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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 70/2010

of 25 January 2010

amending for the 119th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, ⁽¹⁾ and in particular 7(1)(a) and 7a(1) ⁽²⁾ thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 19 January 2010 the Sanctions Committee decided to add two natural persons and one legal person, group

or entity to list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I should therefore be updated accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 January 2010.

For the Commission,
On behalf of the President,

João Vale DE ALMEIDA

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ Article 7a was inserted by Regulation (EU) No 1286/2009 (OJ L 346, 23.12.2009, p. 42).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

1. The following entry shall be added under the heading 'Legal persons, groups and entities'

'Al-Qaida in the Arabian Peninsula (*alias* (a) AQAP, (b) Al-Qaida of Jihad Organization in the Arabian Peninsula, (c) Tanzim Qa'idat al-Jihad fi Jazirat al-Arab, (d) Al-Qaida Organization in the Arabian Peninsula, (e) Al-Qaida in the South Arabian Peninsula, (f) Al-Qaida in Yemen, (g) AQY). Other information: Location: Yemen or Saudi-Arabia. Formed in January 2009. Date of designation referred to in Article 2a(4)(b): 19.1.2010.'

2. The following entries shall be added under the heading 'Natural persons':

(a) Said Ali **Al-Shihri** (*alias* (a) Sa'id Ali Jabir al-Kathim al-Shihri, (b) Said Ali Al Shahri, (c) Said Ali Jaber Al Khassaam Al Shahri, (d) Said Ali Jaber Al Khassam, (e) Abu-Sayyaf, (f) Abu-Sufyan al-Azidi, (g) Abu-Sayyaf al-Shihri, (h) Abu Sufian Kadhhaab Matrook, (i) Salahm, (j) Salah Abu Sufyan, (k) Salah al-Din, (l) Abu Osama, (m) Abu Sulaiman, (n) Nur al-Din Afghani Azibk, (o) Alahhaddm, (p) Akhdam, (q) Abu Sufian Al Azadi, (r) Abu Asmaa). Date of birth: 12.9.1973. Place of birth: Riyadh, Saudi Arabia. Nationality: Saudi Arabian. Passport No: C102432 (Saudi Arabian passport issued on 22.4.2000; expired on 26.2.2005. Issue date in Hijri Calendar 17.1.1421; expiry date in Hijri Calendar 17.1.1426). National identification No: 1008168450 (Saudi Arabia). Other information: Was in custody of the United States of America between 2001 and 2007. Located in Yemen as at January 2010. Date of designation referred to in Article 2a(4)(b): 19.1.2010.

(b) Nasir 'Abd-Al-Karim 'Abdullah **Al-Wahishi** (*alias* (a) Nasir al-Wahishi, (b) Abu Basir Nasir al-Wahishi, (c) Naser Abdel Karim al-Wahishi, (d) Nasir Abd al-Karim al-Wuhayshi, (e) Abu Basir Nasir Al-Wuhayshi, (f) Nasser Abdulkarim Abdullah al-Wouhichi, (g) Abu Baseer al-Wehaishi, (h) Abu Basir Nasser al-Wuhishi, (i) Abdul Kareem Abdullah Al-Woohaishi, (j) Nasser Abdelkarim Saleh Al Wahichi, (k) Abu Basir, (l) Abu Bashir). Date of birth: (a) 1.10.1976, (b) 8.10.1396 (Hijri Calendar). Place of birth: Yemen. Nationality: Yemeni. Passport No: 40483 (Yemeni passport number issued on 5.1.1997). Other information: Was in prison in Yemen between 2003 and 2006. Date of designation referred to in Article 2a(4)(b): 19.1.2010.'

COMMISSION REGULATION (EU) No 71/2010
of 25 January 2010
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 January 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 January 2010.

*For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	JO	73,2
	MA	65,3
	TN	114,0
	TR	101,3
	ZZ	88,5
0707 00 05	MA	78,1
	TR	110,9
	ZZ	94,5
0709 90 70	MA	132,0
	TR	128,7
	ZZ	130,4
0805 10 20	EG	52,8
	IL	58,8
	MA	54,9
	TN	50,8
	TR	53,9
	ZZ	54,2
0805 20 10	IL	166,5
	MA	85,9
	ZZ	126,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	54,2
	EG	74,4
	IL	71,9
	JM	106,6
	MA	114,0
	PK	46,5
	TR	89,0
	ZZ	79,5
0805 50 10	EG	63,3
	IL	88,7
	TR	69,5
	ZZ	73,8
0808 10 80	CA	75,7
	CL	60,1
	CN	90,3
	MK	40,0
	US	129,7
	ZZ	79,2
0808 20 50	CN	78,3
	US	108,3
	ZZ	93,3

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION,

taken by common accord with the President-elect of the Commission,

of 22 January 2010

adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission, repealing and replacing Decision 2009/903/EU

(2010/41/EU, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 17(3) and (4) and the second subparagraph of Article 17(7) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Whereas:

- (1) As a result of circumstances connected with the process of ratification of the Treaty of Lisbon, the Commission appointed on 22 November 2004 remained in office after 31 October 2009, pending completion of the process of appointment of the new Commission, in accordance with the provisions of the Treaty on European Union, as amended by the Treaty of Lisbon.
- (2) A new Commission, consisting of one national of each Member State, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, must be appointed until 31 October 2014.
- (3) The European Council nominated Mr José Manuel DURÃO BARROSO as the person put forward to the European Parliament as President of the Commission, and the European Parliament elected the proposed candidate.
- (4) In accordance with Article 18(1) of the Treaty on European Union, the European Council appoints the High Representative of the Union for Foreign Affairs and Security Policy with the agreement of the President of the Commission.
- (5) By Decision 2009/903/EU⁽¹⁾ the Council adopted by common accord with the President-elect of the Commission the list of the other persons whom it proposes for appointment as Members of the Commission until 31 October 2014.

(6) By common accord with the elected President of the Commission, Decision 2009/903/EU should be repealed before the list contained in it is subject to the vote of consent of the European Parliament and should be replaced by this Decision.

(7) In accordance with Article 17(7), third subparagraph, of the Treaty on European Union, the President, the High Representative of the Union for Foreign Affairs and Security Policy and the other Members of the Commission will be subject as a body to a vote of consent by the European Parliament,

HAS ADOPTED THIS DECISION:

Article 1

By common accord with Mr José Manuel DURÃO BARROSO, elected President of the Commission, the Council proposes the following persons for appointment as Members of the Commission until 31 October 2014:

Mr Joaquín ALMUNIA AMANN

Mr László ANDOR

Mr Michel BARNIER

Mr Dacian CIOLOȘ

Mr John DALLI

Ms Maria DAMANAKI

Mr Karel DE GUCHT

Mr Štefan FÜLE

Ms Máire GEOGHEGAN-QUINN

Ms Kristalina GEORGIEVA

⁽¹⁾ OJ L 321, 8.12.2009, p. 51.

Mr Johannes HAHN
Ms Connie HEDEGAARD
Mr Siim KALLAS
Ms Neelie KROES
Mr Janusz LEWANDOWSKI
Ms Cecilia MALMSTRÖM
Mr Günther H. OETTINGER
Mr Andris PIEBALGS
Mr Janez POTOČNIK
Ms Viviane REDING
Mr Olli REHN
Mr Maroš ŠEFCOVIČ
Mr Algirdas Gediminas ŠEMETA
Mr Antonio TAJANI

Ms Androulla VASSILIOU

Article 2

Decision 2009/903/EU is hereby repealed.

Article 3

This Decision shall be forwarded to the European Parliament.

It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 22 January 2010.

For the Council
The President
M. Á. MORATINOS

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

DIRECTIVE 2009/147/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 30 November 2009
on the conservation of wild birds
(codified version)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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 Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(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 ⁽⁵⁾ calls for specific action for biodiversity, including to protect birds and their habitats.

(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.

(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.

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

(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.

(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.

(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.

⁽¹⁾ Opinion of 10 June 2009 (not yet published in the Official Journal).

⁽²⁾ Opinion of the European Parliament of 20 October 2009 (not yet published in the Official Journal) and Council Decision of 26 November 2009.

⁽³⁾ OJ L 103, 25.4.1979, p. 1.

⁽⁴⁾ See Annex VI, Part A.

⁽⁵⁾ OJ L 242, 10.9.2002, p. 1.

- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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 Commission ⁽¹⁾.
- (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,

HAVE 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.

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.

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.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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.

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.

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

1. Without prejudice to paragraphs 2 and 3, 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 that 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.

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 or 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

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).

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.

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.

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.

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.

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

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.

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.

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).

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.

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.

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 20th day following its publication in the *Official Journal of the European Union*.

Article 20

This Directive is addressed to the Member States.

Done at Brussels, 30 November 2009.

For the European Parliament
The President
J. BUZEK

For the Council
The President
B. ASK

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

Phoenicopterus 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**Aegypius monachus**Circus 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*

<i>Aquila chrysaetos</i>	Glareolidae
<i>Hieraaetus pennatus</i>	<i>Cursorius cursor</i>
<i>Hieraaetus fasciatus</i>	<i>Glareola pratincola</i>
Falconidae	Charadriidae
<i>Falco naumanni</i>	<i>Charadrius alexandrinus</i>
<i>Falco vespertinus</i>	<i>Charadrius morinellus</i> (<i>Eudromias morinellus</i>)
<i>Falco columbarius</i>	<i>Pluvialis apricaria</i>
<i>Falco eleonora</i>	<i>Hoplopterus spinosus</i>
<i>Falco biarmicus</i>	Scolopacidae
<i>Falco cherrug</i>	<i>Calidris alpina schinzii</i>
<i>Falco rusticolus</i>	<i>Philomachus pugnax</i>
<i>Falco peregrinus</i>	<i>Gallinago media</i>
GALLIFORMES	<i>Limosa lapponica</i>
Tetraonidae	<i>Numenius tenuirostris</i>
<i>Bonasa bonasia</i>	<i>Tringa glareola</i>
<i>Lagopus mutus pyrenaicus</i>	<i>Xenus cinereus</i> (<i>Tringa cinerea</i>)
<i>Lagopus mutus helveticus</i>	<i>Phalaropus lobatus</i>
<i>Tetrao tetrix tetrix</i>	Laridae
<i>Tetrao urogallus</i>	<i>Larus melanocephalus</i>
Phasianidae	<i>Larus genei</i>
<i>Alectoris graeca</i>	<i>Larus audouinii</i>
<i>Alectoris barbara</i>	<i>Larus minutus</i>
<i>Perdix perdix italica</i>	Sternidae
<i>Perdix perdix hispaniensis</i>	<i>Gelochelidon nilotica</i> (<i>Sterna nilotica</i>)
GRUIFORMES	<i>Sterna caspia</i>
Turnicidae	<i>Sterna sandvicensis</i>
<i>Turnix sylvatica</i>	<i>Sterna dougallii</i>
Gruidae	<i>Sterna hirundo</i>
<i>Grus grus</i>	<i>Sterna paradisaea</i>
Rallidae	<i>Sterna albifrons</i>
<i>Porzana porzana</i>	<i>Chlidonias hybridus</i>
<i>Porzana parva</i>	<i>Chlidonias niger</i>
<i>Porzana pusilla</i>	Alcidae
<i>Crex crex</i>	<i>Uria aalge ibericus</i>
<i>Porphyrio porphyrio</i>	PTEROCLIFORMES
<i>Fulica cristata</i>	Pteroclididae
Otididae	<i>Pterocles orientalis</i>
<i>Tetrax tetrax</i>	<i>Pterocles alchata</i>
<i>Chlamydotis undulata</i>	COLUMBIFORMES
<i>Otis tarda</i>	Columbidae
CHARADRIIFORMES	<i>Columba palumbus azorica</i>
Recurvirostridae	<i>Columba trocaz</i>
<i>Himantopus himantopus</i>	<i>Columba bollii</i>
<i>Recurvirostra avosetta</i>	<i>Columba junoniae</i>
Burhinidae	
<i>Burhinus oedicnemus</i>	

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 cyprica
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 cyprites

Sittidae

Sitta krueperi
Sitta whiteheadi

Certhiidae

Certhia brachydactyla dorotheae

Laniidae

Lanius collurio
Lanius minor
Lanius nubicus

Corvidae

Pyrrhocorax pyrrhocorax

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*

PART B

ANSERIFORMES

Anatidae

*Cygnus olor**Anser brachyrhynchus**Anser albifrons**Branta bernicla**Netta rufina**Aythya marila**Somateria mollissima**Clangula hyemalis**Melanitta nigra**Melanitta 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>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>		+	+	+	+				+			+				+			+			+		+			
<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>		+					+	+				+						+				+			+	+	+

	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>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	<i>Alectoris barbara</i>
Anatidae	
<i>Anas platyrhynchos</i>	<i>Perdix perdix</i>
GALLIFORMES	
Tetraonidae	<i>Phasianus colchicus</i>
<i>Lagopus lagopus lagopus, scoticus et hibernicus</i>	COLUMBIFORMES
Phasianidae	Columbidae
<i>Alectoris rufa</i>	<i>Columba palumbus</i>

PART B

ANSERIFORMES	<i>Tetrao tetrix britannicus</i>
Anatidae	
<i>Anser albifrons albifrons</i>	<i>Tetrao urogallus</i>
<i>Anser anser</i>	GRUIFORMES
<i>Anas penelope</i>	Rallidae
<i>Anas crecca</i>	<i>Fulica atra</i>
<i>Anas acuta</i>	CHARADRIIFORMES
<i>Anas clypeata</i>	Charadriidae
<i>Aythya ferina</i>	<i>Pluvialis apricaria</i>
<i>Aythya fuligula</i>	Scolopacidae
<i>Aythya marila</i>	<i>Lymnocyptes minimus</i>
<i>Somateria mollissima</i>	
<i>Melanitta nigra</i>	<i>Gallinago gallinago</i>
GALLIFORMES	
Tetraonidae	<i>Scolopax rusticola</i>
<i>Lagopus mutus</i>	

ANNEX IV

- (a) — Snares (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.
-

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)

1979 Act of Accession, Annex I, point XIII.1.F
(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)

1985 Act of Accession, Annex I, points X.1.(h) and X.6
(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)

1994 Act of Accession, Annex I, point VIII.E.1
(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

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

Council Directive 2006/105/EC
(OJ 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

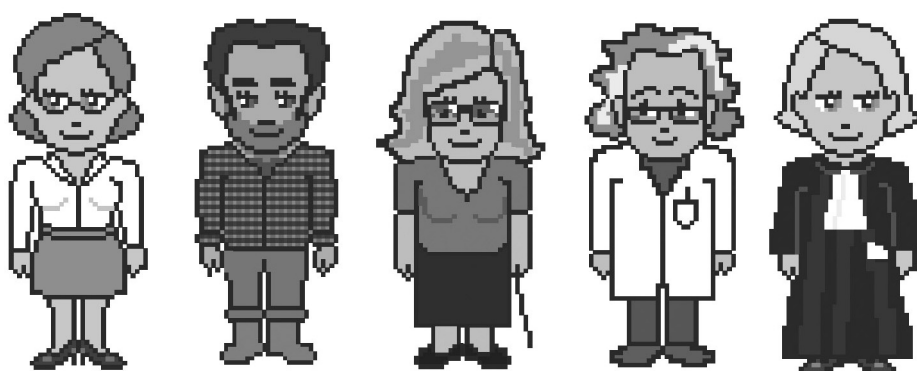
Directive 79/409/EEC	This Directive
Article 1(1) and (2)	Article 1(1) and (2)
Article 1(3)	—
Articles 2 to 5	Articles 2 to 5
Article 6(1), (2) and (3)	Article 6(1), (2) and (3)
Article 6(4)	—
Article 7(1), (2) and (3)	Article 7(1), (2) and (3)
Article 7(4), first sentence	Article 7(4), first subparagraph
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), point (a)
Article 9(2), second indent	Article 9(2), point (b)
Article 9(2), third indent	Article 9(2), point (c)
Article 9(2), fourth indent	Article 9(2), point (d)
Article 9(2), fifth indent	Article 9(2), point (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	Articles 11 to 15
Article 16(1)	—
Article 17	Article 16
Article 18(1)	—
Article 18(2)	Article 17

Directive 79/409/EEC	This Directive
—	Article 18
—	Article 19
Article 19	Article 20
Annex I	Annex I
Annex II/1	Annex II, Part A
Annex II/2	Annex II, Part B
Annex III/1	Annex III, Part A
Annex III/2	Annex III, Part B
Annex IV	Annex IV
Annex V	Annex V
—	Annex VI
—	Annex VII

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