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CM 3690/18

ENV
PROCED

COMMUNICATION

WRITTEN PROCEDURE

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Subject:	END OF WRITTEN PROCEDURE Council Decision on the submission, on behalf of the European Union, of a proposal for amending Annexes 2 and 3 to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds – Adoption

Delegations are herewith informed that the written procedure initiated by CM 3560/18 of 29 June 2018 was successfully completed on 6 July 2018.

The result of the written procedure is that the Council adopted the Council Decision on the submission, on behalf of the European Union, of a proposal for amending Annexes 2 and 3 to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (document 10326/18), by qualified majority, with Denmark voting against and Poland and Sweden abstaining.

Denmark and Bulgaria made the following unilateral statements:

Statement by Denmark

Denmark believes that hunting and taking of birds and eggs of the populations of Shag (*Phalacrocorax aristotelis*), Atlantic Puffin (*Fratercula arctica*) and Razorbill (*Alca torda*) occurring in the Faroes should remain legal and not be subject to the regulation of Agreement on the Conservation of African-Eurasian Migratory Waterbirds, because Denmark supports that the Faroes should take the relevant decisions regarding bird management at the Faroes on the basis of local interests and local traditions. The Faroes are monitoring and taking initiatives to secure a sustainable management of the local bird populations.

Denmark therefore does not support the proposal for a Council Decision on the submission, on behalf of the European Union, of a proposal for amending Annex 2 of the Agreement by adding the Shag (*Phalacrocorax aristotelis*). Furthermore, Denmark does not support to move all populations of Atlantic Puffin (*Fratercula arctica*) to Column A of Table 1 of Annex 3 of the Agreement, and Denmark does not support to move all populations of Razorbill (*Alca torda*) to Column A of Table 1 of Annex 3 of the Agreement.

Denmark's position in international relations is characterised by the fact that Denmark, in addition to its membership of the EU, has an independent role as the State responsible for the Faroes and Greenland, which are not members of the EU and therefore not bound by EU law.

If the EU proposal will be put to vote under the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, Denmark intends not to support such a proposal. Denmark will make it clear that Denmark is acting on behalf of Faroes and not as an EU Member State.

Statement by Bulgaria

Bulgaria supports the proposal for a Council Decision as set out in document 10326/18 and can agree to the adoption of the above mentioned Decision.

The species *Phalacrocorax aristotelis* and *Calidris ferruginea* are subject to protection according to the National Biological Diversity Act, therefore, all forms of taking, killing, chasing, disturbance, and destruction of the breeding and staging sites are prohibited. Exceptions are permissible in certain cases prescribed in the national legislation.

Bulgaria believes that the species Atlantic Puffin (*Fratercula arctica*) and Razorbill (*Alca torda*) also should be subject to international protection under the Agreement on the Conservation of African-Eurasian Migratory Waterbirds and therefore supports their listing.
