



Brussels, 7.4.2017
COM(2017) 166 final

2017/0077 (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 twelfth meeting of the Conference of the Parties

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

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 1983¹.

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.

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.

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.

The twelfth meeting of the Conference of the Parties to the Convention will take place in Manila (the Philippines) from 22 to 28 October 2017. For this meeting, it is proposed that the Union makes a proposal to amend Appendix II to the Convention to increase the protection of two species of birds, namely the the bird species *Lanius excubitor excubitor* and *Lanius minor*, 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. 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 twelfth meeting of the Conference of the Parties with regard to proposals for amendment.

The deadline for submitting proposals for amendment has been fixed by the Secretariat of the Convention, in line with Article XI (3), to be 25 May 2017.

Before the twelfth 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.

- **Consistency with existing policy provisions in the policy area**

This proposal would not require any change in Union law, as it concerns two species which already benefit from appropriate protection under Union law, notably the Birds Directive².

¹ 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.

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

- **Consistency with other Union policies**

The proposal is consistent with the Seventh Environmental Action Programme³ and the EU biodiversity strategy to 2020⁴, especially Target 6: help avert global biodiversity loss.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposal is made under Article 192(1), together with Article 218(9) TFEU.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Collection and use of expertise**

France submitted for consideration through the Expert Group on the Birds and the Habitats Directives the draft amendments on the Union's behalf contained in this proposal. An informal exchange of preliminary views with the Member States followed.

4. BUDGETARY IMPLICATIONS

N/A

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The proposal does not create any new monitoring or reporting requirements. All implementation planning and monitoring would be part of the regular planning and reporting activities under the convention.

³ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 ‘Living well, within the limits of our planet’ OJ L 354, 28.12.2013, p. 171.

⁴ COM(2011) 244 final “Our life insurance, our natural capital: an EU biodiversity strategy to 2020”

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) As a Party to the Convention on the conservation of migratory species of wild animals ("the Convention") as approved by Council Decision 82/461/EEC⁵, the Union may propose amendments 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 *Lanius excubitor excubitor* and *Lanius minor* in Appendix II 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) With a view to the twelfth meeting of the Conference of the Parties which will take place in Manila (the Philippines) from 22 to 28 October 2017, the Union should propose an amendment to Appendix II to include the species *Lanius excubitor excubitor* and *Lanius minor*.
- (5) Those proposals should be communicated to the Secretariat of the Convention,

HAS ADOPTED THIS DECISION:

Article 1

With a view to the twelfth meeting of the Conference of the Parties to the Convention on the conservation of migratory species of wild animals, the Commission is hereby authorised to submit, on behalf of the Union, a proposal for an amendment to Appendix II to the Convention to include the species *Lanius excubitor excubitor* and *Lanius minor*.

The Commission shall communicate those proposals to the Secretariat of the Convention.

⁵ 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).

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*