



EUROPEAN
COMMISSION

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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 eleventh meeting of the Conference of the Parties

EXPLANATORY MEMORANDUM

1. The Convention on the conservation of migratory species of wild animals (also known as the CMS or Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. It is an intergovernmental treaty, concluded under the aegis of the United Nations Environment Programme, concerned with the conservation of wildlife and habitats on a global scale. The European Union has been a Party to the CMS since 1 November 1983¹.
2. The migratory species to be conserved are listed in Appendices I (endangered species) and II (species to be the subjects of agreements) to the Convention.
3. The Conference of the Parties is the decision-making body of the Convention with powers to assess the conservation status of migratory species and, subsequently, to amend Appendices I and II to the Convention.
4. In accordance with Article XI of the Convention, proposals for amendment may be made by any Party. An amendment to the Appendices enters into force for all Parties ninety days after the meeting of the Conference of the Parties at which it is adopted, except for those Parties which make a reservation.
5. The eleventh meeting of the Conference of the Parties to the Convention will take place in Quito (Ecuador) from 4 to 9 November 2014. For this meeting, it is proposed that the Union makes a proposal to amend Appendix I to the Convention to increase the protection of a species of whales, namely the Mediterranean subpopulation of *Ziphius cavirostris*, and the bird species *Coracias garrulus*, 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. This proposal would not require any change in Union law, as it concerns a species which already benefits from appropriate protection under Union law, notably the Birds² and Habitats Directives.³
6. For this meeting, it is furthermore proposed that the Union makes a proposal to amend Appendix II to the Convention to increase the protection of three species of thresher sharks, namely *Alopias superciliosus*, *Alopias vulpinus* and *Alopias pelagicus*, 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. Without requiring any change in Union law, the proposal would provide additional support for introducing collaborative management of these species through the CMS itself and through possible inclusion of the species in the CMS global Memorandum of Understanding (MoU) on the conservation of migratory sharks, to which the Union is a Party. It would also complement and encourage improved fisheries management efforts within the Regional Fisheries Management Organisations.

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.

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

7. 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 eleventh meeting of the Conference of the Parties with regard to proposals for amendment.
8. The deadline for submitting proposals for amendment has been fixed by the Secretariat of the Convention, in line with Article XI (3), to be 6 June 2014.
9. Before the eleventh 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.

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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/EEC⁴, 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 *Coracias garrulus* and the Mediterranean subpopulation of the species *Ziphius cavirostris* in Appendix I would be scientifically sound, in line with the Union legislation and with the Union's commitment to international cooperation for the protection of biodiversity.
- (4) It appears that the inclusion of the species *Alopias superciliosus*, *Alopias vulpinus* and *Alopias pelagicus* 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.
- (5) With a view to the eleventh meeting of the Conference of the Parties which will take place in Quito (Ecuador) from 4 to 9 November 2014, the Union should propose an amendment to Appendix I to include the species *Coracias garrulus* and the Mediterranean subpopulation of the species *Ziphius cavirostris* and an amendment to Appendix II to include the species *Alopias superciliosus*, *Alopias vulpinus* and *Alopias pelagicus*.
- (6) Those proposals should be communicated to the Secretariat of the Convention,

⁴ Council Decision 82/461/EEC of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals, (OJ L 210, 24.6.1982, p. 10).

HAS ADOPTED THIS DECISION:

Sole Article

With a view to the eleventh 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 I to the Convention on the conservation of migratory species of wild animals to include the species *Coracias garrulus* and the Mediterranean subpopulation of the species *Ziphius cavirostris* and a proposal for an amendment to Appendix II to the Convention to include the species *Alopias superciliosus*, *Alopias vulpinus* and *Alopias pelagicus*.

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

Done at Brussels,

For the Council
The President