



Council of the
European Union

Brussels, 20 November 2018
(OR. en)

14170/18

Interinstitutional File:
2018/0379 (NLE)

ENV 749

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union, in the thirty-eighth meeting of the Standing Committee of the Convention on the conservation of European wildlife and natural habitats, with regard to amendments to Appendices II and III to that Convention

COUNCIL DECISION (EU) 2018/...

of ...

**on the position to be taken on behalf of the European Union,
in the thirty-eighth meeting of the Standing Committee of the Convention
on the conservation of European wildlife and natural habitats,
with regard to amendments to Appendices II and III to that Convention**

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 European wildlife and natural habitats (the ‘Convention’) was concluded by the Union by means of Council Decision 82/72/EEC¹ and entered into force on 1 September 1982.
- (2) Pursuant to Article 17 of the Convention, the Standing Committee may adopt a decision to amend the appendices to the Convention.
- (3) The Standing Committee, during its thirty-eighth meeting on 27-30 November 2018, is to adopt a decision on amending Appendices II and III to the Convention.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Standing Committee, as the decision will be binding on the Union.
- (5) Norway submitted a proposal to move the Barnacle Goose (*Branta leucopsis*) from Appendix II on ‘Strictly protected fauna species’ to Appendix III on ‘Protected fauna species’ to the Convention.
- (6) The most recent available scientific information on the size, distribution and threats of the barnacle goose populations shows that its total population has grown over 10 times from the 1980s to 2010 and is now in secure conservation status.

¹ Council Decision 82/72/EEC of 3 December 1981 concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats (OJ L 38, 10.2.1982, p. 1).

- (7) The Union should support this proposal so as to address the very rapid population increase of this species across its range. However, the proposal is not in line with the current protection status of the Barnacle Goose under Directive 2009/147/EC of the European Parliament and of the Council¹. Since an amendment of the Annexes to Directive 2009/147/EC is currently not foreseen or possible within the short time frame required by the Convention (90 days), the Union should for the time being apply stricter protection measures as provided for in Article 12 of the Convention.
- (8) Switzerland submitted a proposal to move the Wolf (*Canis lupus*) from Appendix II on ‘Strictly protected fauna species’ to Appendix III on ‘Protected fauna species’ to the Convention.
- (9) Lowering the protection status of the wolf populations to the lowest common denominator is not justified from a scientific and conservation point of view. The most recent available scientific information on the size, distribution and threats to the European wolf populations shows that, out of the nine mainly trans-boundary wolf populations in the Union and its neighbouring countries, only three are of ‘least concern’ while six are ‘vulnerable’ or ‘near threatened’. The Western-Central Alps population covering Switzerland is ‘vulnerable’ in the International Union for Conservation of Nature Red List Assessment.

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).

- (10) Up-to-date information on the conservation status of the Wolf in the Union will become available in 2019 from the Article 17 reports under Council Directive 92/43/EEC¹.
Therefore, the Union should seek to defer a vote of the Standing Committee on the Swiss proposal until such information is available,

HAS ADOPTED THIS DECISION:

¹ 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).

Article 1

The position to be taken on the Union's behalf in the thirty-eighth meeting of the Standing Committee of the Convention on the conservation of European wildlife and natural habitats, shall be the following:

- to support the proposal to move the Barnacle Goose (*Branta leucopsis*) from Appendix II on 'Strictly protected fauna species' to Appendix III on 'Protected fauna species' to the Convention. The Union shall, for the time being, apply stricter protection measures for this species as provided for in Article 12 of the Convention;
- to seek the support of the other contracting parties to the Convention to defer voting on the proposal to move the Wolf (*Canis lupus*) from Appendix II on 'Strictly protected fauna species' to Appendix III on 'Protected fauna species' until up-to-date information on the conservation status of the Wolf in the Union becomes available.

This position shall be expressed by the Commission.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President
