



COMMISSION OF THE EUROPEAN COMMUNITIES

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98/0068 (CNS)

**PROPOSAL FOR A COUNCIL DECISION CONCERNING THE APPROVAL,
ON BEHALF OF THE COMMUNITY, OF AMENDMENTS TO APPENDICES II
AND III TO THE BERN CONVENTION ON THE CONSERVATION OF
EUROPEAN WILDLIFE AND NATURAL HABITATS ADOPTED AT THE 17TH
MEETING OF THE CONVENTION'S STANDING COMMITTEE**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Bern Convention concerns the conservation of European wildlife and natural habitats, an objective covered by Article 130r of the EC Treaty which relates to the preservation, protection and improvement of the quality of the environment.
2. The Community approved the abovementioned Convention by means of Council Decision 82/72/EEC.¹
3. The 17th meeting of the Bern Convention Standing Committee took place in Strasbourg from 1 to 5 December 1997.

Among other things, the Standing Committee decided to add new species to the Appendices to the Convention. The Community supported the inclusion of four species in Appendix II (strictly protected fauna species) and 22 species in Appendix III (protected fauna species).

4. In accordance with Article 17 of the Convention, any amendment to the Appendices shall enter into force for the Contracting Parties, with the exception of any which notify objections pursuant to paragraph 3 of that Article, three months after its adoption by the Standing Committee.
5. In the light of the above considerations, the Commission is proposing that the Council adopt the Decision annexed hereto, in order to update the lists of species benefiting from protection and/or management arrangements at Community level under the Bern Convention.

¹ OJ No L 38, 10.2.1982.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130r(4), the first sentence of Article 228(2), and the first subparagraph of Article 228(3) thereof,

Having regard to the proposal from the Commission,²

Having regard to the opinion of the European Parliament,³

Whereas the European Community is a Contracting Party to the Convention on the Conservation of European Wildlife and Natural Habitats by virtue of Council Decision 82/72/EEC of 3 December 1981,⁴

Whereas, thanks to decisive support from the Community, four species were added to Appendix II to the Convention and 22 species were added to Appendix III to the Convention at the 17th meeting of the Bern Convention Standing Committee held in Strasbourg from 1 to 5 December 1997; whereas the Commission took part in that meeting on behalf of the Community;

Whereas two of those species are covered by Council Directive 79/409/EEC on the conservation of wild birds⁵ and three of them are covered by Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;⁶

Whereas, in accordance with Article 17 of the Convention, any amendments to the Appendices to the Convention shall enter into force for all Contracting Parties, with the exception of any which notify objections pursuant to paragraph 3 of that Article, three months after its adoption by the Standing Committee;

² OJ ...

³ OJ ...

⁴ OJ No L 38, 10.2.1982, p. 1.

⁵ OJ No L 103, 25.4.1979, p. 1.

⁶ OJ No L 206, 22.7.1992, p. 7.

Whereas the Community must approve the said amendments to Appendices II and III to the Convention adopted at the 17th meeting of the Standing Committee in accordance with Article 17 of the Convention,

HAS DECIDED AS FOLLOWS:

Sole article

The inclusion of the species *Acipenser sturio*, *Puffinus yelkouan*, *Phalacrocorax aristotelis* (in the Mediterranean), and *Valencia leutourneuxi* in Appendix II to the Convention on the Conservation of European Wildlife and Natural Habitats, and of the species *Hippospongia communis*, *Spongia agaricina*, *Spongia officinalis*, *Spongia zimocca*, *Antipathes sp. plur.*, *Corallium rubrum*, *Paracentrotus lividus*, *Homarus gammarus*, *Maja squinado*, *Palinurus elephas*, *Scyllarides latus*, *Scyllarides pigmaeus*, *Scyllarus arctus*, *Epinephelus marginatus*, *Isurus oxyrinchus*, *Lamna nasus*, *Mobula mobular*, *Prionace glauca*, *Raja alba*, *Sciaena umbra*, *Squatina squatina*, and *Umbrina cirrosa* (all 22 species in the Mediterranean) in Appendix III to that Convention is hereby approved on behalf of the European Community.

Done at ...

For the Council

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