered species of wild fauna and flora, CITES, which is in force in the Community as a regulation).

Mention should also be made of the Fourth Protocol to the Barcelona Convention (for the protection of the Mediterranean Sea against pollution), with which the Community was associated. The protocol is intended to protect threatened Mediterranean species and areas that are vital for their survival. The objective is the protection of breeding areas, and eventually the increase of populations. To this end a regional centre has been set up in Tunis.

In the Community, urgent action has been set up under budget item 6616 (now 6610) for the implementation of a strategy for protection of turtles in European waters. The countries concerned are Greece, Italy and Spain (plus French Guyana, Guadeloupe and Martinique). The rapporteur is of the opinion that nesting beaches in non-Community Mediterranean countries should be included in the strategy.

In a Community connection, mention may also be made of the CORINE programme, which collects and coordinates information on nature and the environment in the Community, and the EEC directive on Community action relating to the environment, from which funds may be obtained for various nature protection schemes.

In addition there are development plans for several regions and the Community has concluded bilateral agreements with various non-Community countries, which can be used as a vehicle for financing activities in the Mediterranean. For example consideration might be given to an integrated programme for the creation of a national (marine) reserve on Zakynthos or Cyprus.

Mediterranean action plan for nature reserves

Looking through the above list of conventions, it has to be regretfully concluded that so far little that is tangible has been achieved with regard to nature protection in the Mediterranean and still less specifically for turtles.

It is of prime importance that the Mediterranean countries should grant legally protected status to all important turtle nesting beaches and to this end should draw up a protection scheme as soon as possible. All potentially disruptive projects should first be subject to an environmental impact assessment. These plans should also be made public.

A second priority is better communication between all organizations that deal with turtles and Mediterranean nature protection. There is no need for every organization to set up its own action programme, which would lead to duplication, omissions and resentment. There must be a clear division of tasks between the international agencies (including non-government organizations) and national and regional governments. Coordination must be centred in one place.

Finally, with regard to the Community, the process of making inventories of Mediterranean species of wild flora and fauna and their major habitats should be considerably speeded up. This should be done in the framework of the Fourth Protocol of the Barcelona Convention and by making use of the mass of information already collected by the Council of Europe. The protection schemes for the important areas should preferably be based on the idea of marine nature reserves, combined with zoning for nature protection and coastal development.

ANNEX I

Recommendations by Mrs. L. E. Veniselos, Hon. Member Sea Turtle Protection Soc. (abstract from several letters and a report drafted for a meeting of the expert-group of Caretta caretta, organised by the Council of Europe).

Active protective measures to be taken:

- Careful cleaning of the beaches before, during and after egg-laying season and fines to be imposed on polluters.
- Obligatory biological cleaning of effluents of existing hotels and of houses to be built in the Bay-area in the future.
- Uprooting of all tamarisk trees along the beaches.
- Immediate demolition of illegal buildings.
- Removal of licenses for hotel-discotheques around the Bay.
- Strict controlled use of umbrellas.
- Installment and maintenance of clear information-boards containing regulations with respect to seaturtles.
- Better enforcement of the prohibition of fishing with the use of dynamite in the Bay.
- Planting of trees (at a long enough distance from the sandy beaches in order to prevent obstruction of the seaturtles and their hatchlings) to construct a sort of hedges in order to protect nesting beaches from artificial lights ashore.
- Conservation directed research at the beaches of Laganas and Kalamaki.

Prohibitive measures.

Prohibition of:
- the use of all kind of private vehicles and horse-riding on the beaches, including of the vehicles the hotels use on the beach for various jobs;
- activities which disturb the smooth surface of the sand, such as digging, as well as of sand removal;
- any planting on the beach;
- sticking umbrellas into the sand;
- drift constructions;
- artificial lights of cars, caravans, buildings etc. which create false light in the Bay.
- sea sports with the use of artificial means, as pedallos, speedboats and other boats.
- fishing with nets near the nesting beaches (where the hatchlings can enter the sea), especially in september and october.

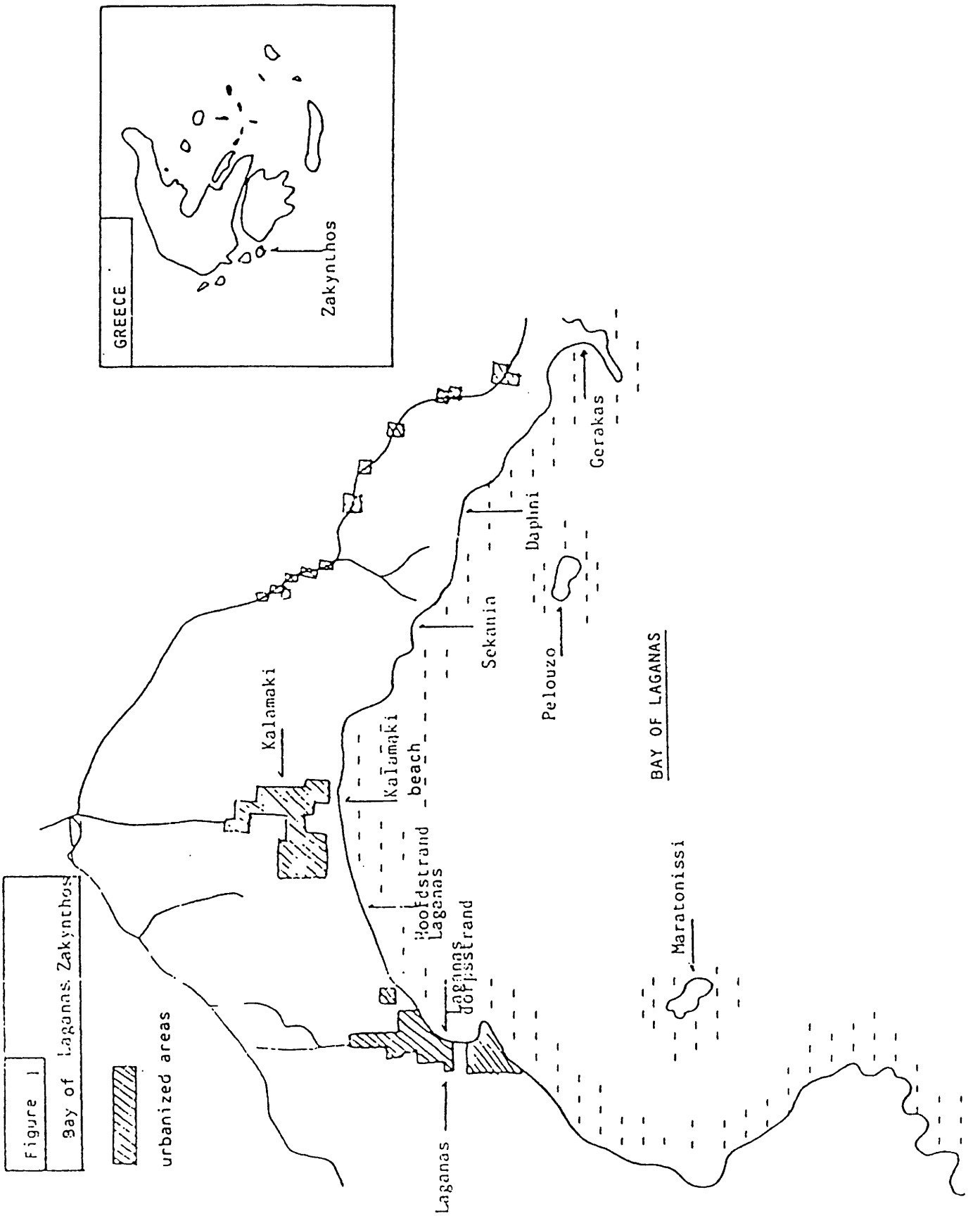
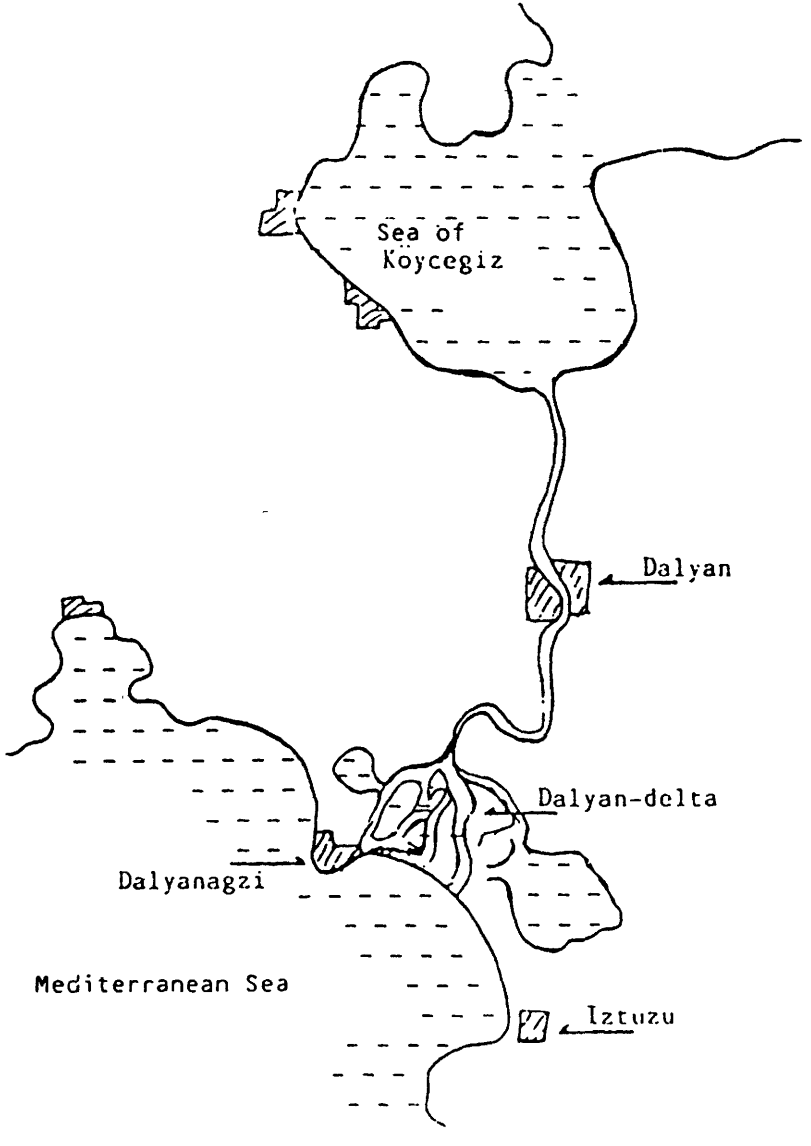


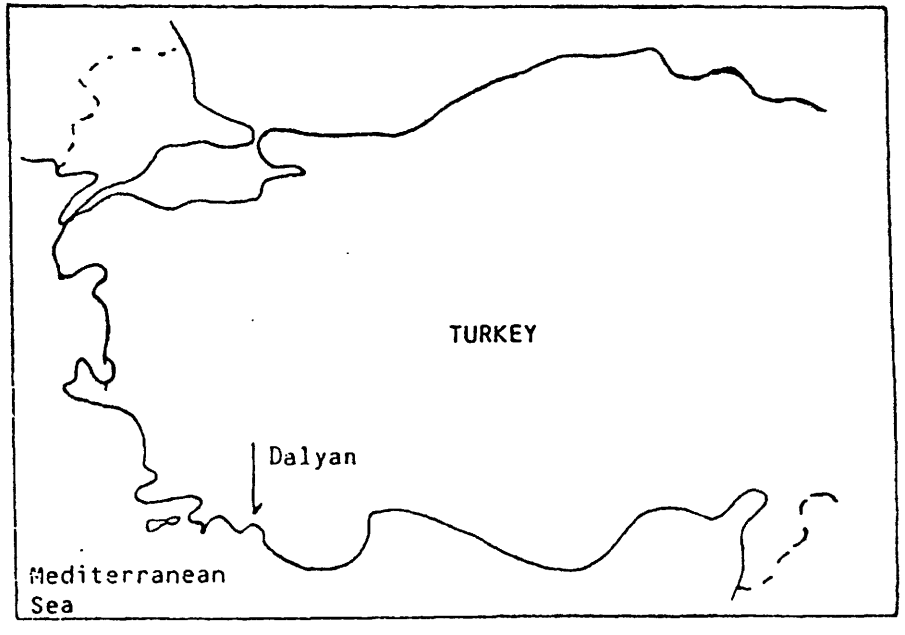
Figure 1
Bay of Laganas, Zakynthos

Figure 2

Dalyan, Köycegiz Region

urbanized areas

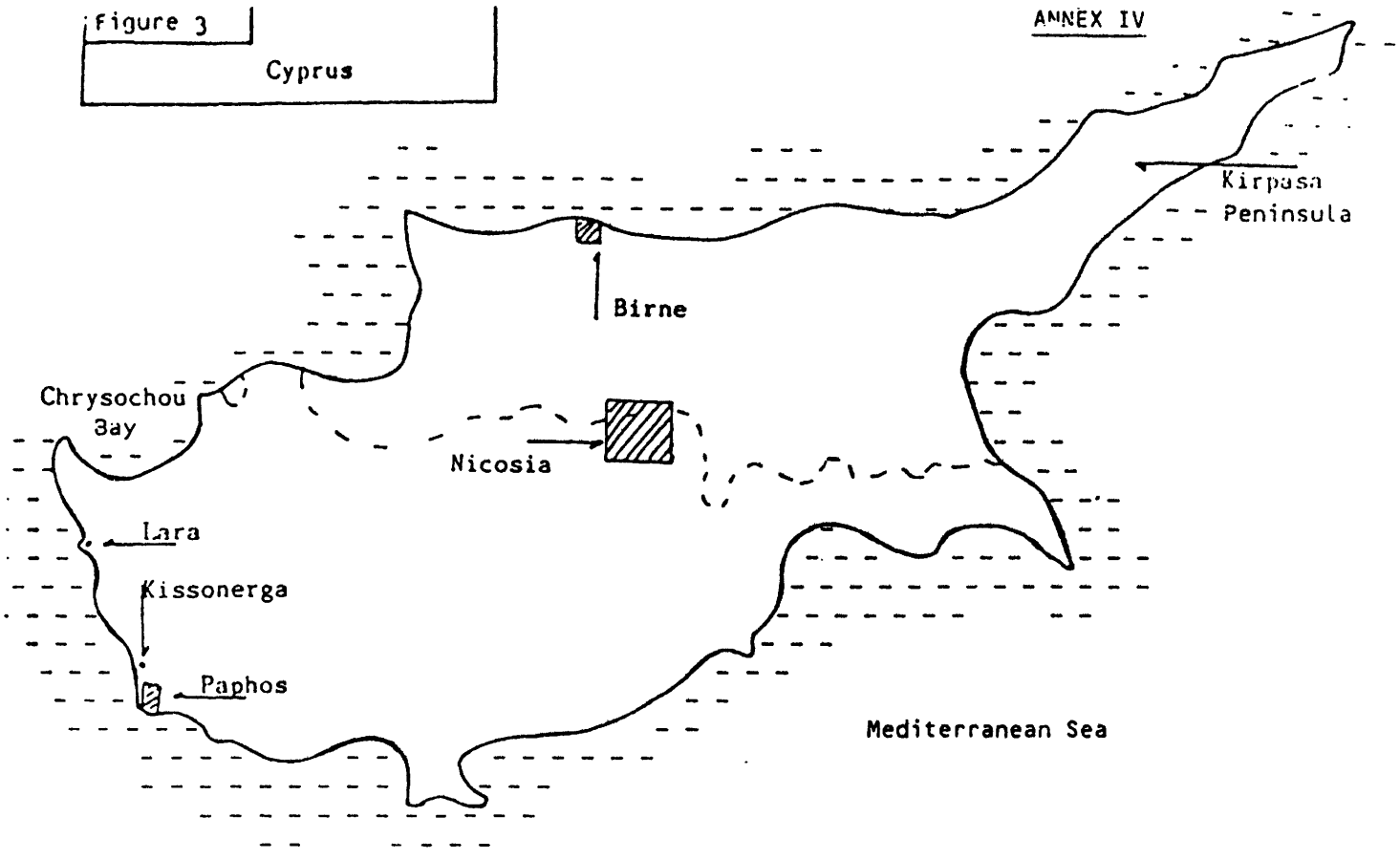




ANNEX IV

Figure 3

Cyprus



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ii. Caretta caretta

The German delegation presented a draft recommendation on the situation of Caretta caretta in Zakynthos(Greece).

The Netherlands delegate presented a similar recommendation on the same species with respect to Dalyan beach (Turkey).

In the absence of a Greek delegation, the Committee felt that the main points in the recommendation should be included in the report as a request to the Greek authorities, rather than a formal recommendation. After some discussion, the Committee decided that the same approach should be adopted for the draft recommendation on Dalyan beach (Turkey).

The Committee recognised that the Laganas Bay area of the island of Zakynthos is one of the most important breeding sites for the endangered species Caretta caretta in Europe. It expressed its concern at the decline of the nesting turtle population at Zakynthos and its belief that the species cannot survive for much longer unless urgent protection measures are taken.

The Committee was conscious that three Presidential Decrees have been declared in Greece to try to protect turtles and the Laganas nesting beaches, but that these measures have been neither enforced nor recognised.

Moreover, the situation was deteriorating rapidly and disturbance to the nesting habitat continues. In 1986, for example, a new marine ... for Laganas Bay permitted an increase of speedboat use of the females' assembly areas ; one owner erected a wall to prevent turtles nesting on his beach ; one strictly protected beach was levelled by machine at the height of the nesting season.

Therefore, the Committee asks the Greek government to take the necessary measures to :

- regulate tourist access to nesting turtles and to their nests in order to minimise disturbance and maximise tourist education for this natural resource ;

- prevent the use of bright lights within sight of nesting turtles, and more especially of their hatchlings ;

- stop the use of speedboats within the "sensitive" areas of Lapanas Bay ;

- stop any damaging operation, such as levelling of, driving on, or digging parasols into, the beach during the turtles' nesting season.

As far as Dalyan beach was concerned, the Committee recognised that the long sandy beach, forming an isthmus on the seaward side of the Dalyan delta, supported one of the largest breeding concentrations of the endangered species Caretta caretta in the whole Mediterranean. The protection of the Dalyan beach was thus among the urgent recommendations adopted by the Committee of Experts for the conservation of wildlife and natural habitats (SN-VS) in November 1986.

The Committee therefore asked the Turkish authorities to carry out environmental impact studies with the help of relevant international organisations, before any developments were initiated, in order to first determine the exact distribution and usage by the turtles of the Dalyan beach, and thus to ensure that the impact on their populations of any proposed developments could be minimised.

The delegations of the Federal Republic of Germany and of the Netherlands withdrew their recommendation and seemed satisfied with the requests as expressed by the Committee.

The Committee studied document T-PVS (86) 17 on Caretta caretta, presented by the Secretariat, and decided

- that a group of experts on Caretta caretta and Chelonia mydas be set up, in accordance with the provisions of Article 14, paragraph 2 of the Convention. The Group's terms of reference should be as follows :

  a. to examine the status of the Mediterranean population of Caretta caretta and Chelonia mydas and the measures already taken for their protection

  b. to follow up the developments in Dalyan and eventually give expert advice to the Turkish authorities on the conservation requirements of the species

  c. to follow up the developments in Zakynthos and eventually give expert advice to the Greek authorities on the conservation requirements of the species

  d. to propose other effective measures for the protection of the species

  e. to inform the Standing Committee annually on the progress of its work, and to propose action that should be recommended to the appropriate authorities.

- that the said group of experts meet in 1987

- that an on-the-spot appraisal be carried out next year in Zakynthos (Greece) by an expert accompanied by a member of the Secretariat, in accordance with the provisions of Article 11 of the rules of procedure. The expert's terms of reference would be those set out as items b, d and e above.

8.

The threatened extinction of pearl mussels in Europe's rivers

- Resolution voted by Parliament on 10 July 1987
  (OJ C 246/129 of 14 September 1987)

- Explanatory statement of report drafted by Mr A. **SHERLOCK** (ED-UK)
  (Doc. A2-0021/87)

(d) Doc. A2-21/87

RESOLUTION

on the threatened extinction of pearl mussels in Europe's rivers and streams

The European Parliament,

— having regard to the motion for a resolution by Mr Von Habsburg and others on the threatened extinction of pearl mussels in Europe's rivers and streams (Doc. 2-719/84),

— having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A2-21/87),

A. whereas the populations of pearl mussels in the European Community have declined considerably, with few of any appreciable size remaining,

B. whereas the existence of the pearl mussel is an excellent indicator of the quality of water,

C. whereas the cause of this decline is not only water pollution, but also over-fishing in some areas and changes in water level due to engineering works,

D. whereas it is desirable to protect this species from extinction,

E. whereas considerable research on the subject is being carried out and whereas greater communication between researchers should be encouraged,

1. Calls on the Commission to convene, in collaboration with the relevant authorities, a specialist conference of the researchers active in the field;

2. Requests the Commission to examine the possibility of funding, among other studies, the work or registration of the surviving populations under the Community's current action programme on the environment;

3. Suggests that pearl mussel habitats be designated as protected sites in all Community regions where the species is threatened with extinction;

4. Points out the need to adapt Directive 78/659/EEC on the quality of fresh water, to meet the needs of fresh water pearl mussels;

5. Notes that the concerted reintroduction of fresh water pearl mussels in suitable waters could serve as an economical biological indicator of water purity, in place of costly systems of measurement and inspection;

6. Underlines the need to introduce legislation which would regulate pearl fishing by issuing permits only to those fishermen using non-destructive methods;

7. Instructs its President to forward this resolution and the report of its committee to the Commission, Council and governments of the Member States.

EXPLANATORY STATEMENT

1. On the biology of the fresh water pearl mussel (La: Margaritana margaritifera)[1]

The distribution of the fresh water pearl mussel is very wide; it lives on the west coast of Ireland and in the rivers of the Urals, it thrives equally well in the Scandanavian peninsula and in northern Russia as far up as the Arctic Ocean and lives at the mouth of the Don and in fast-flowing Pyrenean streams. While it is generally true that a chalky soil tends to favour the distribution of molluscs, the fresh water pearl mussel is a peculiar exception to this rule. These mussels live and indeed can thrive only in waters which rise in primitive mountains and other rocks containing a very high proportion of silica but an extremely low proportion of limestone. Such soil conditions are to be found above all in the pearl mussel's German habitats, the largest of which are the Bayerische Wald, the Fichtelgebirge and the Saxon Vogtland.

Pearl mussels favour fairly deep pools with a bed of granitic gravel and sand, have a particular preference for the curves and bends of streams under the roots of alders and willows, or under fallen tree trunks, and most of all like the mouths of fresh, pure waters.

Although these creatures may be inordinately given to torpor, there is nevertheless clear evidence that they have a capacity for locomotion. Mussels which have been fished out and then thrown back into the water can reach the middle of the stream by the next day, as can be seen from the grooves that they leave in the sand. However, their congregations to open stretches of water during the mild summer weather, their

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[1] The following is adapted from BREHMS TIERLEBEN (1958 edition), which is itself based largely on HESSLING's research

autumnal migrations to the bottom of the river beds and their solitary wanderings by day or night never extend over long distances, say twenty or thirty paces, never more.

Alternating between negligible locomotion and semi-quiescence, the mussels live to an extremely old age, provided that they are not crushed by pebbles and stones carried by the spring floods, or that the stream beds do not freeze up, or again that they escape the assaults of human greed, roving otters or thieving magpies, ravens and crows. How long they can live has not been established, yet the thickness of their shells, even with the low calcium content of their home waters, is an indication of longevity; 50-60 years is considered to be the average age. However, it has been shown, by means of mussels marked with dates, that they can live to the age of 70 or 80. Specimens over 100 years old have been recorded and until recently they were regarded as the oldest living invertebrates.

The pearl mussel is famous for its pearls. Pearls are formed from the typical component materials of shells. Their qualities, the lustre or 'water', the roundness and smoothness, as well as the size and weight, are more or less dependent on their composition and structure, and this in turn is determined by the structure of the shells. The three layers of the shell, the nacreous layer, the prismatic layer and the periostracum, thus compose the pearls, which consist of fine organic membranes and the calcium deposited between them. A perfect flawless pearl has no particular colour, it merely has the opalescence of the nacreous layer of its shell, and hence the structure of its shell.

The yield of pearls varies greatly, in terms of quality, beauty and number. On average, only 1% of fresh water pearl mussels contain a pearl.

2. Ecology of the fresh water pearl mussel

With the aid of the Deutsche Forschungsgemeinschaft (German research union), Dr Bauer of Bayreuth University has worked out specific parameters for the water quality needed to guarantee the survival of pearl mussels.

They make it clear that the present water quality is unfortunately not sufficient to support future generations of young mussels.

In the age of 'acid rain', the pH value is particularly important. It must range between 6 and 7.

However, the most important value in the assessment of water quality is the 'biochemical oxygen demand' (BOD). This measures the quantities of oxygen in solution consumed in the life processes of the microorganisms contained in the water and provides important indications of impurities of all kinds. When a sample water is analysed after five days of exposure under laboratory conditions to a temperature of 20°, the reading obtained is called the BOD 5. The value is expresssed in 'ppm' ('parts per million', in other words the quantity of the respective substances in relation to one million parts of solvent).

Under the Council Directive on the quality of fresh waters needing protection or improvement in order to support fish life[1], a value of less than 6 is stipulated for waters containing cyprinids (Cyprinidae - carp and the like, in other words white fish, carp, etc.). In the care of 'salmonid waters', in other words waters supporting the life of fish such as salmon (Salmo salar), trout (Salmo trutta), grayling (Thymallus thymallus) and whitefish (Coregonus), the value must be lower than 3. Waters which can support the growth of the young of fresh water pearl mussels must be appreciably cleaner than even that. As Dr Bauer has established, the values must be under 1.8 ppm.

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[1] Council Directive 78/659/EEC of 18 July 1978 - OJ No. L 222, 14.8.1978

The Bayreuth University team has established other values: the conductibility of the water must be lower than 120 US., its total phosphorus content less than 0.02 ppm and its calcium content less than 8 ppm.

All these are just notional values which take on meaning only when compared with the values recorded in the past.

3. Current areas of distribution in the European Community

Whereas BREHM was still able to name fairly large areas of distribution in the latter part of last century (see section 1), the situation has changed fundamentally today.

In the European Community, there is only one more or less safe population of any appreciable size, and that is in Scotland. In Germany the species is almost extinct and in Ireland a marked decline has been observed. The populations in France, northern Spain and Luxembourg have declined to insignificant levels.

4. Reasons for the decline of pearl mussel population

In a study on the status and conservation of the freshwater pearl mussel in Great Britain, researchers from the Department of Zoology of Aberdeen University conclude that the main reason for the decline of population are overfishing and pollution.

In Scotland, where the species is still abundant in some areas, overfishing seems to be the main threat. It has been suggested that pearl fishing should be subject to control and that non-destructive methods (such as the use of tongs) should be imposed. This method was used in Germany before a total ban on pearl fishing was introduced.

In other countries, pollution seems to be the major reason for decline. Sewage, intensive farming effluents, pollution due to pulp mills and tanneries and afforestation would seem to be the main factors in the decline. Potassium ions have been shown to have particularly lethal effects on some species.

5. Summary and suggested conclusions

The fresh water pearl mussel has an important place in the historic tradition of European culture. Its pearls have been worked into numerous crown jewels worn by the royal houses of Europe and have therefore contributed, in ideal terms, to the advancement of culture, a contribution that goes beyond their material value.

However, the value of pearl mussels today is no less significant: they are one of the most reliable indicators of clean fresh water streams. The decline in their population is therefore not only regrettable from the point of view of conservation, but must also be taken as an alarming ecological danger sign.

In numerous regions, surface water continures to be one of the most important sources of drinking water. Expensive processing is needed to obtain drinking water from even mildly polluted water, and the cost is ultimately borne by the consumer.

If it were possible so to improve the water quality in a number of suitable regions that fresh water pearls mussels could be reintroduced there, then the natural quality of the water would automatically cease to be a cause of concern.

Fresh water pearl mussels accordingly merit attention, not only in the interests of conservation but also for ecological reasons and, in the final analysis, on grounds of economic common sense.

On a practical level, and taking the cue from the various suggestions that have been made to the Rapporteur, the following measures could be undertaken:

1. a specialist conference of the researchers active in the field in the Member States, to be organized perhaps in collaboration with the Council of Europe, with the participation of the relevant Commission departments and national nature conservation authorities and water authorities;

2. a census and the registration of the surviving populations in the Member States, funded perhaps under the Community's current action programme on the environment;

3. commissioning of a study, also funded under the above programme, with a view to throwing light on the as yet unexplained problems of the ecology of the fresh water pearl mussel;

4. pearl mussel habitats to be designated as protected sites in all Community regions where the species is threatened with extinction;

5. adaptation of Directive 78/659/EEC, on the quality of fresh waters, to meet the needs of fresh water pearl mussels;

6. the concerted reintroduction of fresh water pearl mussels in suitable waters and their use as an economical biological indicator of water quality, in place of costly systems of measurement and inspection.

7. overfishing to be avoided by introducing controls through the issuing of permits only when non-destructive methods are used.

9.

Commercial whaling

- Resolution voted by Parliament on 10 May 1985
  (OJ C 141/498 of 10 June 1985)

- Explanatory statement of report drafted by Mr Hemmo J. **MUNTINGH** (S-NL)
  (Doc. A2-0022/85)

Commercial whaling

Doc. A2-22/85

RESOLUTION

on the Community response to the failure of certain members of the International Whaling Commission to abide by the decision of the IWC to end commercial whaling

The European Parliament,

— having regard to the motion for a resolution tabled by Mrs Jackson and others on the Community response to the failure of certain members of the International Whaling Commission to abide by the decision of the IWC to end commercial whaling (Doc. 2-555/84),

— having regard to the motion for a resolution tabled by Mr Sherlock and others on the Community response to the failure of certain members of the International Whaling Commission to abide by the decision of the IWC to end commercial whaling (Doc. 2-592/84),

— having regard to Council Regulation (EEC) No 348/81 of 20 January 1981 on common rules for imports of whales or other cetacean products (1),

— having regard to its resolution of 18 November 1982 on the Community response to the failure of certain members of the International Whaling Commission to abide by the decision of the IWC to end commercial whaling (2),

— having regard to the second report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on External Economic Relations (Doc. A2-22/85),

A. aware of the urgent need to protect the world's whale population and the task that the European Community can perform in that area,

B. having regard to the many warnings and campaigns by international environmental protection organizations such as Greenpeace and the World Wildlife Fund which have increased awareness of the problem,

C. whereas whale products could be replaced by other equivalent products,

D. whereas on the basis of Regulation No 348/81/EEC on common rules for imports of whales or other cetacean products and Regulations No 3626/82/EEC, No 3645/83/EEC and No 3646/83/EEC on the Washington Convention, with the exception of the Greenland products listed in Annex C of Regulation No 3626/82/EEC, the import of cetacean products into the EEC is prohibited,

E. having regard to the decision of the International Whaling Commission in July 1982 to phase out all commercial whaling by July 1986,

F. whereas the USSR, Norway and Japan have objected to the IWC decision and such objections will render the IWC whale protection policy ineffective,

(1) OJ No L 39, 12. 2. 1981, p. 1.
(2) OJ No C 334, 20. 12. 1982, p. 87.

G. recognizing the need for IWC members to abide by IWC decisions, and the damage done to whale populations by failure to comply with these decisions, not only in the past but also at present,

H. concerned at the threat that the continuation of Greenland whaling presents to the survival of the very small humpback whale population off Greenland,

I. alarmed at the continued hunting of the endangered fin whale in the waters round the Faroes,

J. alarmed also at signs that pilot whale hunts off the Faroes, which were formerly, and in places still are, carried out in the traditional way are now developing into irresponsible sporting entertainments characterized by mass slaughter,

K. somewhat reassured by the new measures introduced by the Faroese Government to halt the excesses occurring in connection with pilot whale hunting and awaiting the effects of the new measures with interest,

L. concerned at the increasing scale of sperm whale hunting off the Azores,

1. Calls on the Commission and the Council to indicate in writing how far the European Parliament's recommendations as set out in the resolution on the protection of whales adopted on 16 October 1980 [1] have already been realized, what measures have been adopted for their implementation and the prospects for their further implementation;

2. Calls on the Commission to consult with the Danish Government to examine whether backing can be given to a survey into the state of the humpback whale population in Greenland waters;

3. Calls on the Greenland Government to reduce the annual permitted quota for the capture of humpback whales and if possible provisionally set it at zero; urges the IWC, Denmark and the other Member States to take up this matter with the Greenland authorities;

4. Calls on the governments of Greenland and Denmark to bring the hunting of small whales under the control or supervision of the IWC; calls on the Member States and the EEC to provide economic and technical backing for the implementation of a research programme on the hunting of small whales with a view to establishing the necessary basis for a decision to bring such hunts under the control or supervision of the IWC;

5. Calls on the Faroese and Danish Governments to have fin whale hunts in Faroese waters stopped immediately;

6. Calls on the Commission to consult with the Danish Government to see whether backing can be given to a survey of the fin whales in the waters around the Faroes that would not entail killing any of them;

7. Calls on the Faroese and Danish Governments to bring pilot whale hunts under the control or supervision of the IWC and also to explore further ways and means for the hunting of pilot whales to be carried out as humanely as possible; calls on the Faroese and Danish authorities to allow pilot whale hunts to form part of the research programme on small whales referred to in paragraph 4 with a view to establishing the necessary basis for a decision to bring such hunts under the control or supervision of the IWC;

[1] OJ No C 291, 10. 11. 1980, p. 49.

8. Calls on Portugal to have sperm whale hunts stopped immediately and to join the IWC; calls on the Commission to ensure that Portugal observes the provisions laid down in Regulations No 348/81/EEC and No 3626/82/EEC after it joins the EEC;

9. Calls on the Commission to launch an inquiry into the truth of reports that whale products, namely sperm oil from the Azores and perhaps from other places, are still being illegally imported into the Community via Rotterdam and Antwerp;

10. Calls on the Commission to examine, support and implement all possible measures to encourage all IWC countries to comply with IWC decisions and to bring about the withdrawal of objections to such decisions;

11. Calls on the Commission, the Council and the governments of the Member States to put diplomatic pressure on the USSR, Norway and Japan to stop whaling by July 1986;

12. Calls on the Commission to put pressure on Norway during talks, particularly fishing talks, to put an end to whaling and to drop the concept of small-type whaling;

13. Calls on the Commission also to devise ways of exercising pressure, during talks with Japan on economic issues, so as to encourage Japan to stop whaling by July 1986;

14. Calls on the Commission for detailed proposals, to be put before the European Parliament and the Council in 1985, for temporary sanctions against countries that have not stopped whaling by July 1986, with provisions for the sanctions to enter into force in July 1986;

15. Points out to the Commission once again, in connection with the resolution's financial implications, the importance of the European Parliament's earlier request that the next draft budget should incorporate a new item entitled 'protection of endangered species of European interest';

16. Instructs its President to forward this resolution to the Commission and Council, and to the parliaments and governments of the Member States and of those States that have filed objections to the IWC decision to end commercial whaling by July 1986.

EXPLANATORY STATEMENT

1. INTRODUCTION

1.1 The European Parliament has already held - in October 1980 - a full and thorough debate on the protection of whales and the role that Europe can and should play. The debate was prompted by the Commission's proposal for a regulation on whale products.

1.2 The European Parliament then adopted a resolution[1] in which a large number of measures were advocated for the protection of whales. In the pertinent report on behalf of the Committee on the Environment, Public Health and Consumer Protection, considerable attention was given to cetaceans, an exercise that need not be repeated here (see Doc. 1-451/80).

1.3 Since then there have been a number of significant developments that have led the European Parliament to turn renewed attention to the protection of whales. The most important of these was the decision taken by the International Whaling Commission (IWC) in July 1982:

'... catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and 1985/1986 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits'.

In brief: commercial hunting of the large whales to stop as from 1986 and until further consideration of this decision in 1990 at the latest.

A number of IWC countries filed objections to this decision, which led Mr Sherlock and Mr Johnson to set out their views in a motion for a resolution[2].

1.4 Since 1982 the International Whaling Commission has generally further reduced the catch quota in anticipation of the decision, taken in July 1982, coming into force in 1986. During the period allowed after the catch limit was established at the IWC meeting of July 1984, objections were filed by Brazil and the USSR (particularly against the quota for minke whales in the Southern Hemisphere). Japan also filed objections before the closing date of 6 January 1985.

Following these developments a number of resolutions were submitted to the European Parliament (see Annexes).

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1 OJ No. C 291, 1980, p. 49

2 Doc. 1-1198/82

1.5 In November 1984 Japan and the United States finally concluded an agreement based on a number of special legal instruments held by the United Staes to enforce protection of whales by means of fishery interests. In this agreement the United States allowed Japan to continue whaling until 1988 with no limitation of Japanese fishing rights in American waters. As a result, the IWC moratorium decision of July 1982 was placed in a singular position; it should, however, be noted that, as Japan has filed objections to the moratorium decision (as have Norway and the USSR) the decision is not binding on Japan.

2. NEED FOR CONTINUED PROTECTION OF WHALES

2.1 It is becoming more and more evident how little we really know about whales.

It is also becoming steadily more evident that it is self-deception to imagine that a rational whale policy can be carried out on the basis of present knowledge. Catch quotas are established for the various types of whale (and, let it be quite clear, this is prompted by a sincere wish to give shape to a sound policy) but are increasingly seen to be based on completely inadequate data.

2.2 The fact that attempts are nevertheless made to work out a policy on the basis of completely insufficient knowledge (and once again, all in good faith) is possibly one of the greatest dangers that whales have had to face during the last few years. Not only the fact that whales are being hunted constitutes a danger; above all the fact that this is being done in the mistaken belief that the catches permitted are sound is extremely worrying.

In this respect the fact that a number of species are threatened with extinction is merely the tip of the iceberg as far as the dangers facing whales are concerned. Too little is known about whales for there to be any certainty about the other threats that may be facing them.

2.3 Every effort should be made to prevent the extinction of the whale, but at the same time it is also tremendously important that information should continue to be gathered so that a responsible policy may be pursued on their behalf in the future.

2.4 Great risks were taken in the past by working on the basis of too little knowledge, even though many IWC members were already sincerely interested in protecting the whale. Nevertheless there can be no justification for taking risks. This means that the IWCs moratorium decision of July 1982 is of great importance, and it ought to be made genuinely effective in 1986.

2.5 Relatively little attention has been given to the small cetaceans; the IWC is not responsible for them and only a small number of them are protected by international treaties.

Yet a number of these mammals are exposed to the risk of senseless slaughter: they are either deliberately hunted by fishermen who see them as rivals (as in Japan for example) or else they are caught in fishermen's nets and drown. It is therefore of prime importance that attention be given to further, more effective protection of small cetaceans, not least because there are about 60 species (as opposed to 13 types of large whale).

3. ASSESSMENT OF THE PREVIOUS RESOLUTION

Unfortunately it cannot be said that the European Parliament's resolution on the protection of whales, adopted on 16 October 1980, has inspired the Commission and Council of Ministers to work out special policies for the protection of whales, despite the detailed recommendations set out in the resolution.

One positive exception was the decision to ban imports of whale products into the Community, which came into force on 1 January 1982. Suggestions as to a more active role the Community and the Member States might play in protecting whales were not, however, adequately developed. It would be advisable for the Commission and the Council to re-examine the 1980 resolution and to consider what additional measures could be taken at European level.

A number of specific topics already dealt with in the 1980 resolution are discussed again in the following paragraphs on the basis of new information.

3.1 Whaling from Greenland

3.1.1 In the 1980 resolution there was a call for a ban on commercial whaling in European waters; the word 'commercial' was used deliberately so as to allow the continuation of indigenous (aboriginal) whaling in Greenland. However, Greenland and Greenland waters are no longer part of the European Community.

Nevertheless it is still important, from a European point of view as well, to protect whales against commercial hunting in these waters.

3.1.2 The whales hunted from Greenland are the minke whale, the fin whale the humpback whale, the narwhal, the beluga and the porpoise.

There are particular problems surrounding the hunting of the humpback whale, for which the IWC laid down a quota of 8 for 1985 (9 the previous year). The population from which these whales may be taken seems to be too small for the removal of even 8 to be justified.

In your rapporteur's view there is insufficient proof that the removal of eight whales from this population will not bring it below survival level; consequently we do not know whether this catch will lead to the extinction of this population.

The Greenland authorities cannot be reproached on the subject of humpback whale hunts seeing that they are allowed by the IWC and the Greenland authorities in general are very conscious of the importance of the protection and the proper management of their natural resources.

Nevertheless the rapporteur would greatly appreciate a still further reduction in the permitted quota, to zero if possible, by the Greenland Government. Member States' representatives should argue the case for this forcefully within the IWC.

It is also essential to the interests of indigenous Greenland whaling to have more information on the humpback whale, particularly in Greenland waters. The Community should therefore see whether it can help Denmark initiate the necessary research in Greenland.

On the question of hunting small whales that are not under IWC supervision, it should be noted that as yet far too little is known about the prevalence and ecology of these species.

Your rapporteur therefore thinks that the sensible course for the protection and responsible use of these creatures is to work in greater international cooperation. The body most suited to this task is the IWC. Greenland and Denmark should have the hunting of small whales in their areas brought under control or supervision of the IWC in some way. (See also point 3.3.4).

Until recently minke whale meat could be brought in Danish fish shops despite the fact that the Greenland Government refused to grant export licences for this meat. Because Greenland was part of the EEC an import licence was not necessary and thus the trade could evidently find a way of bringing minke whale products onto the market.

Since Greenland left the EEC on 1 January 1985 the situation has changed. Consequently on 1 February 1985 the Danish Government introduced a licence for the import of whale products. The licence is not intended for commercial imports, only for personal consumption of a maximum quantity of 10 kg a year. The Danish Government's intention is that Faroese and Greenlanders temporarily resident in Denmark who wish or who have to continue their normal diet will be able to obtain supplies and at the same time the marketing of whale products will be discouraged.

The fear that native whaling would become commercialized by loopholes in Greenland legislation now seems unjustified, at least as far as Denmark is concerned, and further EEC measures in this area would seem unnecessary.

3.2 Whaling from the Faroes: fin whales

3.2.1 The Faroes have a long whaling tradition. Part of it is the hunting of the fin whale, a creature that is now considered an endangered species.

In 1976 the so-called West Norwegian/Faroese fin whale population was designated protected stock by the International Whaling Commission. Unfortunately on 1 January 1974 fishing from the Faroes off Iceland was prohibited and the Faroese authorities looked round for other ways of finding a varied meat and fish diet for the inhabitants. Consequently in 1977 they began hunting in their own waters and 1 fin whale was killed. In 1978 7 fin whales and in 1979 11 fin whales were killed.

3.2.2 It was pointed out to the Danish Government on several occasions that this whaling was in contravention of the fact that in 1976 Denmark has also designated the West Norwegian/Faroese population protected stock that therefore could not be hunted. In 1979 a statement was issued from Denmark, saying that there had been a misunderstanding between the IWC and the Faroese fishermen. After talks between representatives of the Danish Ministry of Foreign Affairs and the Faroese administration, an undertaking was given that fin whale hunts would be stopped, and this was adhered to because in 1980 no fin whales were killed.

3.2.3 Nevertheless plans were then laid on the Faroes to continue whaling. A scientific research project was set up which included the capture of 9 fin whales to cover the cost of the survey. The Faroese also submitted this project to the IWC's scientific committee, whose response, however, was negative. It was felt that marking whales would not be beneficial because to obtain accurate information too many whales from a small population would have to be marked, and furthermore nine was too small a number to obtain significant scientific information.

Nevertheless the project got under way in 1981. In that year three fin whales were killed, in 1982 three and in 1983 five. So-called progress reports on the scientific research were made to the IWC. Scientifically these reports were of only relative value but the Danish Government has said that it will be producing a genuinely scientific report on the research in the near future.

3.2.4 In the meantime the IWC decided in July 1982 to ban the hunting of all large whales from 1986. Denmark was one of the signatories to this decision, thus once again confirming that the West Norwegian/Faroese population should also be protected.

Your rapporteur's conclusions from the above were:

(a) the West Norwegian/Faroese fin whale population is under threat;

(b) fin whale hunting from the Faroes was illegal because it was in conflict with the fin whale's protected status which was conferred with Denmark's approval;

(c) the research programme proposed to the IWC by the Faroes and defended by Denmark is an attempt to legalize illegal whaling;

(d) there is no question of abpriginal whaling because there is only one whaling boat and for a long time there was no whaling in Faroese waters: between 1966 and 1976, for example, no fin whales were caught off the Faroes.

3.2.5 Your rapporteur discussed these conclusions with representatives of Denmark and the Faroes on 28 March 1985. The Danish authorities do not share your rapporteur's views, for the following reasons:

(1) the Danish Government is longer convinced that there is a separate West Norwegian/Faroese fin whale population. It believes that the population is the same as the East Greenland/Iceland population and this is not under threat, seeing that the IWC has given Iceland a large quota.

(2) At the time that the IWC gave the West Norwegian/Faroese population protected status there was no hunting going on and no opposition was expected.

(3) Whaling from the Faroes is genuinely subsistence whaling because the population has always eaten fin whale meat even though the meat was sometimes brought from elsewhere.

(4) The research programme is not an attempt to justify fin whale hunts from the Faroes but was inspired by a sincere wish to show that the West Norwegian/Faroese population is the same as the East Greenland/Iceland population. The research is moreover justified because the population is not endangered.

(5) It would be ridiculous not to use the meat if a whale has already been shot for scientific purposes.

3.2.6 This prompts your rapporteur to make the following reflections:

(1) As the IWC assumes and continues to assume that there are two separate fin whale populations and Denmark's view that this is not the case has not been officially discussed within the IWC, the conclusion still has to be that there are two populations.

(2) Seeing that the West Norwegian/Faroese population has been officially granted protected status by the IWC and Denmark it still has to be concluded that this population is in danger, and this is further reinforced by the decision taken by the IWC, including Denmark, to impose a general moratorium on hunting of large whales.

(3) Fin whale hunts can no longer be strictly described as illegal because Denmark gave the Faroes' request for a research programme official support within the IWC.

Whether fin whale hunting can fundamentally be termed illegal depends on whether the programme was primarily set up to provide the Faroes with meat and only secondly for research purposes or vice versa.

In the first case there would be a conflict with the IWC's intentions and the word illegal would be appropriate. But who is your rapporteur to suspect the Faroes of having set up the research programme primarily to continue whaling and Denmark of having reluctantly defended it out of loyalty?

(4) The value of the research programme is questionable. The IWC remains unconvinced and the information provided so far gives no reason to suppose that the research programme will contribute much scientific material in the future.

(5) Research into fin whales in the waters round the Faroes is nevertheless useful and necessary. The Community should consider making funds available to the Danish Government for this kind of research which would not use recovery of survey costs as an excuse for fin whale hunts. Money should by made available only for benign research, confined to the most modern technological methods of observation such as video films combined with computer analysis.

(6) It is of the utmost importance for the protection of all the world's large whales that the forthcoming moratorium should be fully observed everywhere and that it should be undermined as little as possible by allowing the hunting of even a limited number of large whales anywhere and for any reason. With this in mind, the Faroese and Danish Governments should be encouraged to stop fin whale hunts in Faroese waters at once and the Member States' governments should be urged to use their influence within the IWC, to this end.

3.3 Whaling from the Faroes: the pilot whale

3.3.1 The pilot whale, a small whale that does not come under IWC supervision, has also been hunted off the Faroes from time immemorial. In some ways it is inevitable that this whale should be hunted, because herds sometimes get stranded on Faroese beaches where they would die even if they were not killed.

Often however nature is given a helping hand when a school of pilot whales is sighted; the whales are rounded up by boats and deliberately stranded. The whales are killed by cutting the backbone with a knife a little behind the blow hole. Whales that have not yet landed are pulled ashore by a sort of hook slung into the body and then killed.

This hunting, which seems to cause a lot of unnecessary suffering, has recently been the subject of a lot of criticism by animal welfare organizations and in the international press. A recent increase in the number of whales hunted has also been pointed out. The catch figures over the last decade are as follows:

1973	1050	1979	1725
1974	673	1980	2773
1975	1080	1981	2973
1976	531	1982	2652
1977	898	1983	1689
1978	1238	1984	1921

3.3.2 There was particularly strong criticism of a hunt that took place in Torshaven harbour on 10 May 1984. This no longer followed the time-honoured practice but bore more resemblance to a massacre in which the whales were rounded up and killed in every conceivable way and with every conceivable instrument. There was also criticism from places in the Faroes where pilot whales are still hunted solely in the traditional manner.

The international criticism combined with the revulsion expressed in the Faroes themselves led to the Faroese Government introducing tighter controls on whale hunts at the end of 1984. It is now forbidden to use any instrument other than the traditional knife and hook. The harpoon may be used only in exceptional circumstances. There is also a new policy whereby herds of pilot whales that seem likely to become stranded are driven out to sea if there are still sufficient stocks of whale meat in supply, so large quantities of surplus meat will not be wasted as in the past.

3.3.3 Pilot whale hunts are an integral part of the Faroese social culture and their legal system. This is not the place for a detailed analysis of the unavoidable influence of modern Western culture to the benefit or detriment of this old tradition. Your rapporteur would simply like to make the following comments:

(1) Old cultures and traditions are under pressure all over the world and are adapting to demands and to modern society.

(2) Part of the changing cultural pattern in the Western world ia a greater consideration of the pain and suffering that accompanies the death of hunted or specially reared animals and the wish to minimize it.

(3) Under the influence of the World Conservation Strategy, the view is slowly gaining ground in the EEC that nature conservation and management should start from the principle of maintaining essential ecological processes and systems and making responsible use of them, i.e. use should spring from a healthy scientific basis and be for a long period.

(4) There is not much scientific data available on the prevalence of the pilot whale.

(5) The fact that nature is under heavy pressure all over the world, that history has shown that unregulated hunting can lead to extinction, and that there is no certainty about the effects of long-term environmental pollution on the survival of marine mammals puts us under the obligation to show great caution.

3.3.4 It is on the basis of these considerations that your rapporteur is advocating some international regulation, control and scientific research for all smaller whales as well as the larger ones, preferably carried out by the IWC.

The Faroes and Denmark should therefore place pilot whale hunts under the control or supervision of the IWC in some way and should also investigate further ways and means of reducing to a minimum the pain and suffering endured by pilot whales when they are killed.

By doing this Denmark and the Faroes would perform an everlasting service for all international nature protection organizations, since IWC involvement with pilot whale hunting could be the first step towards its acquiring responsibility for all whales, including the small ones that make up the majority, which unfortunately it does not yet have.

The EEC Member States should be able to support such a request and the Community itself should be able to give Denmark financial support for more intensive research into the prevalence and ecology of the pilot whale and into the most humane manner of killing it.

3.4 Whaling from the Azores

In the 1980 resolution there was also a call for the protection of whales to be put on the agenda of the talks on Portugal's accession to the EEC.

Sperm whales are still hunted from the Azores and, in the last two years, hunting has been intensified. The type of hunting means that it is particularly the smaller (young) sperm whales that are caught. This hunting is not traditional but commercial, its purpose being to obtain sperm oil. Other parts of the dead whale (teeth) are fashioned into souvenirs and sold to tourists. It is reported that at least 36 whales were killed in 1984. The Community should do everything in its power to end this hunting, especially as there are indications of Japanese involvement in the background.

3.5 Comments on the effectiveness of the ban on whale products

The general impression received is that the measure is working reasonably well. One or two comments are called for however and in some areas there is reason for the Community to be vigilant.

With regard to whale products originating in the Azores there are unconfirmed reports that these are being imported into Europe despite the ban on imports. Rotterdam and Antwerp have been named as ports of entry.

The Community needs to investigate whether these reports have any foundation and, if they do, it must take steps to put an end to this trade.

Finally, it is known that a number of countries still have stocks of whale products destined for export, namely Spain, Portugal and Iceland. Here again vigilance is required to prevent possibile imports into Europe.

4. EFFECTIVENESS OF THE IWC DECISIONS

4.1 The IWC's 1982 decision to suspend whaling by 1986 should of course be welcomed. Considered, however, from the standpoint of the continuous protection required by cetaceans, several factors need to be remarked upon that may impair the effectiveness of the decision and frustrate its objective.

4.2 The first important point is the fact that a number of countries are not members of the IWC and thus are not bound by its decisions. For Europe it is a matter of concern that Portugal is not a member of the IWC, having regard to the whaling that takes place from the Azores. Portugal should become a member of the IWC at the same time as it joins the Community.

4.3 The second important point is that members of the IWC can lodge objections to IWC decisions, with the result that they are not bound by decisions to which they object. Objections to the 1982 decision to ban whaling have been lodged by Japan, Norway and the USSR.

If these objections are maintained, whaling will still continue on a large scale despite the 1982 moratorium decision, because Japan and Russia in particular are considerable whaling nations.

4.4 The situation is further complicated by the fact that the USA and Japan have concluded an agreement which in fact establishes a new date for Japan to put an end to whaling. This agreement undermines the credibility of the IWC decision and indeed of the IWC itself. In fact the United States has unilaterally taken over the IWC's role with regard to Japan, in that the United States has independently laid down dates and quotas for Japan. Furthermore, this now makes the United States an accessory to the continuing slaughter of whales by Japan.

A number of environmental organizations including Greenpeace and the International Fund for Animal Welfare (IFAW) have taken legal proceedings against this agreement. On 5 March 1985 the court ruled in favour of the plaintiffs but the American Government has appealed against the judgment. It is expected that the whole appeals procedure will be concluded before the summer recess. A judgment in favour of the environmental organizations will probably mean that Japan will withdraw its opposition to the moratorium but will then try to use the new loophole of the so-called small-type whaling to compensate.

4.5 The protection of whales is an international affair and there is little to be gained by unilateral acts that undermine the credibility of international efforts.

The Community should therefore concentrate on such action as can help make the whaling moratorium truly effective in all countries in 1986.

4.6 A third problem that has arisen is the 'inflation' when it comes to differentiating between various types of whaling. Up to now, two sorts have been distinguished, 'commercial' and 'indigenous' aboriginal whaling. Efforts are now being made in the IWC to define a third category of small-type whaling in which the scale of the hunt would play a role.

4.7 This would provide a safeguard particularly for Norwegian whaling in the future. Dependence on this type of hunting by isolated local communities would also be a criterion in this third category.

It is to be feared that this would introduce an element of vagueness into the rules, which might be exploited so as to permit whaling to go on as usual within the present framework: in an attempt to find ways in which commercial whaling interests might evade the 1982 moratorium.

5. JAPAN'S POSITION

5.1 Japan is in a singular position in every way. Not only is it actively involved in whaling, but it also seems to be offering encouragement to other countries that might subsequently export whale products to Japan. Brazil is one example.

Japan has also been responsible for much bloody slaughter of the smaller cetaceans.

Nature protection organizations have used the term 'pirates' in connection with Japan's role in whaling. Even though Japan observes the letter of IWC rules, its actions are to a large extent contrary to the spirit of its decisions.

5.2 Unfortunately, it has to be said that Japan's attitude towards whaling is symptomatic of Japan's attitude to international nature conservation in general; in this respect Japan has to be regarded as a threat to world wildlife. Japan exploits its natural resources in a completely irresponsible way: tropical rain forest is plundered for hardwood, sea areas are plundered and fished out. The Community should use every means in its power to change Japan's attitude, and not only towards whaling.

6. POSSIBLE EEC MEASURES

6.1 It is feasible and desirable that the Community should take a number of initiatives to deal with the problems mentioned.

A number of suggestions have already been made in this report and will not be repeated here. There should, however, be closer examination of the steps the Community might take with regard to the three countries that have lodged objections to the IWC 1982 moratorium decision: the USSR, Norway and Japan.

6.2 In general terms diplomatic pressure should be brought to bear on these countries to make them suspend whaling by 1986.

The possibility of economic sanctions should also be considered. Here it is important to remember that the three countries have until 1986 to withdraw their objections and to abide by the moratorium decision. Economic measures should therefore be geared to this calendar.

6.3 With regard to economic measures, in one of the resolutions an example was given of ways in which the United States can directly influence countries that do not abide by the IWC rules:

- though the Pelly Amendment, which puts an embargo on imports of fish products from such countries;
- through the Packwood Magnuson Amendment, which allows the permitted catch quota of such countries in American waters to be reduced by at least 50%, and
- through the Fisheries Conservation Management Act, under which whaling can influence the allocation of catch quotas to other countries.

European legislation does not possess such specifically adapted instruments, but these examples could provide a model for the development of appropriate machinery to put economic pressure on the said countries.

6.4 It should, however, be recognized that there is little the Community can do with regard to the USSR. The Member States should, in their talks with the USSR, make use of the means available to them to convince it of the need to end whaling.

6.5 The question of Norwegian whaling, however, can and should be a factor in fishery talks between the EEC and Norway.

6.6 Japan has extensive economic relations with the Community. It will have to be seen in what way effective pressure can be exercised in future economic negotations between the Community and Japan in order to have whaling stopped by 1986.

6.7 The Commission should investigate the possibility of economic measures in these areas and during 1985 it should submit specific proposals to Parliament which would be put into force in July 1986 against those countries that did not put an end to whaling.

7. ACKNOWLEDGEMENTS

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10.

The protection of brown bears in the European Community

- Resolution voted by Parliament on 17 February 1989
  (OJ not yet available)

- Explanatory statement of report drafted by Mrs M. **LENTZ-CORNETTE** (PPE-L)
  (Doc. A2-0339/88)

Doc. A2-339/88

RESOLUTION

on the protection of brown bears in the European Community

The European Parliament,

- having regard to the motion for a resolution by Mrs Garcia Arias and others on a policy to protect bears, wolves and other wild animals in the European Community which are threatened with extinction (Doc. B 2-1545/86),

- having regard to its resolution of 12 October 1988 on the implementation of the Berne Convention (on the conservation of European wildlife and natural habitats) and the Bonn Convention (on the conservation of migratory species of wild animals) in the European Community (1),

- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A 2-339/88),

A. Whereas the Community programme of urgent action to conserve the brown bear in the eastern part of the Community expired in November 1988,

B. Whereas preliminary results from the 1988 programme are most encouraging and it is essential that it be extended if lasting results are to be achieved as regards the conservation of the species,

C. Whereas, although the brown bear populations in the west of the Community (Spain and France) are better placed than those in the east of the Community, owing to action already taken by the national authorities in those countries, those authorities nevertheless need to be supported in their efforts to ensure the survival of the bear,

D. Whereas financial support and aid towards organization and coordination are needed if the Community programme and the national programmes are to be prolonged and extended,

E. Whereas the brown bear appears in Annex II to the Berne Convention and whereas, nevertheless, bears have again been shot recently,

(1) OJ C No 290, 14.11.1988, p. 54

1. Calls on the Commission to carry on with its useful task of protecting the brown bear beyond 1988, to launch a programme of emergency action to ensure that the animal survives and to set aside a budget in 1989 of 100 000 ECU under budgetary heading 6610 and to propose that this activity be included among the Community's environmental operations;

2. Calls on the Commission to extend its action to cover the whole distribution area of the species in the Community, having regard in particular to supporting national programmes to protect populations in the Pyrenees, the Cantabrian Mountains and the Alps;

3. Proposes that the programme of social and structural measures should include action to promote the socio-economic development of the rural communities in areas inhabited by bears while requiring the local authorities concerned to take measures in return to protect the environment for the benefit of the species;

4. Calls on the Commission to give priority to schemes to prevent, or supply compensation for, damage caused by bears; Such schemes must cover the regions in which bears are found. The resources and administrative structure shall be decided on a case-by-case basis. In regions where wolves and bears live together, these resources must cover all forms of damage. In such regions, plans must be drawn up to harmonize bear protection with moves to provide a reasonable level of protection for wolves, this being called for, among other reasons, because of the perilous position of the latter species;

5. Calls on the Commission to focus its efforts on setting up a consistent network of reserves and/or special protection zones in the areas occupied by bears; In this network, all possible steps shall be taken to conserve bear habitats (forestry management plans shall be drawn up in close cooperation with forestry services, action to combat forest and scrub fires shall be stepped up and impact studies shall be required for any new infrastructure);

6. Calls on the Commission, lastly, to investigate whether feeding stations need to be set up and, should this prove necessary, to consider how they should be set up, account being taken of the successes already achieved, particularly in the Abruzzi National Park in Italy;

7. Instructs its President to forward this resolution to the Commission of the European Communities.

EXPLANATORY STATEMENT

The brown bear (Ursus arctos) is a symbol of Europe's threatened wildlife. The species, which used to be very common all over the continent, has regressed and now occupies only remote areas in a few of the most inaccessible mountain ranges.

Man has always been in competition with the bear and since time immemorial has been the cause of the regression of the species. The main reason for the decline of the bear has been the whittling-away of its habitat, natural and semi-natural forests. Recently there has been an increased fall in population numbers because of intensive hunting (which has been illegal for a number of years). This drop in numbers creates fears as to the survival of the species in the Community.

The brown bear once lived in the forest regions of a very large part of North America, Asia, Europe and even North Africa. The species has now disappeared from a large part of this area and is now confined only to the wildest parts of the Eurasian and North American continents.

B. PRESENT STATE OF THE SPECIES IN THE EUROPEAN COMMUNITY

B.1. DISTRIBUTION

The brown bear population in the Community consists of residual groupings deriving from the fragmentation of the main distribution area. These centres are confined to mountainous and wooded regions such as those found in the Cantabrian Mountains, the Pyrenees, the Alps, the Apennines, Mount Pindus and the Rhodope range.

The bear population in the Cantabrian Cordillera is divided into two nuclei between which no exchange takes place. This separation appears to date from the first half of this century. The western and largest nucleus covers the regions of Asturias and Castille-Leon. The population in the Asturias, comprises 60 to 70% of the numbers in the Cantabrian region. The eastern nucleus is divided between the region of Asturias, Castille-Leon and Cantabria. The species is mainly found in the National Hunting Reserves in Riano (Leon), Saja (Cantabria) and Fuentes Carrionas (Palencia region).

In the Pyrenees the population is divided into a western nucleus, living in the Atlantic Pyrenees (Aspe and Ossau Valleys) and a central-eastern nucleus divided between the Haute Garonne (Luchonais), the Ariège and the eastern Pyrenees. In the Alps, bears are recorded only in the Trentino, where they seem to be confined to the western Trentino, in the Brenta, Adamello and Presanella mountains.

In the Apennines, they are to be found in the Abruzzi National Park and neighbouring territories, thus occupying some 500 square kilometres and occasionally an additional 400 square kilometres.

In Greece, the population also comprises two distinct nuclei. The first still survives in the north-west of the country, in the western part of the Rhodope range on the Bulgarian frontier. The second is found in the north-west of the country along the Albanian and Yugoslav frontiers, and occupies the southern and central part of the Pindus, between Epirus, Macedonia and Thessaly. This population, which extends up to a latitude of 40° north, is the southernmost population in Europe.

B.2. POPULATION

The population in the Cantabrian Cordillera numbers approximately 70 individual bears in its western nucleus and between 13 and 20 in its eastern nucleus, giving a maximum total number of 90 individuals. This population is declining.

In the Pyrenees the western nucleus, according to the latest estimates, comprises approximately 14 individuals, while the central-eastern nucleus numbers between 6 and 8. The decline has not been checked.

The Trentino population comprises between 12 and 15 individuals.

The population in the Abruzzi National Park and neighbouring territories consists of between 70 and 80 individuals and appears to be relatively stable.

The number of brown bears in Greece is not known but an estimated figure of more than 200 individuals in all is likely. The population is seriously threatened and in decline.

The Community population can therefore be estimated at approximately 400 individuals.

B.3. HABITAT

The ecology of the bear makes it a specialist in forestry. It lives in deciduous and mixed forests, principally of mountain type and, particularly in the Community, beech woods (in the Pyrenees, Mediterranean mountain areas and the Balkans), beech and fir forests and acidophile oak woods in the Pyrenees and Galnicia.

9. These forests should preferably be characterized by convoluted rocky formations (caves), be free from disturbance or over-intensive activity by man and furnish adequate food supplies. When they move from one valley to another, bears prefer to use forest gullies.

Bears occasionally come out into the open, mainly in spring and autumn in mountain grassland or brushwood.

Bears are omnivorous in their feeding habits. They generally go for the most easily accessible source of food and on occasion go so far as to feed on cattle or honey and larvae taken from beehives; this is when they come into conflict with man.

B.4 FACTORS IN THEIR DECLINE

The chief factor in the disappearance of the bear still seems to be the deliberate destruction of the animal either by the owners of beehives or herds of cattle, as a reprisal for damage, or by poachers interested in taking trophies (this is the main threat in Spain: there were 9 cases in 1986) or in taking the skin for use in the fur trade. Another over-frequent occurrence is when a bear is killed by a hunter in a fit of panic during a boar hunt involving a battue.

A less obvious but equally important phenomenon is the alteration and destruction of the habitat (by tree-felling and afforestation) and disruption caused by tourism, hunting and arboriculture, which concentrate populations and increase their vulnerability.

There are, of course, some protected zones but they very often cover too small a surface area or are not free from disturbance, owing, among other things, to a lack of supervision.

The relative importance of the causes of destruction varies from one place to another.

C. COMMUNITY ACTION TO PROTECT BEARS

C.1 BACKGROUND

In 1987, in view of the alarming state of the populations in the case of certain large mammals, the Commission of the European Communities decided to launch a study programme into the state of the species concerned and to draw up programmes to conserve them.

The brown bear and pardel lynx were chosen for priority treatment as being in need of emergency conservation measures. The study was carried out by the Royal Belgian Institute for the Natural Sciences (IRSNB), which spent a year consulting experts and people already involved in conserving the species, pinpointing the actual reasons for the decline in numbers and selecting the specific steps which urgently needed to be taken. In the case of the bear, a preliminary programme coordinated by the IRSNB was started in Greece and Italy in November 1987.

C.2. DESCRIPTION OF THE 1987-1988 COMMUNITY PROGRAMME

Greece:

The species has been protected in Greece since 1969 but its protected status has not halted its decline.

Given the scanty knowledge as to the real population position and the repeated cases of deliberate destruction of the animal, there was an urgent need to put forward a national programme to conserve the brown bear.

This programme is being carried out by the Ministry of Agriculture, which coordinates the activities of the forestry services, the Hellenic Society for the Protection of Nature and the Royal Belgian Institute for the Natural Sciences, which have assigned to the project two researchers specializing in the brown bear in Greece and Europe.

The most urgent tasks were to ascertain exactly where the species is distributed and the causes for its decline on a region-by-region basis, while already taking specific action to prevent the deliberate destruction of bears either by poachers or by beekeepers and farmers whose property has been damaged. The whole enterprise is backed up by an extensive consciousness-raising campaign.

The Greek programme, then, is organized round the following four main points:

(a) a distribution study:

Very little is known about bear distribution in certain areas; this still has to be ascertained. Five warden-researchers have been assigned for this purpose, and to keeping a watch on the sensitive areas, by the Ministry of Agriculture. They gather information concerning the presence of bears and evaluate any problems which may arise in connection with their presence by means of a questionnaire, meetings with people or direct observation of the species.

This investigation should lay the foundations for other conservation work, namely the guarding of sensitive areas, the establishment of a beehive protection system and the introduction of a procedure for designating new protected zones.

(b) the establishment of a beehive protection system:

Where damage to this form of property is suspected of being the main cause of bear destruction, an appeal has been made to beekeepers who would be interested in having their beehives protected by an electric fence.

Large numbers of people have responded to this appeal, thereby demonstrating their desire to play an active part in promoting the bear protection campaign.

Ten sites have been selected on the basis of actual damage caused, the interest shown by owners and an even geographical distribution. Ten of these sites are in the Pindus region and two in the Rhodope Mountains. Fencing has been put up by the forestry services and researchers and is starting to be operational.

Field teams will monitor the effectiveness of these fences. If the experiment proves fruitful, it will be taken up and taken further by the Ministry of Agriculture's Forestry Services.

(c) increasing the numbers of wardens and the procedure for establishing new protected zones:

Over and above these specific, ad hoc measures, action was urgently needed to combat the more diffuse, less easily determined threats posed by poaching, modification of the habitat and frequent disruption. The bear is to be found in the Vicos/Aoos, Pindus and Prespa National Parks and the Rhodope 'national monument'.

From July to December, which covers the period of maximum bear visibility and the hunting season, the numbers of wardens will be supplemented by, among others, the five warden-researchers recruited for the programme. They will keep a very strict watch on the abovementioned areas and any other sensitive area identified by the investigation. This is also a pilot operation, which, if it is a success, will be taken over by the Ministry of Agriculture's Forestry Services.

The most sensitive areas should be given protected status.

(d) consciousness-raising campaign:

Apart from the traditional causes of the decline in numbers, the main problem which has to be faced is the lack of information supplied to the people concerned or even those who might potentially have a part to play in the protection programme.

From the very outset, therefore, the Ministry of Agriculture presented the programme on radio and television and in the press while organizing frequent meetings with the local authorities involved in the measures to be taken to ensure the cooperation of local communities in the various stages of the project (investigation, fencing and guarding).

Posters and leaflets setting out the problems associated with bear protection in Greece are ready to be distributed by the teams responsible for investigating and guarding the sensitive areas. Besides, the presence of these teams in the field and their frequent contacts with local people are already having a considerable effect in terms of developing a positive attitude among them towards the animal and improving their knowledge of it.

Furthermore, the Ministry of Agriculture has displayed a willingness to put a stop to the activities of keepers of dancing bears; this is still a widespread practice in Greece. Thus, a dancing-bear keeper was arrested in Athens at the beginning of 1988.

Italy:

More information is available about the Italian bear population. The establishment of the Abruzzi National Park in the Apennines seems to have had a positive effect on the population level.

The aim of the programme coordinated by the IRSNB and carried out by the Lega per l'Ambiente is to extend the protection which the park guarantees in its own territory to cover the neighbouring areas. Bears which leave and live outside the limits of the Abruzzi National Park no longer enjoy any protection and fall easy prey to poachers and hunters in the course of wild boar hunts or have to be perpetually on the move to keep out of the way of the increasingly intensive and disruptive presence of man. What is more, as they move about, they regularly fall victim to accidents involving vehicles.

To try to guarantee them some protection outside park territory, it must be made possible for bears to stay in the areas which are least disturbed by man and thus avoid their having to make the journeys which lead to their deaths.

Two people have been taken on under the Community programme and are responsible for tracing out the areas occupied by bears outside the park and determining, on a case-by-case basis, what the problems associated with protecting the species are and what solutions to apply to them. The areas occupied by bears would appear to be more numerous and more extensive than was originally thought. The main threat is still the constant disruption by man.

In the most suitable areas, the habitat is to be improved by sporadic plantings of fruit trees or food crops (carrots, maize) on an ad hoc basis. There are also plans to make up for any food shortages by establishing temporary food dumps. It is of course vital not to make bears dependent on these alternative sources or to put them too easily at risk from poachers.

As in Greece, the protective measures being carried out in Italy are being backed up by a broad consciousness-raising campaign directed at the public.

C.3 THE SITUATION IN FRANCE AND SPAIN

France:

Bears have been protected in France since 1962, but the population has been in continual decline and there are fears that the species may disappear completely in the next few years.

In 1984 the French Government launched the 'Bear Plan' under the control of the Ministry for the Environment. Its aim is clear. A large enough bear population must be re-established in the French Pyrenees to ensure that the species can survive under its own momentum despite accidents. The plan comprises active measures to help shepherds, compensation and negotiation with hunters and foresters and provides for action to carry out detailed zoning of bear areas. The strategy can be easily defined: locally-elected representatives, foresters and shepherds must want bears to be there rather than merely put up with them. Maintaining living conditions suitable for the species would be a priority. Other measures such as feeding or restocking would seem, on the face of it, to be less urgent and, at least on the local level, would require the causes of fatalities to be assessed. These measures are a vital first step towards bear protection. They must be extended and refocused on combating the main threat which, in the long term, is still habitat alteration and human penetration into bear areas, firstly by developers who clear forest paths and then by local people or tourists who take advantage of this easy form of access.

If this is to be achieved, action must be taken to set up an administrative or legislative body whereby genuine consultation can take place between locally-elected representatives, developers and protectors as regards the management and exploitation of the last mountain ranges occupied by bears; such consultation is the only long-term way of guaranteeing that the species will be protected in the Pyrenees.

In parallel with this, specific measures need to be devised without delay to exercise more effective control on poaching or abuses during battues, which make survival problems even more acute, and to improve the food situation (bears sometimes have difficulties finding food) or the reproductive capacity of the colonies (some authors claim that the effects of a shortage of females act in conjunction with those of a population on the threshold of extinction). The feasibility of artificial feeding operations or ad hoc restocking of populations must therefore be looked into.

In the final analysis, the crying need is for a way of developing tourism which can be reconciled with the presence of bears or, still better, is geared to their presence, while at the same time guaranteeing complete protection for the most sensitive or most visited areas.

Spain:

Bear-hunting has been banned since 1965. A decree, issued in 1974 and still in force today, classified bears as a strictly protected species.

As far as direct protection of the species is concerned, the Asturias region took specific steps in setting up a system of compensation for damage as early as 1984. The system was set up by an NGO, FAPAS (Fondo en Asturias para la Proteccion de los Animales Salvajes) (Asturias Fund for Protection of Wild Animals), and was later taken over by the regional administrative authorities. This is a system of financial compensation for damage caused by bears to cattle, beehives or crops. The effect of this measure is to deter local people from putting bears down as soon as they suspect them of having caused damage.

Moreover, the regional authorities, in some cases in conjunction with the State and the Universities, are making great efforts to set up research programmes as a basis for the establishment of scientific plans to save the species.

Adequate legislation exists but, through lack of control, is more or less disregarded. The means of control must therefore be provided. This particularly relates to problems associated with hunting (here too large numbers of bears are killed accidentally during battues or deliberately by poachers) and to problems linked with combating other predators such as foxes or wolves. The damage caused by wolves is indistinguishable from that caused by bears and does not give rise to compensation. This unfortunately leads to non-selective methods of combating this predator (with the use of poison and snares or by burning down forests where the animals take shelter). These non-selective methods are very harmful to bears (there are frequent cases of bears being poisoned by ingesting strychnine). There would therefore seem to be a need to extend compensation to cover all forms of damage, which will have the effect of limiting the use of non-selective combating measures. If deemed necessary, what is more, arrangements can be made for measures to regulate wolf populations (by planned shooting, for example). There must be a plan to harmonize bear protection and wolf population management in the Cantabrian Cordillera.

As far as protecting habitats is concerned:
The studies and research carried out into the Cantabrian bear are an adequate foundation for forestry management compatible with maintaining the species. The ecology of the animal equips it for forest living to an exceptional degree, which means that forests need to be exploited extensively, i.e. lightly and with a minimum of disturbance, this being a way of conserving natural or almost natural forests. Any exploitation of such forests must be strictly controlled and, if it is to be acceptable, it must spare at least part of the total habitat area. There must be a ban on cutting down fruit trees in the arborescent layer and on pulling up raspberry and strawberry beds. In the case of some particularly important forests which cannot tolerate even minimum exploitation, arrangements must be made to pay financial compensation. Action must also be taken to step up forest and brush fire prevention.

Impact studies must be carried out in respect of all new forestry paths, varied forms of infrastructure such as electric cables, irrigation works and ski-slope construction in the most sensitive areas.

To avoid causing bears to move from place to place in a way abnormal to them in the particularly critical pre-hibernation periods, any disruption in areas which they are known to occupy must be avoided.

Food dumps on isolated sites in forests could also be kept stocked with animal carcases, or fruit trees and small beds of crops could be planted for the benefit of bears.

People living in the areas should also be educated, with priority going to those who come into contact with bears directly, while tourist activities compatible with or even centred on bears need to be developed, provided that they do not have an adverse effect on conservation work.

D. PROPOSALS FOR A FUTURE STRATEGY

The biology of the bear in the European Community, as well as its requirements and population levels, are (comparatively) well known. Some information, however, is still needed as to population distribution and levels in the south-eastern part of the Community. This is one of the objectives of the Commission's programme financed in 1988 and coordinated by the Royal Belgian Institute for the Natural Sciences.

On the basis of what is already known of the requirements of the species and the problems it faces, we can make the following recommendations:

1. Preservation and reservation of bear zones.
Forests and the open areas in the immediate vicinity are the main habitat for bears. These only subsist in the least disrupted and least populated areas. The nucleus areas, i.e. the areas in which bears hibernate and/or reproduce, must be fully protected. Outside nucleus areas, plans for managing the forest environment must without fail take account of bears.

Before any new infrastructure is set up, an impact study must be carried out, especially as regards installing new ski-slopes, irrigation dams and forest paths.

Forest and brush fire prevention must be stepped up. In some places consideration also needs to be given to the possibility of making ad hoc improvements to the habitat or to the need for providing extra food supplies (by planting fruit trees, leaving food dumps, etc.).

In some regions a properly designed rural development plan may be preferable to establishing a nature park.

2. Some prevention and compensation systems have a positive effect on the survival of the species. They should become general practice throughout the regions inhabited by bears, with due regard for regional peculiarities. The regions where bears live could be given least-favoured zone status, which would entitle them to receive financial aid.

Certain types of activity which benefit bears should also be encouraged possibly by means of financial inducements. The methods and administrative structures to be introduced must be determined on a case-by-case basis. In some regions a plan which harmonizes bear protection with wolf population management should be drawn up.

3. A system of wardens must be established to cut down disruption as far as possible. Wardens will be assigned to keeping a check on poaching, they will keep track of wild boar hunts and be responsible for supervising sensitive areas and any feeding centres which may be set up.

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This report has been drawn up in close cooperation with the Royal Belgian Institute for the Natural Sciences. The rapporteur offers his cordial thanks to Marie-des-Neiges Van der Elst and her associates.

11.

Wolf conservation

- Resolution voted in Parliament on 17 February 1989
  (OJ not yet available)

- Explanatory statement of report drafted by Mr C. **GRAZIANI** (COM-I)
  (Doc. A2-0377/88)

Doc. A2-377/88

RESOLUTION

on wolf conservation

The European Parliament,

- having regard to the motion for a resolution by Mr Staes on the protection of wolves in British Columbia (Doc. B 2-0639/88),

- having regard to its resolution of 17 February 1989 on the protection of brown bears in the Community (1)

- having regard to its resolution of 12 October 1988 on the implementation of the Berne Convention (on the conservation of European wildlife and natural habitats) and the Bonn Convention (on the conservation of migratory species of wild animals) in the European Community (Doc. A 2-0179/88), (2)

- having regard to the provisions of the Fourth Environmental Action Programme for conservation of wild fauna and the genetic inheritance,

- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A 2-0377/88),

A. whereas the wolf, like all wild species, has a right to exist in the wild state since it is part and parcel of the natural ecosystem,

B. whereas the wolf, as one of the major and most adaptable predators of big game in the northern hemisphere, has been a key factor in the evolution of prey animals,

C. whereas the species Canis lupus is divided into distinct subspecies genetically adapted to particular environments and whereas its disappearance from those environments entails an unacceptable disruption of the ecological balance,

D. whereas the total number of wolves on Community territory is estimated at about 1500, concentrated in Spain, Portugal, Greece and Italy, while in the other Member States the species has been completely extinct for several centuries or a few decades,

E. whereas in Portugal the wolf is now a protected species, which can only be killed in very special circumstances, with authorization of Serviço Nacional de Parques, Reservas e Conservação da Natureza; the wolf is, nevertheless, still killed illegally and still appears to be dwindling unremittingly, except in very few small areas and so the reinforcement of the protection measures is necessary,

F. whereas the prejudices and the sinister legends which, from time immemorial, have been associated in man's mind with the wolf are, in large measure, based more on fantasy than on a true picture of the facts,

G. whereas among the major causes of extinction, apart from hunting by man, and destruction of habitats (deforestation), is the extermination of the species providing natural prey, with the result that wolves come to feed on the rubbish that piles up in dumps on the edges of human settlements and are laid open to the risk of further conflicts with human beings because of the damage caused to human activities,

(1) Part II, item 7 of these minutes
(2) OJ C 290, 14.11.1988, p.54

H. whereas the massive presence, especially in Europe's southern regions, of feral stray dogs, potential rivals to the wolf both for the few settlement areas available and as predators, is one of the factors giving greatest cause for concern as regards survival of the wolf, not least on account of crossbreeding resulting from mating with dogs,

I. whereas the wolf is a species whose biological characteristics militate against conservation within a single Member State; whereas the chances of success depend largely on Community-wide measures being devised and coordinated with neighbouring countries; whereas, therefore, the Community should adopt a programme of urgent measures for wolf conservation,

J. whereas, in the Member States, legal protection is either not enforced with due rigour or else not yet accorded on a permanent basis; and whereas, in particular, hunting is allowed in Portugal, where, in 1988, 15 wolves were killed,

K. whereas the wolf's cause is being taken up by certain sections of the public, and whereas, at international level, the IUCN-SSC Wolf Specialist Group is involved in devising conservation programmes and has drawn up a 'Manifesto on wolf conservation' and an Action Plan in which it identifies the priority measures required for each country,

L. whereas, as far as conservation of other endangered wild animal species is concerned, the pardel, or Spanish, lynx (Felix pardina), native to the Iberian Peninsula, is regarded as the most seriously endangered carnivorous species,

1. Believes that conservation of the wolf, its various subspecies, and European wolf populations is a corner-stone of the policies on conservation of species and habitats;

2. Believes, where Community territory is concerned, that the following measures must be adopted as a matter of particular urgency:

   (a) preparation of a global wolf conservation strategy for every Member State concerned so as to ensure survival of the species and minimize the spread of conflicts with human activities,

   (b) full legal protection, to be overseen by means enforceable at national level,

   (c) information and public education campaigns both for the layman and for specialist groups such as hunters, shepherds, and foresters,

   (d) reintroduction of large species providing natural prey - such as red deer, roe deer, and others - with enclosed artifical feeding points to be set up for limited periods,

   (e) management of forests and other wolf habitats taking due account of wolves' needs,

   (f) aids and subsidies (fencing, supply of shepherd dogs, tax relief, etc.) for stock-farmers in areas where the presence of wolves is accepted and wanted, and implementation of an effective compensation programme for the damage caused by wolves,

(g) control of feral stray dog populations,

(h) encouragement of scientific research related in particular to population ecology, behaviour and dynamics, local movements and changes in the distribution of wolves and the genetics of the various populations,

(i) implementation of a captive breeding programme to preserve populations whose numbers are already so depleted as to entail the risk of excessive inbreeding or extinction,

(j) a new Community agency where figures, information, and facts on the situation in the different Member States could be exchanged and made available to those interested and where Community measures and relations with non-Community countries could be coordinated;

3. Endorses the Manifesto on Wolf Conservation and the Guidelines on Wolf Conservation drawn up by the IUCN-SSC Wolf Specialist Group;

4. Calls on the Commission to draw up and fund an emergency Community wolf conservation programme with a view, among other things, to setting up a permanent study group which would be responsible for compiling figures and information on the presence and status of wolves in the various regions, arrange exchanges of experiences in the fields of management and conservation, work with the scientific backing and the support of the IUCN-SSC Wolf Specialist Group and provide the technical back-up required to resolve the conflicts associated with wolf conservation in the Member States;

5. Calls on the Member States to adopt all the measures required to implement the provisions of this resolution, to keep enforcement of current law to protect wolves closely under review and to strengthen the scientfic and administrative structures responsible for animal species conservation policy;

6. Calls on the Commission to continue its programme of urgent measures to ensure survival of the pardel lynx, this under the heading of Community measures for the environment;

7. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States and the international organizations concerned.

EXPLANATORY STATEMENT

In historic times the species Canis lupus was found in all parts of what is now the European Community and gradually spread eastwards to cover virtually the whole of the continent of Asia. Today the situation has changed radically, and the wolf has disappeared from most of its natural range. What is more, the prejudices and sinister legends that have always been associated in man's mind with the wolf have not completely died out, and this problem still gives rise to dangerous conflicts that pose a further threat to survival of the species.

Accounts of presumed attacks on humans exist in all the Member States, and it is not impossible that some such attacks actually took place in the past, especially in the years when rabies in both domestic and wild animals was endemic in Europe. What is certain is that there has been no instance of an attack by a wolf on humans in recent decades, when it would have been possible to prove the matter by means of clear documentary evidence.

1. Distribution of the species in Europe

In 1988 the species is still found in some Member States and certain Eastern European countries. The situation of these small populations is not static but evolving continually, governed by dynamics which have to be grasped in order to appreciate the need for action.

1.1. Iberian Peninsula

The Iberian Peninsula still has a numerically large population, and the specimens found there belong to a clearly defined subspecies (Canis lupis signatus). The total number of wolves in Spain is roughly estimated to be between 500 and 1000, spread over the Autonomous Communities of Andalusia, Extremadura, Castille-Leòn, Asturias and Cantabria. The greatest number of specimens, however, is to be found in the Castille-Leòn region. The species is not fully protected throughout Spain and is instead afforded only partial protection in some lower-density regions; in the other regions it is classed as game and hunted.

In the northern part of the Iberian range, wolves live in a region straddling the borders of Spain and Portugal: in Portugal itself the position is alarming, with just 100 - 150 specimens still to be found in the north-eastern regions. The fall in population throughout the peninsula has been continuous since the first decades of this century, when the species was still abundant: direct persecution, sometimes with state backing, and the spread of human settlements, with the resulting destruction of suitable habitats, slowly drove wolves to flee to the comparatively deserted mountains.

Though signatories to the Berne Convention (conservation of European wildlife and natural habitats), Spain and Portugal have invoked Article 9 to request a waiver in respect of, of all species, the wolf. Indeed, the wolf population is hunted illegally, using poison and in organized beatings, and still appears to be dwindling unremittingly, except in very few circumscribed areas.

The situation in the Iberian Peninsula has been investigated in a number of scientific research projects: an initital research project on the ecology of the wolf was carried out in Portugal in 1983-4, and research is to resume in the next few years. Similar research is being launched in Spain, using collars fitted with radio transmitters to keep track of the animals to be studied.

1.2. Italy

The fate of wolves in Italy has been the subject of scientific research and attention since 1973, when an initial census revealed a population of about 100. Intensive study of animals fitted with radio transmitters provided sufficient scientific know-how to implement a first action programme. As a result of these measures, the population has increased to the present figure of about 250 - 300 and has greatly widened its range. The wolf was made a protected species under national Law No. 77/968, and protection extends over the whole of Italy. In practice, wolves are still hunted and killed illegally with poisoned bait or in beatings. It is currently estimated that some 15 - 20% of the total population die by human agency. This has not prevented the spread of the species, especially to the northern Appennine regions, helped also, perhaps, by the animals set free by private individuals seeking in that way to get rid of the nuisance of a puppy bought on impulse. The conflict with stock-farming is relatively under control in areas where wolves have traditionally been found and where they and shepherds have evolved a kind of coexistence: on the other hand, in areas that have seen the advent or return of wolves after years of absence, the conflicts are much more acute because, in the intervening period, farmers have switched to systems that cannot operate where there are predators (grazing in the wild).

After reaching an all-time low in the 1960s and 1970s, the wolf population today seems to have recovered some numerical ground but nevertheless remains dangerously depleted, especially when viewed in relation to the vast, fragmented, and changing distribution area and the constant human intervention to keep numbers in check.

1.3. Greece

Very little is known about wolves in Greece, and not even rough estimates are available. To make a deduction, there are probably a few hundred specimens (less than 500) spread over the country's northern regions. The species is not fully protected in law and, in any case, is not protected in fact.

1.4. Other Member States

The wolf has been extinct in the other Member States for several centuries, as in the case of the United Kingdom and the Netherlands, or a few decades, as in the case of France and Germany. Central Europe has had the advantage of proximity to the Eastern European countries, where the species is still found and from where some specimens have migrated westwards. Economic, social, and, above all, psychological reasons have led to a greater degree of anti-wolf feeling than has been seen in the other, southern, Member States. In Bavaria, in 1975, a number of wolves escaped from an enclosure in the Bavarian National Park, and the response of the public and the authorities was immediate: the escaped animals were killed, and the opposition of those who maintained that natural predators in a protected area did not constitute a danger was to no avail.

In the winter of 1987-8 a wolf was killed in France, close to the Italian border, and it is not clear whether the animal had been set free by some private individual, or had escaped from a nearby zoo, or was part of the free-roaming Italian populations. In fact, it was killed immediately, not least because, for the purposes of French law, the species does not exist and is therefore not protected.

1.5. Sweden and Norway

The Scandinavian peninsula currently has a small population of wolves amounting to a single family (less than 10) that lives in a small area straddling the frontier between Norway and Sweden in the centre of the peninsula. Where the parent animals of this little family originally came from is not known, but Finland is the most likely possibility. The species is fully protected in both countries, but some of the few animals living there have nevertheless been killed, even recently, by local farmers and hunters. The family is constantly monitored by scientific and technical personnel from the two countries.

1.6. Eastern Europe

The estimated population in Finland is about 250, and the species is not protected. The Finnish population is an offshoot of the much larger population that lives in Karelia (Soviet Union), and, indeed, many animals migrate to Finland every year, thus repopulating the country.

In the Soviet Union, taking the European regions only, the estimated population is about 2000 wolves, which are hunted intensively, even in the protected areas.

In Romania estimates speak of about 2000 wolves, which are not protected.

Estimates in Poland, which are reasonably accurate, put the population at 900 animals, which are partly protected and hunted as game.

In Czechoslovakia the population is estimated at just under 100, and there is some overlapping with the Polish populations. In Bulgaria, too, estimates put the figure at 100 specimens, again unprotected.

The population is Yugoslavia is larger, an estimated 2000 - 5000, but falling and depleted by hunting.

All in all, even if the total numbers might seem high, the populations are scattered, are hunted, often indiscriminately, frequently falling rapidly, and therefore endangered.

2. Threats to survival

Despite the full or partial protection systems, the wolf in Europe is a seriously endangered species. The threat of a further fall in the populations and ultimate extinction stems from the following main factors:

(a) (Legal or illegal) direct hunting

Wolves are killed not just by farmers or rural dwellers who have suffered damage but also by hunters and poachers who seemingly have no reason to bear a grudge. The use - still indiscriminate in many regions - of poisoned bait increases the number of deaths.

Frequently, it is general public hostility that is used to justify such actions, and the prime cause of these killings is therefore still to be sought in the wolf's wretched image in the eyes of the public.

(b) Destruction of habitats and lack of natural prey

Wolves can live at any altitude and in a wide variety of habitats, but in Europe it seems that wide expanses of forest are required in order to provide sufficiently safe places of shelter for packs. Destruction of and excessive interference with woodlands and forests consequently drive wolves out.

The existing protected areas in Europe count for virtually nothing in terms of effective conservation of the species: indeed, they are too small to provide protection for anything more than a few specimens.

In many of the existing wolf ranges, especially in Italy, the near total disappearance of the large species providing natural prey (red deer, roe deer, and other large hoofed animals) forces wolves to feed mainly on the rubbish dumped on outdoor tips on the outskirts of towns and villages. In so doing, however, they run an additional risk of approaching human dwellings and coming still further into conflict with human activities.

(c) Competition with stock-farming

For over 2000 years literature has told of the struggle between man and wolf for possession of domestic animals. Herds, especially sheep but also horses and cattle, are easy targets for attacks by wolves, which can cause considerable damage even in a short time. In outdoor farming areas in particular, with many animals grazing in the wild, the chances of an attack increase and, with them, the scale of the possible damage. Shepherds and wolves that have lived side by side for centuries have come to know each other and have evolved modes of behaviour that effectively limit the scale of the damage: in Abruzzo and in the Portuguese mountains shepherds have only small flocks to take to graze and look after - and are invariably aided by powerful looking guard dogs. However, where farming has shaken off these traditional ways, the damage immediately becomes greater. Some governments, including those of Italy and the Scandinavian countries, pay compensation to those who have suffered damage, but the procedures are still far from satisfactory. As a result, shepherds attempt to find a solution by themselves, by unlawfully doing away with the predator.

(d) Feral stray dogs

The southern regions of Europe are infested with feral stray dogs that live not just in urban environments but also in the mountain areas where wolves are still found. In Italy, where an in-depth survey has been carried out, some 800 000 dogs can be said to be roaming free, either as strays or as being completely feral or as belonging to an owner but not kept under tight control. Like wolves, this dog population damages livestock by attacking and killing domestic animals; it fights with wolves for the last undisturbed areas and to be the unchallenged predator; it can mate with wolves, producing fertile but morphologically 'hybrid' young, leading,obviously, to destruction of the wolf. The problem of feral stray dogs is the factor giving greatest cause for concern as regards survival of the wolf.

(e) Genetics of the small populations

Seriously depleted populations, if widely scattered, as wolves are in many of their ranges, and especially if members of a species that observes complex and, where breeding is concerned, hierarchical modes of behaviour, restricting genetic input to a few individuals, run major risks of debasement of their genetic inheritance, particularly in terms of variability. The progressive fall in numbers of many wolf populations and their isolation from the rest of the species serve to increase the risks of extinction.

3. Current conservation measures

Beyond the legal safeguards that extend to some populations, there is a degree of low-key public support in defence of the wolf: this takes the form of appeals and demonstrations staged by ad hoc and other groups which exert political pressure and are active in publicity work.

Legal protection is either not yet accorded on a permanent basis, even to the small populations in Portugal and Spain, or, and above all, is not enforced with due rigour in the countries where it does exist.

Furthermore, no country to date has considered the option of a protection system graduated according to areas, specifically according to the different existing environmental conditions and the various prospects for development of stock-farming: a proposal to that effect exists in Italy but has never been implemented by the national authorities.

Scientific research has been given a boost by the multiannual programmes in Italy, Portugal and, now, Spain. In the Scandinavian countries successive developments have been monitored continuously.

In Italy a major captive breeding programme is about to get under way with the aim of preserving 90% of the genetic variability of the Italian populations for at least 200 years: this is an ambitious programme to back up the conservation measures for populations in the wild which will seek to preserve a genetic inheritance untainted by crossbreeding with dogs, the introduction of foreign animals, and localized instances of extinction, which even now are a constant occurrence.

Financial liability of national and/or regional governments for the damage to stock-farming caused by wolves is crucial to any conservation programme but, in practical terms, does not yet operate satisfactorily, at least not in Italy, especially as regards the time taken to assess the damage and pay out settlements.

Control of feral stray dogs is fiercely opposed by animal welfare organizations, and, as yet, no action is being taken.

At international level, the IUCN-SSC has a Wolf Specialist Group which keeps the problems of conservation of the species under review from a world perspective and provides practical assistance in the form of surveys and conservation programmes, as well as stating its views on both the problems of controlling wolves and the conflicts with human activities. This group has drawn up a Manifesto on Wolf Conservation and an Action Plan identifying the priority measures required for each country. The manifesto, the guidelines, and two tables summarizing the status of the wolf and the priority measures for Community Member States and neighbouring countries are attached to this report.

4. Conservation measures required

The following measures apply to all Member States, while other more specific measures should be taken at national level:

(a) full and permanent legal protection over the whole of Community territory, to be overseen, where appropriate, by national personnel, on the basis of a species management strategy which, however conceived, provides for conservation of the species at national level;

(b) information and public education campaigns both for the layman and for specialist groups such as hunters, shepherds, and foresters;

(c) reintroduction of large species providing natural prey, such as red deer, roe deer, and others. It ought to be possible to provide for and set up enclosed artificial feeding points for limited periods in order to encourage wolves to settle in given areas while they are being repopulated with suitable prey species;

(d) management of forests and other wolf habitats taking due account of wolves' needs;

(e) aids and subsidies for stock-farmers (fencing, supply of shepherd dogs, tax relief, etc.) in areas where the presence of wolves is proven and wanted. Implementation of an effective compensation programme for the damage caused by wolves;

(f) control of feral stray dog populations;

(g) encouragement of scientific research related in particular to population ecology, behaviour, and dynamics and local movements and changes in the distribution of wolves. In addition, the genetics of the various populations should be studied in more detail;

(h) implementation of a captive breeding programme to preserve populations whose numbers are already so depleted as to entail the risk of excessive inbreeding or extinction;

(i) preparation of a wolf conservation strategy for every country so as to ensure survival of the species and minimize the spread of conflicts with human activities. It will be useful in this connection to identify the areas of vital interest to the wolf and consider the possibility of varying the conservation measures proposed above on the basis of a global strategy. Similarly, it will eventually be possible to abandon blanket protection in favour of a more flexible form of management in terms of time and space;

(j) a new Community agency where figures, information, and facts on the different situations in Europe could be exchanged and made available to those interested and where measures at European level and relations with the Eastern European countries could be coordinated. The wolf is a species whose biological characteristics militate against conservation within a single Member State, but the chances of success increase if measures are planned on a Community scale.

ANNEX II

IUCN/SSC WOLF SPECIALIST GROUP

I. MANIFESTO ON WOLF CONSERVATION

Declaration of Principles for Wolf Conservation

1. Wolves, like all other wildlife, have a right to exist in a wild state. This right is in no way related to their known value to mankind. Instead, it derives from the right of all living creatures to co-exist with man as part of natural ecosystems.

2. The wolf pack is a highly developed and unique social organisation. The wolf is one of the most adaptable and important mammalian predators. It has one of the widest natural geographical distributions of any mammal. It has been, and in some cases still is, the most important predator of big-game animals in the northern hemisphere. In this role, it has undoubtedly played an important part in the evolution of such species and, in particular, of those characteristics which have made many of them desirable game animals.

3. It is recognized that wolf populations have differentiated into sub-species, which are genetically adapted to particular environments. It is of first importance that these local populations be maintained in their natural environments in a wild state. Maintenance of genetic purity of locally adapted races is a responsibility of agencies which plan to reintroduce wolves into the wild as well as zoological gardens that may provide a source for such reintroductions.

4. Throughout recorded history man has regarded the wolf as undesirable and has sought to exterminate it. In more than half of the countries of the world where the wolf existed, man has either succeeded, or is on the verge of succeeding, in exterminating the wolf.

5. This harsh judgement on the wolf has been based, first on fear of the wolf as a predator of man and, second, on hatred because of its predation on domestic livestock and on large wild animals. Historical perspectives suggest that to a considerable extent the first fear has been based on myth rather than on fact. It is now evident that the wolf can no longer be considered a serious threat to man. It is true, however, that the wolf has been, and in some cases still is, a predator of some consequence on domestic livestock and wildlife.

6. The response of man, as reflected by the actions of individuals and governments, has been to try to exterminate the wolf. This is an unfortunate situation because the possibility now exists for the development of management programmes which would mitigate serious problems, while at the same time permitting the wolf to live in many areas of the world where its presence would be acceptable.

7. It is recognised that occasionally there may be a scientifically established need to reduce non-endangered wolf populations; further it may become scientifically established that in certain endangered wolf populations specific individuals must be removed by appropriate conservation authorities for the benefit of the wolf population. Conflict with man sometimes occurs from undue economic competition or from imbalanced predator-prey ratios adversely affecting prey species and/or the wolf itself. In such cases, temporary reduction of wolf populations may become necessary, but reduction measures should be imposed under strict scientific management. The methods must be selective, specific to the problem, highly discriminatory and have minimal adverse side effects on the ecosystem. Alternative ecosystem management, including alteration of human activities and attitudes and non-lethal methods of wolf management, should be fully considered before lethal wolf reduction is employed. The goal of wolf management programmes must be to restore and maintain a healthy balance in all components of the ecosystem. Wolf reduction should never

result in the permanent expiration of the species from any portion of its natural range.

8. The effect of major alterations of the environment through economic development may have serious consequences for the survival of wolves and their prey species in areas where wolves now exist. Recognition of the importance and status of wolves should be taken into account by legislation and in planning for the future of any region.

9. Scientific knowledge of the role of the wolf in ecosystems is inadequate in most countries in which the wolf still exists. Management should be established only on a firm scientific basis, having regard for international, national and regional situations. However, existing knowledge is at least adequate to develop preliminary programmes to conserve and manage the wolf throughout its range.

10. The maintenance of wolves in some areas may require that society at large bear the cost, e.g. by giving compensation for the loss of domestic stock; conversely there are areas having high agricultural value where it is not desirable to maintain wolves and where their introduction would not be feasible.

11. In some areas there has been a marked change in public attitudes towards the wolf. This change in attitudes has influenced governments to revise and even to eliminate archaic laws. It is recognised that eduction to establish a realistic picture of the wolf and its role in nature is most essential to wolf survival. Education programs, however, must be factural and accurate.

12. Socio-economic, ecological and political factors must be considered and resolved prior to reintroduction of the wolf into biologically suitable areas from which it has been extirpated.

II. GUIDELINES ON WOLF CONSERVATION

The following guidelines are recommended for action on wolf conservation.

A. General

1. Where wolves are endangered regionally, nationally or internationally, full protection should be accorded to the surviving population. (Such endangered status is signalled by inclusion in the Red Data Book or by a declaration of the Government concerned.)

2. Each country should define areas suitable for the existence of wolves and enact suitable legislation to perpetuate existing wolf populations or to facilitate re-introduction. These areas would include zones in which wolves would be given full legal protection, e.g. as in national parks, reserves or special conservation areas, and additionally zones within which wolf populations would be regulated according to ecological principles to minimize conflicts with other forms of land use.

3. Sound ecological conditions for wolves should be restored in such areas through the rebuilding of suitable habitats and the re-introduction of large herbivores.

4. In specifically designated wolf conservation areas, extensive economic development likely to be detrimental to the wolf and its habitat should be excluded.

5. In wolf management programmes, poisons, bounty systems and sport hunting using mechanized vehicles should be prohibited.

6. Consideration should be given to the payment of compensation for damage caused by wolves.

7. Legislation should be enacted in every country to require the registration of each wolf killed.

B. Education

A dynamic educational campaign should be promoted to obtain the support of all sectors of the population through a better understanding of the values of wolves and the significance of their rational management. Public information should be coordinated and should be implemented with the help of professionals. Specific tools and approaches should be designed for different cultural and social settings.

C. Tourism

Where appropriate, general public interest in wolf conservation should be stimulated by promoting wolf-related tourist activities. (Canada already has such activities in some of its national and provincial parks.)

D. Research

Research on wolves should be intensified, with particular reference to:

(a) Surveys on status and distribution of wolf populations;

(b) Studies of feeding habits, including especially interactions of wolves with game animals and livestock;

(c) Investigations into social structure, population dynamics, general behaviour and ecology of wolves;

(d) Taxonomic work, including studies of possible hybridization with other canids;

(e) Research into the methods of reintroduction of wolves and/or their natural prey; and

(f) Studies into human attitudes about wolves and on economic effects of wolves.

E. International Cooperation

A programme of international cooperation should be planned to include:

(a) Periodical official meetings of the countries concerned for the joint planning of programmes, study of legislation, and exchanging of experiences;

(b) A rapid exchange of publications and other research information including new techniques and equipment;

(c) Loaning or exchanging of personnel between countries to help carry out research activities; and

(d) Joint conservation programmes in frontier areas where wolves are endangered.

REGION	MAIN PREY	SUBSPECIES	REASONS FOR REDUCTION
Norway	moose, reindeer, roe deer	lupus	persecution
Sweden	moose, reindeer	lupus	persecution
Finland	moose, reindeer, white-tailed deer	lupus	persecution
Greenland	musk-oxen, caribou	orlon	persecution
USSR (Europe)	ungulates & livestock	lupus, albus, campestris, chanco	persecution
Poland	(moose) roe deer, red deer, wild boar	lupus, campestris	persecution, habitat destruction
CSR	(moose) roe deer, red deer, wild boar, mufflon	lupus	persecution, habitat destruction
Romania	(moose) roe deer, red deer, wild boar, mufflon	lupus	persecution, habitat destruction
Bulgaria	(moose) roe deer, red deer, wild boar, mufflon	lupus	persecution, habitat destruction
Greece	deer, wild boar, chamois, livestock	lupus	persecution, habitat destruction
Yugoslavia	deer, wild boar, chamois, livestock	lupus	persecution, habitat destruction
Albania	?	lupus	?
Hungary	?	lupus	?
Italy	garbage, livestock	lupus	persecution, habitat destruction
Spain	livestock, red deer, roe deer, chamois, wild boar	signatus (lupus)	persecution, habitat destruction
Portugal	livestock, roe deer, wild boar	signatus (lupus)	persecution, habitat destruction
Central Europe	livestock, red deer, roe deer, chamois, wild boar	signatus (lupus)	persecution, habitat destruction

TABLE 1

REGION	POPULATION STATUS (1)	APPROX. NO.	FORMER RANGE	LEGAL STATUS	ACTIONS NEEDED (IN ORDER OF PRIORITY)
Norway	IV	< 10	< 10%	full protection	education, law enforcement, survey
Sweden	IV	< 10	< 10%	full protection	education, survey, research
Finland	III/IV	250	< 10%	no protection (north), game status, (east), protected (south)	protection, education, survey
Greenland	II/III	50?	?	?	survey, protection, law enforcement
USSR (Europe)	I	20,000	60%	protected in nature reserves only	management, education, research
Poland	I	900	90%	partial protection	protection, research, education
CSR	III/IV	100?	10%	no protection	protection, survey, research
Romania	II	2,000?	20%	no protection?	protection, survey, education
Bulgaria	III?	100?	?	?	survey, protection, education
Greece	I/II	> 500	60%	partial protection	management, research, education
Yugoslavia	II	2,000-5,000	55%	partial protection	management, research, education
Hungary	V	scarce	--	protection	survey, management, education
Italy	III	250	10%	full protection	captive breeding, management, law enforcement
Spain	III	500-1,000	10%	partial protection	law enforcement, research, education
Portugal	III	150	20%	partial protection	education, law enforcement, research
Central Europe	V	0	0%	no protection	protection, law enforcement, education

(1) Population status (Zimen): I = fully viable, II = phase of steep decline, III = lingering, low density population, highly threatened, IV = lone wolves or pairs only, highly endangered, V = extinct.

TABLE 2

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