



EUROPEAN COMMISSION

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2011/0142 (NLE)

Proposal for a

**COUNCIL DECISION**

**establishing the position to be adopted on behalf of the European Union with regard to proposals for amendment of the Appendices of the Convention on the conservation of migratory species of wild animals with a view to the tenth meeting of the Conference of the Parties**

## EXPLANATORY MEMORANDUM

1. The Convention on the conservation of migratory species of wild animals (also known as the CMS or Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. It is an intergovernmental treaty, concluded under the aegis of the United Nations Environment Programme, concerned with the conservation of wildlife and habitats on a global scale. The European Union has been a Party to the CMS since 1 November 1983<sup>1</sup>.

2. The migratory species to be conserved are listed in Appendices I (endangered species) and II (species to be the subjects of agreements) to the Convention.

3. The Conference of the Parties is the decision-making body of the Convention with powers to assess the conservation status of migratory species and, subsequently, to amend Appendices I and II to the Convention.

4. In accordance with Article XI of the Convention, proposals for amendment may be made by any Party. An amendment to the Appendices enters into force for all Parties ninety days after the meeting of the Conference of the Parties at which it is adopted, except for those Parties which make a reservation.

5. The tenth meeting of the Conference of the Parties to the Convention will take place in Bergen (Norway) from 20 to 25 November 2011. For this meeting, it is proposed that the Union makes proposals to amend Appendix I to the Convention to increase the protection of two species of birds of prey, namely *Falco cherrug* and *Falco vespertinus*, throughout their distribution range, including outside the Union, on the basis of the following considerations: (1) the inclusion of such species is scientifically sound; (2) such an inclusion is consistent with the EU legislation; and (3) the Union is committed to international cooperation for the protection of biodiversity. These proposals would not require any change in Union's law, as they concern species which already benefit from appropriate protection under Union's law, including the Birds<sup>2</sup> and Habitats<sup>3</sup> Directives.

6. It is therefore necessary for the Council to take a decision for the purpose of establishing the position to be adopted on behalf of the Union with a view to the tenth meeting of the Conference of the Parties with regard to proposals for amendment;

7. The deadline for submitting proposals for amendment has been fixed by the Secretariat of the Convention by 23 June 2011.

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<sup>1</sup> Council Decision 82/461/EEC of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals, OJ L 210, 24.6.1982, p. 10.

<sup>2</sup> Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, OJ L 103, 25.4.1979, p. 1.

<sup>3</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7.

8. Before the tenth meeting of the Conference of the Parties, the Secretariat of the Convention may communicate proposals made by other Parties to amend Appendices I and II to the Convention, which may also require a decision establishing the position to be adopted on behalf of the Union with regard to those proposals.

Proposal for a

## COUNCIL DECISION

**establishing the position to be adopted on behalf of the European Union with regard to proposals for amendment of the Appendices of the Convention on the conservation of migratory species of wild animals with a view to the tenth meeting of the Conference of the Parties**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 191 (1), in conjunction with Article 218 (9), thereof,

Having regard to the proposal from the Commission<sup>4</sup>,

Whereas:

- (1) As a Party to the Convention on the conservation of migratory species of wild animals<sup>5</sup>, the European Union may make proposals for amendment of the Appendices to the Convention which list the species to be conserved;
- (2) The Conference of the Parties is the decision-making body of the Convention and the powers conferred upon it include the capacity to assess the conservation status of migratory species and subsequently amend Appendices I and II to the Convention;
- (3) It appears that the inclusion of the species *Falco cherrug* and *Falco vespertinus* in Appendix I would be scientifically sound, in line with the Union legislation and with the Union's commitment to international cooperation for the protection of biodiversity;
- (4) The tenth meeting of the Conference of the Parties will take place in Bergen (Norway) from 20 to 25 November 2011;
- (5) With a view to this meeting, it is proposed that the Union makes proposals for amendment to Appendix I to include the species *Falco cherrug* and *Falco vespertinus*. These proposals will be communicated to the Secretariat of the Convention

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<sup>4</sup> OJ C [...], [...], p. [...].

<sup>5</sup> Council Decision 82/461/EEC of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals, OJ L 210, 24.6.1982, p. 10.

HAS ADOPTED THIS DECISION:

*Sole Article*

With a view to the tenth meeting of the Conference of the Parties to the Convention on the conservation of migratory species of wild animals, the Commission shall propose, on behalf of the Union, amendments to Appendix I to the Convention on the conservation of migratory species of wild animals to include the species *Falco cherrug* and *Falco vespertinus*. The Commission shall communicate this proposal to the Secretariat of the Convention.

Done at Brussels,

*For the Council*  
*The President*  
[..]