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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.3.2009
COM(2009) 129 final

2009/0043 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the conservation of wild birds

(codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex VI, Part A of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 79/409/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex VII to the codified Directive.

↓ 79/409/EEC
2009/0043 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the conservation of wild birds

(codified version)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

↓ 79/409/EEC (adapted)

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of Regions²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty³,

Whereas:

↓

- (1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁴ has been substantially amended several times⁵. In the interests of clarity and rationality the said Directive should be codified.
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↓ 79/409/EEC Recital 1 (adapted)

- (2) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme ⁶

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ L 103, 25.4.1979, p. 1.

⁵ See Annex VI, Parts A and B.

⁶ OJ L 242, 10.9.2002, p. 1 .

calls for specific action ☒ for biodiversity, including ☒ to protect birds ☒ and their habitats ☒.

↓ 79/409/EEC Recital 2

- (3) A large number of species of wild birds naturally occurring in the European territory of the Member States are declining in number, very rapidly in some cases. This decline represents a serious threat to the conservation of the natural environment, particularly because of the biological balances threatened thereby.
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↓ 79/409/EEC Recital 3 (adapted)

- (4) The species of wild birds naturally occurring in the European territory of the Member States are mainly migratory species. Such species constitute a common heritage and effective bird protection is typically a trans-frontier environment problem entailing common responsibilities.
-

↓ 79/409/EEC Recital 6 (adapted)

- (5) The conservation of the species of wild birds naturally occurring in the European territory of the Member States is necessary to attain the Community's objectives regarding the improvement of living conditions ☒ and sustainable development ☒.
-

↓ 79/409/EEC Recital 7 (adapted)

- (6) The measures to be taken must apply to the various factors which may affect the numbers of birds, namely the repercussions of man's activities and in particular the destruction and pollution of their habitats, capture and killing by man and the trade resulting from such practices; the stringency of such measures should be adapted to the particular situation of the various species within the framework of a conservation policy.
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↓ 79/409/EEC Recital 8

- (7) Conservation is aimed at the long-term protection and management of natural resources as an integral part of the heritage of the peoples of Europe. It makes it possible to control natural resources and governs their use on the basis of the measures necessary for the maintenance and adjustment of the natural balances between species as far as is reasonably possible.
-

↓ 79/409/EEC Recital 9

- (8) The preservation, maintenance or restoration of a sufficient diversity and area of habitats is essential to the conservation of all species of birds. Certain species of birds should be the subject of special conservation measures concerning their habitats in order to ensure their survival and reproduction in their area of distribution. Such measures must also take account of migratory species and be coordinated with a view to setting up a coherent whole.

↓ 79/409/EEC Recital 10

- (9) In order to prevent commercial interests from exerting a possible harmful pressure on exploitation levels, it is necessary to impose a general ban on marketing and to restrict all derogation to those species whose biological status so permits, account being taken of the specific conditions obtaining in the different regions.
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↓ 79/409/EEC Recital 11
(adapted)

- (10) Because of their high population level, geographical distribution and reproductive rate in the Community as a whole, certain species may be hunted, which constitutes acceptable exploitation where certain limits are established and respected, as such hunting must be compatible with maintenance of the population of these species at a satisfactory level.
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↓ 79/409/EEC Recital 12

- (11) The various means, devices or methods of large-scale or non-selective capture or killing and hunting with certain forms of transport must be banned because of the excessive pressure which they exert or may exert on the numbers of the species concerned.
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↓ 79/409/EEC Recital 13

- (12) Because of the importance which may be attached to certain specific situations, provision should be made for the possibility of derogations on certain conditions and subject to monitoring by the Commission.
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↓ 79/409/EEC Recital 14
(adapted)

- (13) The conservation of birds and, in particular, migratory birds still presents problems which call for scientific research. Such research will also make it possible to assess the effectiveness of the measures taken.
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↓ 79/409/EEC Recital 15

- (14) Care should be taken in consultation with the Commission to see that the introduction of any species of wild bird not naturally occurring in the European territory of the Member States does not cause harm to local flora and fauna.
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↓ 79/409/EEC Recital 16

- (15) The Commission will every three years prepare and transmit to the Member States a composite report based on information submitted by the Member States on the application of national provisions introduced pursuant to this Directive.

↓

(16) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁷.

↓ 2008/102/EC Recital 4
(adapted)

(17) In particular, the Commission should be empowered to amend certain Annexes in the light of scientific and technical progress. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

↓

(18) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the directives set out in Annex VI, Part B,

↓ 79/409/EEC (adapted)

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation.

2. It shall apply to birds, their eggs, nests and habitats.

↓ 79/409/EEC

Article 2

Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.

⁷ OJ L 184, 17.7.1999, p. 23.

Article 3

1. In the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.

2. The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:

- (a) creation of protected areas;
- (b) upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;
- (c) re-establishment of destroyed biotopes;
- (d) creation of biotopes.

Article 4

1. The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.

In this connection, account shall be taken of:

- (a) species in danger of extinction;
- (b) species vulnerable to specific changes in their habitat;
- (c) species considered rare because of small populations or restricted local distribution;
- (d) other species requiring particular attention for reasons of the specific nature of their habitat.

Trends and variations in population levels shall be taken into account as a background for evaluations.

↓ 79/409/EEC (adapted)

Member States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species in the geographical sea and land area where this Directive applies.

2. Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

3. Member States shall send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that the areas provided for in paragraphs 1 and 2 form a coherent whole which meets the protection requirements of these species in the geographical sea and land area where this Directive applies.

4. In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.

↓ 79/409/EEC

Article 5

Without prejudice to Articles 7 and 9, Member States shall take the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, prohibiting in particular:

- (a) deliberate killing or capture by any method;
- (b) deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- (c) taking their eggs in the wild and keeping these eggs even if empty;
- (d) deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;
- (e) keeping birds of species the hunting and capture of which is prohibited.

Article 6

↓ 79/409/EEC (adapted)

1. Without prejudice to paragraphs 2 and 3 ~~of~~ of this Article ~~and~~, Member States shall prohibit, for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds.

2. The activities referred to in paragraph 1 shall not be prohibited in respect of the species referred to in Annex III Part A, provided that the birds have been legally killed or captured or otherwise legally acquired.

3. Member States may, for the species listed in Annex III Part B, allow within their territory the activities referred to in paragraph 1, making provision for certain restrictions, provided the birds have been legally killed or captured or otherwise legally acquired.

Member States wishing to grant such authorisation shall first of all consult the Commission with a view to examining jointly with the latter whether the marketing of specimens of such species would result or could reasonably be expected to result in the population levels, geographical distribution or reproductive rate of the species being endangered throughout the Community. Should this examination prove that the intended authorisation will, in the view of the Commission, result in any one of the aforementioned species being thus endangered or in the possibility of their being thus endangered, the Commission shall forward a reasoned recommendation to the Member State concerned stating its opposition to the marketing of the species in question. Should the Commission consider that no such risk exists, it shall inform the Member State concerned accordingly.

The Commission's recommendation shall be published in the *Official Journal of the European Union* .

Member States granting authorisation pursuant to this paragraph shall verify at regular intervals that the conditions governing the granting of such authorisation continue to be fulfilled.

↓ 79/409/EEC

Article 7

1. Owing to their population level, geographical distribution and reproductive rate throughout the Community, the species listed in Annex II may be hunted under national legislation. Member States shall ensure that the hunting of these species does not jeopardise conservation efforts in their distribution area.

2. The species referred to in Annex II Part A may be hunted in the geographical sea and land area where this Directive applies.

3. The species referred to in Annex II Part B may be hunted only in the Member States in respect of which they are indicated.

4. Member States shall ensure that the practice of hunting, including falconry if practised, as carried on in accordance with the national measures in force, complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible as regards the population of these species, in particular migratory species, with the measures resulting from Article 2.

They shall see in particular that the species to which hunting laws apply are not hunted during the rearing season nor during the various stages of reproduction.

In the case of migratory species, they shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds.

Member States shall send the Commission all relevant information on the practical application of their hunting regulations.

Article 8

↓ 79/409/EEC (adapted)

1. In respect of the hunting, capture or killing of birds under this Directive, Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV ☒, point ☒ (a).

2. Moreover, Member States shall prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV ☒, point ☒ (b).

↓ 79/409/EEC

Article 9

1. Member States may derogate from the provisions of Articles 5 to 8, where there is no other satisfactory solution, for the following reasons:

- (a) – in the interests of public health and safety,
 - in the interests of air safety,
 - to prevent serious damage to crops, livestock, forests, fisheries and water,
 - for the protection of flora and fauna;
 - (b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
 - (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.
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↓ 79/409/EEC (adapted)

2. The derogations ☒ referred to in paragraph 1 ☒ must specify:

- (a) the species which are subject to the derogations;
- (b) the means, arrangements or methods authorised for capture or killing;
- (c) the conditions of risk and the circumstances of time and place under which such derogations may be granted;
- (d) the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom;
- (e) the controls which will be carried out.

3. Each year the Member States shall send a report to the Commission on the implementation of paragraphs 1 and 2 .

4. On the basis of the information available to it, and in particular the information communicated to it pursuant to paragraph 3, the Commission shall at all times ensure that the consequences of the derogations referred to in paragraph 1 are not incompatible with this Directive. It shall take appropriate steps to this end.

↓ 79/409/EEC

Article 10

1. Member States shall encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1. Particular attention shall be paid to research and work on the subjects listed in Annex V.

↓ 79/409/EEC (adapted)

2. Member States shall send the Commission any information required to enable it to take appropriate measures for the coordination of the research and work referred to in paragraph 1 .

↓ 79/409/EEC

Article 11

Member States shall see that any introduction of species of bird which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna. In this connection they shall consult the Commission.

Article 12

↓ 79/409/EEC (adapted)

1. Member States shall forward to the Commission every three years, starting from 7 April 1981 , a report on the implementation of national provisions taken under this Directive .

↓ 79/409/EEC

2. The Commission shall prepare every three years a composite report based on the information referred to in paragraph 1. That part of the draft report covering the information supplied by a Member State shall be forwarded to the authorities of the Member State in question for verification. The final version of the report shall be forwarded to the Member States.

Article 13

Application of the measures taken pursuant to this Directive may not lead to deterioration in the present situation as regards the conservation of the species of birds referred to in Article 1.

Article 14

Member States may introduce stricter protective measures than those provided for under this Directive.

↓ 2008/102/EC Art.1, point (1)
(adapted)

Article 15

Such amendments as are necessary for adapting Annexes I and V to technical and scientific progress shall be adopted. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(2).

↓ 2008/102/EC Art 1, point (2)

Article 16

1. The Commission shall be assisted by the Committee for Adaptation to Technical and Scientific Progress.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply having regard to the provisions of Article 8 thereof.

↓ 79/409/EEC (adapted)

Article 17

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

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Article 18

Directive 79/409/EEC, as amended by the acts listed in Annex VI, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex VI, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VII.

Article 19

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

↓ 79/409/EEC

Article 20

This Directive is addressed to the Member States.

Done at Brussels, [...]

For the European Parliament
The President
[...]

For the Council
The President
[...]

ANNEX I

GAVIIFORMES

Gaviidae

Gavia stellata

Gavia arctica

Gavia immer

PODICIPEDIFORMES

Podicipedidae

Podiceps auritus

PROCELLARIIFORMES

Procellariidae

Pterodroma madeira

Pterodroma feae

Bulweria bulwerii

Calonectris diomedea

Puffinus puffinus mauretanicus (*Puffinus mauretanicus*)

Puffinus yelkouan

Puffinus assimilis

Hydrobatidae

Pelagodroma marina

Hydrobates pelagicus

Oceanodroma leucorhoa

Oceanodroma castro

PELECANIFORMES

Pelecanidae

Pelecanus onocrotalus

Pelecanus crispus

Phalacrocoracidae

Phalacrocorax aristotelis desmarestii

Phalacrocorax pygmeus

CICONIIFORMES

Ardeidae

Botaurus stellaris

Ixobrychus minutus

Nycticorax nycticorax

Ardeola ralloides

Egretta garzetta

Egretta alba (Ardea alba)

Ardea purpurea

Ciconiidae

Ciconia nigra

Ciconia ciconia

Threskiornithidae

Plegadis falcinellus

Platalea leucorodia

PHOENICOPTERIFORMES

Phoenicopteridae

Phoenicopus ruber

ANSERIFORMES

Anatidae

Cygnus bewickii (*Cygnus columbianus bewickii*)

Cygnus cygnus

Anser albifrons flavirostris

Anser erythropus

Branta leucopsis

Branta ruficollis

Tadorna ferruginea

Marmaronetta angustirostris

Aythya nyroca

Polysticta stelleri

Mergus albellus (*Mergellus albellus*)

Oxyura leucocephala

FALCONIFORMES

Pandionidae

Pandion haliaetus

Accipitridae

Pernis apivorus

Elanus caeruleus

Milvus migrans

Milvus milvus

Haliaeetus albicilla

Gypaetus barbatus

Neophron percnopterus

Gyps fulvus

Aegyptius monachus

Circaetus gallicus

Circus aeruginosus

Circus cyaneus

Circus macrourus

Circus pygargus

Accipiter gentilis arrigonii

Accipiter nisus granti

Accipiter brevipes

Buteo rufinus

Aquila pomarina

Aquila clanga

Aquila heliaca

Aquila adalberti

Aquila chrysaetos

Hieraaetus pennatus

Hieraaetus fasciatus

Falconidae

Falco naumanni

Falco vespertinus

Falco columbarius

Falco eleonora

Falco biarmicus

Falco cherrug

Falco rusticolus

Falco peregrinus

GALLIFORMES

Tetraonidae

Bonasa bonasia

Lagopus mutus pyrenaicus

Lagopus mutus helveticus

Tetrao tetrix tetrix

Tetrao urogallus

Phasianidae

Alectoris graeca

Alectoris barbara

Perdix perdix italica

Perdix perdix hispaniensis

GRUIFORMES

Turnicidae

Turnix sylvatica

Gruidae

Grus grus

Rallidae

Porzana porzana

Porzana parva

Porzana pusilla

Crex crex

Porphyrio porphyrio

Fulica cristata

Otididae

Tetrax tetrax

Chlamydotis undulata

Otis tarda

CHARADRIIFORMES

Recurvirostridae

Himantopus himantopus

Recurvirostra avosetta

Burhinidae

Burhinus oedicnemus

Glareolidae

Cursorius cursor

Glareola pratincola

Charadriidae

Charadrius alexandrinus

Charadrius morinellus (Eudromias morinellus)

Pluvialis apricaria

Hoplopterus spinosus

Scolopacidae

Calidris alpina schinzii

Philomachus pugnax

Gallinago media

Limosa lapponica

Numenius tenuirostris

Tringa glareola

Xenus cinereus (Tringa cinerea)

Phalaropus lobatus

Laridae

Larus melanocephalus

Larus genei

Larus audouinii

Larus minutus

Sternidae

Gelochelidon nilotica (Sterna nilotica)

Sterna caspia

Sterna sandvicensis

Sterna dougallii

Sterna hirundo

Sterna paradisaea

Sterna albifrons

Chlidonias hybridus

Chlidonias niger

Alcidae

Uria aalge ibericus

PTEROCLIFORMES

Pteroclididae

Pterocles orientalis

Pterocles alchata

COLUMBIFORMES

Columbidae

Columba palumbus azorica

Columba trocaz

Columba bollii

Columba junoniae

STRIGIFORMES

Strigidae

Bubo bubo

Nyctea scandiaca

Surnia ulula

Glaucidium passerinum

Strix nebulosa

Strix uralensis

Asio flammeus

Aegolius funereus

CAPRIMULGIFORMES

Caprimulgidae

Caprimulgus europaeus

APODIFORMES

Apodidae

Apus caffer

CORACIIFORMES

Alcedinidae

Alcedo atthis

Coraciidae

Coracias garrulus

PICIFORMES

Picidae

Picus canus

Dryocopus martius

Dendrocopos major canariensis

Dendrocopos major thanneri

Dendrocopos syriacus

Dendrocopos medius

Dendrocopos leucotos

Picoides tridactylus

PASSERIFORMES

Alaudidae

Chersophilus duponti

Melanocorypha calandra

Calandrella brachydactyla

Galerida theklae

Lullula arborea

Motacillidae

Anthus campestris

Troglodytidae

Troglodytes troglodytes fridariensis

Muscicapidae (Turdinae)

Luscinia svecica

Saxicola dacotiae

Oenanthe leucura

Oenanthe cypriaca

Oenanthe pleschanka

Muscicapidae (Sylviinae)

Acrocephalus melanopogon

Acrocephalus paludicola

Hippolais olivetorum

Sylvia sarda

Sylvia undata

Sylvia melanothorax

Sylvia rueppelli

Sylvia nisoria

Muscicapidae (Muscicapinae)

Ficedula parva

Ficedula semitorquata

Ficedula albicollis

Paridae

Parus ater cypriotes

Sittidae

Sitta krueperi

Sitta whiteheadi

Certhiidae

Certhia brachydactyla dorotheae

Laniidae

Lanius collurio

Lanius minor

Lanius nubicus

Corvidae

Pyrrhonorax pyrrhonorax

Fringillidae (Fringillinae)

Fringilla coelebs ombriosa

Fringilla teydea

Fringillidae (Carduelinae)

Loxia scotica

Bucanetes githagineus

Pyrrhula murina (Pyrrhula pyrrhula murina)

Emberizidae (Emberizinae)

Emberiza cineracea

Emberiza hortulana

Emberiza caesia

ANNEX II

⊠ Part A ⊠

ANSERIFORMES

Anatidae

Anser fabalis

Anser anser

Branta canadensis

Anas penelope

Anas strepera

Anas crecca

Anas platyrhynchos

Anas acuta

Anas querquedula

Anas clypeata

Aythya ferina

Aythya fuligula

GALLIFORMES

Tetraonidae

Lagopus lagopus scoticus et hibernicus

Lagopus mutus

Phasianidae

Alectoris graeca

Alectoris rufa

Perdix perdix

Phasianus colchicus

GRUIFORMES

Rallidae

Fulica atra

CHARADRIIFORMES

Scolopacidae

Lymnocyptes minimus

Gallinago gallinago

Scolopax rusticola

COLUMBIFORMES

Columbidae

Columba livia

Columba palumbus

ANSERIFORMES

Anatidae

Cygnus olor

Anser brachyrhynchus

Anser albifrons

Branta bernicla

Netta rufina

Aythya marila

Somateria mollissima

Clangula hyemalis

Melanitta nigra

Melanita fusca

Bucephala clangula

Mergus serrator

Mergus merganser

GALLIFORMES

Meleagridae

Meleagris gallopavo

Tetraonidae

Bonasa bonasia

Lagopus lagopus lagopus

Tetrao tetrix

Tetrao urogallus

Phasianidae

Francolinus francolinus

Alectoris barbara

Alectoris chukar

Coturnix coturnix

GRUIFORMES

Rallidae

Rallus aquaticus

Gallinula chloropus

CHARADRIIFORMES

Haematopodidae

Haematopus ostralegus

Charadriidae

Pluvialis apricaria

Pluvialis squatarola

Vanellus vanellus

Scolopacidae

Calidris canutus

Philomachus pugnax

Limosa limosa

Limosa lapponica

Numenius phaeopus

Numenius arquata

Tringa erythropus

Tringa totanus

Tringa nebularia

Laridae

Larus ridibundus

Larus canus

Larus fuscus

Larus argentatus

Larus cachinnans

Larus marinus

COLUMBIFORMES

Columbidae

Columba oenas

Streptopelia decaocto

Streptopelia turtur

PASSERIFORMES

Alaudidae

Alauda arvensis

Muscicapidae

Turdus merula

Turdus pilaris

Turdus philomelos

Turdus iliacus

Turdus viscivorus

Sturnidae

Sturnus vulgaris

Corvidae

Garrulus glandarius

Pica pica

Corvus monedula

Corvus frugilegus

Corvus corone

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
<i>Cygnus olor</i>					+														+									
<i>Anser brachyrhynchus</i>	+			+						+																	+	
<i>Anser albifrons</i>	+	+	+	+	+	+	+		+	+		+	+	+		+		+		+		+		+		+	+	
<i>Branta bernicla</i>				+	+																							
<i>Netta rufina</i>								+	+																			
<i>Aythya marila</i>	+			+	+		+		+	+			+					+				+					+	
<i>Somateria mollissima</i>				+		+			+	+																+	+	
<i>Clangula hyemalis</i>				+		+			+	+			+													+	+	+
<i>Melanitta nigra</i>				+	+	+			+	+			+													+	+	+
<i>Melanitta fusca</i>				+	+				+	+			+													+	+	+
<i>Bucephala clangula</i>				+		+	+		+	+			+	+		+		+				+			+	+	+	
<i>Mergus serrator</i>				+						+							+									+	+	
<i>Mergus merganser</i>				+						+																+	+	
<i>Bonasa bonasia</i>						+			+				+						+	+		+		+	+	+	+	

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	
<i>Rallus aquaticus</i>									+		+						+											
<i>Gallinula chloropus</i>	+						+		+		+						+				+	+						+
<i>Haematopus ostralegus</i>				+					+																			
<i>Pluvialis apricaria</i>	+			+			+		+	+							+	+			+							+
<i>Pluvialis squatarola</i>				+					+								+											+
<i>Vanellus vanellus</i>	+			+			+	+	+	+	+						+											
<i>Calidris canutus</i>				+					+																			
<i>Philomachus pugnax</i>									+		+						+											
<i>Limosa limosa</i>				+					+																			
<i>Limosa lapponica</i>				+					+																			+
<i>Numenius phaeopus</i>				+					+																			+
<i>Numenius arquata</i>				+					+	+																		+
<i>Tringa erythropus</i>				+					+																			
<i>Tringa totanus</i>				+					+		+																	+

<i>Tringa nebularia</i>				+					+																	
<i>Larus ridibundus</i>	+			+	+	+		+							+			+						+		+
<i>Larus canus</i>				+	+	+																			+	+
<i>Larus fuscus</i>				+	+																					
<i>Larus argentatus</i>	+			+	+	+							+												+	+
<i>Larus cachinnans</i>								+							+											
<i>Larus marinus</i>				+	+	+																			+	+
<i>Columba oenas</i>							+	+	+			+								+	+					
<i>Streptopelia decaocto</i>		+	+	+	+				+			+				+		+			+		+			

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
<i>Streptopelia turtur</i>		+					+	+	+		+	+					+		+		+	+					
<i>Alauda arvensis</i>							+		+		+	+					+					+					
<i>Turdus merula</i>							+		+		+	+					+				+					+	
<i>Turdus pilaris</i>						+	+	+	+		+	+					+		+		+	+				+	+
<i>Turdus philomelos</i>							+	+	+		+	+					+				+	+					
<i>Turdus iliacus</i>							+	+	+		+	+					+				+	+					
<i>Turdus viscivorus</i>							+	+	+			+					+				+	+					
<i>Sturnus vulgaris</i>		+					+	+	+			+				+	+				+	+					
<i>Garrulus glandarius</i>	+			+	+				+		+				+	+		+			+	+	+	+		+	+
<i>Pica pica</i>	+	+	+	+	+		+	+	+		+	+	+		+	+		+			+	+	+	+	+	+	+
<i>Corvus monedula</i>		+					+	+				+						+				+			+	+	+
<i>Corvus frugilegus</i>		+				+			+					+		+						+		+		+	+
<i>Corvus corone</i>	+	+	+	+	+	+	+	+	+		+	+	+	+	+	+		+			+	+	+	+	+	+	+

AT = Österreich, BE = Belgique/België, BG = България, CY = Κύπρος, CZ = Česká republika, DE = Deutschland, DK = Danmark, EE = Eesti, ES = España, FI = Suomi/Finland, FR = France, EL = Ελλάδα, HU = Magyarország, IE = Ireland, IT = Italia, LT = Lietuva, LU = Luxembourg, LV = Latvija, MT = Malta, NL = Nederland, PL = Polska, PT = Portugal, RO = România, SE = Sverige, SI = Slovenija, SK = Slovensko, UK = United Kingdom

+ = Member States which under Article 7(3) may authorise hunting of the species listed.

ANNEX III

⊠ Part A ⊠

ANSERIFORMES

Anatidae

Anas platyrhynchos

GALLIFORMES

Tetraonidae

Lagopus lagopus lagopus, scoticus et hibernicus

Phasianidae

Alectoris rufa

Alectoris barbara

Perdix perdix

Phasianus colchicus

COLUMBIFORMES

Columbidae

Columba palumbus

ANSERIFORMES

Anatidae

Anser albifrons albifrons

Anser anser

Anas penelope

Anas crecca

Anas acuta

Anas clypeata

Aythya ferina

Aythya fuligula

Aythya marila

Somateria mollissima

Melanitta nigra

GALLIFORMES

Tetraonidae

Lagopus mutus

Tetrao tetrix britannicus

Tetrao urogallus

GRUIFORMES

Rallidae

Fulica atra

CHARADRIIFORMES

Charadriidae

Pluvialis apricaria

Scolopacidae

Lymnocyptes minimus

Gallinago gallinago

Scolopax rusticola

↓ 79/409/EEC → ₁ 1994 Act of Accession Art. 29 and Annex I, p. 175

ANNEX IV

- (a) – Snares →₁ (with the exception of Finland and Sweden for the capture of *Lagopus lagopus lagopus* and *Lagopus mutus* north of latitude 58°N) ←, limes, hooks, live birds which are blind or mutilated used as decoys, tape recorders, electrocuting devices.
- Artificial light sources, mirrors, devices for illuminating targets, sighting devices for night shooting comprising an electronic image magnifier or image converter.
- Explosives.
- Nets, traps, poisoned or anaesthetic bait.
- Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.
- (b) – Aircraft, motor vehicles.
- Boats driven at a speed exceeding five kilometres per hour. On the open sea, Member States may, for safety reasons, authorise the use of motor-boats with a maximum speed of 18 kilometres per hour. Member States shall inform the Commission of any authorisations granted.

ANNEX V

- (a) National lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution.
 - (b) Listing and ecological description of areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds.
 - (c) Listing of data on the population levels of migratory species as shown by ringing.
 - (d) Assessing the influence of methods of taking wild birds on population levels.
 - (e) Developing or refining ecological methods for preventing the type of damage caused by birds.
 - (f) Determining the role of certain species as indicators of pollution.
 - (g) Studying the adverse effect of chemical pollution on population levels of bird species.
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ANNEX VI

Part A

Repealed Directive with list of its successive amendments (referred to in Article 18)

Council Directive 79/409/EEC
(OJ L 103, 25.4.1979, p. 1)

Annex I, point XIII.1.F, of the 1979 Act of Accession
(OJ L 291, 19.11.1979, p. 111)

Council Directive 81/854/EEC
(OJ L 319, 7.11.1981, p. 3)

Commission Directive 85/411/EEC
(OJ L 233, 30.8.1985, p. 33)

Annex I, points X.1.(h) and X.6, of the 1985 Act of
Accession
(OJ L 302, 15.11.1985, p. 218)

Council Directive 86/122/EEC
(OJ L 100, 16.4.1986, p. 22)

Commission Directive 91/244/EEC
(OJ L 115, 8.5.1991, p. 41)

Council Directive 94/24/EC
(OJ L 164, 30.6.1994, p. 9)

Annex I, point VIII.E.1, of the 1994 Act of Accession
(OJ C 241, 29.8.1994, p. 175)

Commission Directive 97/49/EC
(OJ L 223, 13.8.1997, p. 9)

Council Regulation (EC) No 807/2003
(OJ L 122, 16.5.2003, p. 36)

Only Annex III, point 29

Annex II, point 16.C.1, of the 2003 Act of Accession
(OJ L 236, 23.9.2003, p. 667)

Council Directive 2006/105/EC
(JO L 363, 20.12.2006, p. 368)

Only as regards the reference, in
Article 1, to Directive 79/409/EEC
and point A.1 of the Annex

Directive 2008/102/EC of the European Parliament
and of the Council
(OJ L 323, 3.12.2008, p. 31)

Part B

List of time-limits for transposition into national law
(referred to in Article 18)

Directives	Time-limit for transposition
79/409/EEC	7 April 1981
81/854/EEC	_____
85/411/EEC	31 July 1986
86/122/EEC	_____
91/244/EEC	31 July 1992
94/24/EC	29 September 1995
97/49/EC	30 September 1998
2006/105/EC	1 January 2007
2008/102/EC	_____

ANNEX VII

CORRELATION TABLE

Directive 79/409/EEC	This Directive
Article 1(1) and (2)	Article 1(1) and (2)
Article 1(3)	_____
Articles 2 to 5	Articles 2 to 5
Article 6(1), (2) and (3)	Article 6(1), (2) and (3)
Article 6(4)	_____
Article 7(1), (2) and (3)	Article 7(1), (2) and (3)
Article 7(4) first sentence	Article 7(4) first subparagraph
Article 7(4) second sentence	Article 7(4) second subparagraph
Article 7(4) third sentence	Article 7(4) third subparagraph
Article 7(4) fourth sentence	Article 7(4) fourth subparagraph
Article 8	Article 8
Article 9(1)	Article 9(1)
Article 9(2) introductory wording	Article 9(2) introductory wording
Article 9(2) first indent	Article 9(2)(a)
Article 9(2) second indent	Article 9(2)(b)
Article 9(2) third indent	Article 9(2)(c)
Article 9(2) fourth indent	Article 9(2)(d)
Article 9(2) fifth indent	Article 9(2)(e)
Article 9(3)	Article 9(3)
Article 9(4)	Article 9(4)
Article 10(1)	Article 10(1) first sentence
Article 10(2) first sentence	Article 10(1) second sentence
Article 10(2) second sentence	Article 10(2)

Articles 11 to 15

Article 16(1)

Article 17

Article 18(1)

Article 18(2)

Article 19

Annex I

Annex II/1

Annex II/2

Annex III/1

Annex III/2

Annex IV

Annex V

Articles 11 to 15

Article 16

Article 17

Article 18

Article 19

Article 20

Annex I

Annex II, Part A

Annex II, Part B

Annex III, Part A

Annex III, Part B

Annex IV

Annex V

Annex VI

Annex VII
