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Subject: COUNCIL DECISION on the position to be adopted, on behalf of the European Union, with regard to proposals from various Parties to the Convention on the conservation of migratory species of wild animals for amendments to the Appendices to the Convention at the twelfth meeting of the Conference of the Parties

COUNCIL DECISION (EU) 2017/...

of ...

**on the position to be adopted, on behalf of the European Union,
with regard to proposals from various Parties to the Convention on the conservation
of migratory species of wild animals for amendments to the Appendices
to the Convention at the twelfth meeting of the Conference of the Parties**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on the conservation of migratory species of wild animals ('the Convention') was concluded by the Union by means of Council Decision 82/461/EEC of 24 June 1982¹ and entered into force on 1 November 1983.
- (2) Pursuant to Article XI of the Convention, the Conference of the Parties may amend the appendices to the Convention.
- (3) The Conference of the Parties, during its twelfth meeting from 23 to 28 October 2017, is to adopt a decision amending Appendices I and II to the Convention.
- (4) It is appropriate to establish the position to be adopted on behalf of the Union at the Conference of the Parties, as the Decision will be binding on the Union.
- (5) With a view to the Conference of the Parties, the Union has communicated² to the Secretariat of the Convention a proposal for an amendment to Appendix II to the Convention in order to include the bird species *Lanius excubitor excubitor* and *Lanius minor*.
- (6) Other Parties to the Convention have also presented proposals to give protection to several additional species by amending Appendices I and II to the Convention.

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, 19.7.1982, p. 10).

² Council Decision of 16 May 2017 authorising the Commission to propose, on behalf of the Union, an amendment of Appendix II to the Convention on the conservation of migratory species of wild animals with a view to the twelfth meeting of the Conference of the Parties.

- (7) The Union should support those proposals because they are science-based, are in line with relevant Union legislation and will help to fulfil the Union's commitment to international cooperation for the protection of biodiversity in accordance with Article 5 of the UN Convention on Biological Diversity and with decisions taken at the Conference of the Parties under that Convention, in particular with the global target agreed at the Tenth meeting: "By 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained".
- (8) The mammals *Pan troglodytes*, *Equus africanus*, *Equus ferus przewalski*, *Ursus arctos isabellinus* and *Pusa caspica* do not occur in the Union. Therefore, adding those species to Appendix I to the Convention would not require any change in Union law.
- (9) The mammals *Pan troglodytes*, *Equus africanus*, *Lasiurus cinereus*, *Lasiurus borealis*, *Lasiurus blossevillii*, *Lasiurus ega*, *Panthera leo*, *Panthera pardus*, *Pusa caspica*, *Gazella bennettii* and *Giraffa camelopardalis* do not occur in the Union. Therefore, adding those species to Appendix II to the Convention would not require any change in Union law.
- (10) The birds *Fregata andrewsi*, *Gyps bengalensis*, *Gyps indicus*, *Gyps tenuirostris*, *Sacrogyphus calvus*, *Gyps coprotheres*, *Necrosyrtes monachus* and *Trigonoceps occipitalis* do not occur in the Union except for overseas territories which fall outside the scope of Directive 2009/147/EC of the European Parliament and of the Council¹. Therefore, adding those species to Appendix I to the Convention would not require any change in Union law.

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

- (11) The birds *Anous minutus worcesteri* and *Emberiza sulphurata* do not occur in the Union except for overseas territories which fall outside the scope of Directive 2009/147/EC. Therefore, adding those species to Appendix II to the Convention would not require any change in Union law.
- (12) The birds *Aquila nipalensis*, *Gyps africanus*, *Gyps rueppelli* and *Torgos tracheliotos* are covered by Directive 2009/147/EC. Therefore, adding those species to Appendix I to the Convention would not require any change in Union law.
- (13) The birds *Lanius excubitor excubitor* and *Lanius minor* are covered by Directive 2009/147/EC. Therefore, adding those species to Appendix II to the Convention would not require any change in Union law.
- (14) The fish species *Rhincodon typus* proposed for listing in Appendix I to the Convention, the fish species *Squatina squatina*, *Rhinobatos rhinobatos* proposed for listing in Appendices I and II to the Convention, and the fish species *Carcharinus obscurus*, *Prionace glauca* and *Rhynchobatus australiae* proposed for listing in Appendix II to the Convention, fall within the rules of the Common Fisheries Policy which, among other relevant tools, offers appropriate instruments to contribute to managing their protection.

- (15) Furthermore, the fishing and retention of species *Squatina squatina* and *Rhinobatos rhinobatos* are prohibited under Council Regulation (EU) 2017/127¹ and their Mediterranean populations are strictly protected (retention ban) by the General Fisheries Commission for the Mediterranean Recommendation GFCM/36/2012/3 on fisheries management measures for conservation of sharks and rays in the GFCM area.
- (16) Furthermore, the species *Rhincodon typus* is listed in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and Annex B to Commission Regulation (EU) No 1320/2014² and currently regulated by the Indian Ocean Tuna Commission, the Western and Central Pacific Fisheries Commission and the Inter-American Tropical Tuna Commission.
- (17) The Union should promote efforts to consider how to make best use of all available and relevant scientific information and to improve the framework of cooperation between relevant multilateral and regional instruments by advocating consistency and complementarity.
- (18) In that spirit, the importance of ocean governance objectives, in line with the Council conclusions of 3 April 2017 on "International ocean governance: an agenda for the future of our oceans", should also be noted.

¹ Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 24, 28.1.2017, p. 1).

² Commission Regulation (EU) No 1320/2014 of 1 December 2014 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 361, 17.12.2014, p. 1).

- (19) To the extent that the Convention falls both within the competence of the Union and the competence of the Member States, the Commission and the Member States should cooperate closely for the adoption of the amendments to the Appendices of the Convention, aiming for unity in the international representation of the Union.
- (20) At the Conference of the Parties, the Union is to be represented by the Commission in accordance with Article 17(1) of the Treaty on European Union,

HAS ADOPTED THIS DECISION:

Article 1

At the twelfth meeting of the Conference of the Parties to the Convention on the conservation of migratory species of wild animals, the Commission, on behalf of the Union and as regards matters falling within Union's competence, shall support the following proposals to amend Appendices I and II to the Convention:

(1) the addition of the following species to Appendix I:

- (a) *Pan troglodytes*
- (b) *Equus africanus*
- (c) *Equus ferus przewalski*
- (d) *Ursus arctos isabellinus*
- (e) *Pusa caspica*
- (f) *Fregata andrewsi*
- (g) *Aquila nipalensis*
- (h) *Gyps bengalensis*
- (i) *Gyps indicus*
- (j) *Gyps tenuirostris*
- (k) *Sacrogyps calvus*
- (l) *Gyps africanus*

- (m) *Gyps coprotheres*
- (n) *Gyps rueppelli*
- (o) *Necrosyrtes monachus*
- (p) *Trigonoceps occipitalis*
- (q) *Torgos tracheliotos*
- (r) *Rhincodon typus*
- (s) *Squatina squatina*
- (t) *Rhinobatos rhinobatos*

(2) the addition of the following species to Appendix II:

- (a) *Pan troglodytes*
- (b) *Equus africanus*
- (c) *Lasiurus cinereus*
- (d) *Lasiurus borealis*
- (e) *Lasiurus blossevillii*
- (f) *Lasiurus ega*
- (g) *Panthera leo*
- (h) *Panthera pardus*
- (i) *Pusa caspica*
- (j) *Gazella bennettii*
- (k) *Giraffa camelopardalis*
- (l) *Anous minutus worcesteri*
- (m) *Emberiza sulphurata*
- (n) *Lanius excubitor excubitor*
- (o) *Lanius minor*
- (p) *Squatina squatina*

- (q) *Rhinobatos rhinobatos*
- (r) *Carcharinus obscurus*
- (s) *Prionace glauca*
- (t) *Rhynchobatus australiae*

Article 2

This Decision is addressed to the Commission.

Done at ..., ...

For the Council
The President
