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COM (85) 532

Vol. 1985/0197

Historical Archives of the European Commission

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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

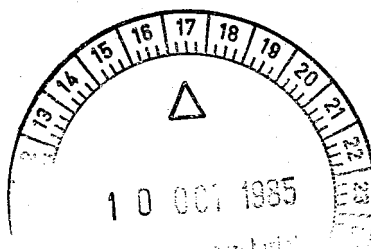
COMMISSION OF THE EUROPEAN COMMUNITIES

COM(85) 532 final

Brussels, 8 October 1985

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

Report on the implementation by the Community of the
Bonn Convention on the conservation of migratory
species of wild animals



1. On 24 June 1982 the Community concluded the Bonn Convention on the conservation of migratory species of wild animals,¹ to which it has become a Contracting Party.
2. The first meeting of the Contracting Parties to the Convention will be held in Bonn from 21 to 26 October 1985.
3. Article VI of the Bonn Convention calls upon the Contracting Parties to inform the Conference of the Parties, through the Secretariat, of the measures that they are taking to implement the provisions of the Convention.
4. The Commission is transmitting to the Council, for information, a report on the implementation by the Community of the Bonn Convention on the conservation of migratory species of wild animals.

¹OJ L 210, 19.7.1982.

Report on the implementation by the EEC of the Bonn Convention

The European Community implements the Convention by performing the tasks assigned to it under common rules, and in particular the Council Directive of 2 April 1979 on the conservation of wild birds¹ as amended by Directive 81/854/EEC of 19 October 1981.²

The Directive establishes a general system of protection for 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. It applies to wild birds, their eggs, nests and habitats.

As loss of natural habitat is becoming an increasingly acute problem dwarfing other problems involved in the conservation of wild birds, the Directive focuses above all on the preservation, maintenance and re-establishment of biotopes and habitats and provides, as a first step, for the creation of special protection areas for 74 bird species in need of particular attention. The Commission has the task of taking appropriate steps to ensure, by means of coordination, that these areas constitute a coherent network consistent with the requirements as regards protecting these species in the geographical sea and land area in which the Directive applies.

As part of this task, the Commission is at present working with scientific experts to draw up a preliminary inventory of areas of major importance for the conservation of wild birds in the Community. This should serve as a reference document for the creation of the abovementioned network and enable the relevant Commission departments to ensure increasingly effectively that

¹OJ L 103, 25.4.1979.

²OJ L 319, 7.11.1981.

the development encouraged by the Community does not affect these areas in an unacceptable fashion. Work is also in progress concerning the organization and management of special protection areas and the areas notified by the Member States pursuant to the Council Resolution of 2 April 1979 concerning Directive 79/409/EEC on the conservation of wild birds.³

Article 5 of the Directive sets out the obligations of the Member States with regard to strictly protected bird species. They must in particular prohibit:

- (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 periods of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of the directive; and
- (e) keeping birds of species the hunting and capture of which are prohibited.

Owing to their population level, geographical distribution and reproductive rate throughout the Community, 24 bird species listed in Annex II/1 to the Directive may be hunted under the national legislation of Member States. Forty-eight other bird species listed in Annex II/2 may be hunted only in certain Member States. None of these species may be hunted during the nesting season nor during the various stages of breeding and rearing. In the

³ OJ C 103, 25.4.1979.

case of migratory species, hunting is not permitted during their breeding period or during their return to their nesting places.

Turning to the marketing of wild birds, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognizable parts or derivatives of such birds are prohibited, except for the 26 species referred to in Annex III to the Directive and derogations pursuant to Article 9 of the Directive.

In addition, with the exception of derogations by Member States the consequences of which are monitored by the Commission, 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, and in particular the use of the means listed in Annex IV to the Directive, is prohibited.

The Directive also prohibits the hunting of birds from aircraft, motor vehicles, and boats driven at a speed exceeding 5 km per hour.

The Commission of the European Communities is responsible for ensuring that the Directive is properly applied. In the event of failure to apply the Directive, it takes steps to rectify this state of affairs.

In addition to these bird-conservation measures, under Council Regulation 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora the Community has prohibited the display to the public for commercial purposes and the sale, keeping for sale, offering for sale or transporting for sale of the wild plants and animals indigenous to Europe listed in Appendix I to the Washington Convention or Part 1 of Annex C to the Regulation. Among other species, these measures concern turtles, whales and monk seals.

Mention should also be made of the work being carried out by the Commission at the request of the European Parliament to conserve the monk seal, and the studies and research encouraged by the Community, and in particular those aimed at conserving the Dalmatian Pelican and the Little Bustard and those to reintroduce the White-headed Duck in Italy. The Euring data bank and the inventory of bird conservation research projects in the Community are another two examples of activities in this area.