

COMMISSION OF THE EUROPEA

SEC(94) 341 final - SYN 522

Brus

COMMUNICATION FROM THE COMMISSION TO THE E

pursuant to the first subparagraph of Article 18

**Common position of the Council on the proposal for a Council
amending Directive 79/409/EEC on the conservation of wild birds.**

Subject: Common position of the Council on the proposal for a Council Directive amending Directive 79/409/EEC on the conservation of wild birds

1. Procedure

- Proposal COM(91)42 final was transmitted to the Council on 6 March 1991 and to the European Parliament on 27 March 1991.
- The European Parliament delivered its opinion following the first reading on 14 May 1992.
- The Commission officially presented an amended proposal (COM(92)398 final), which was submitted to the Council on 14 September 1992.
- The Council officially adopted its common position on 21 February 1994.

2. Purpose of the Directive

Amendment of Annex II to Directive 79/409/EEC listing the bird species which may be hunted in the geographical sea and land area where the Directive applies.

The proposal is mainly concerned with five species: *Garrulus glandarius* (Jay), *Pica pica* (Magpie), *Corvus monedula* (Jackdaw), *Corvus frugilegus* (Rook) and *Corvus corone* (Crow) which are to be included in Annex II/2.

3. Observations concerning the common position

1. General

Six of the 28 amendments to the proposal voted by Parliament have been accepted in their entirety or in part by the Commission and incorporated in the common position. Accordingly, the common position includes amendments 23 to 25, 42 and 45. A sixth amendment has been included in part (amendment 5).

As regards the other amendments adopted by Parliament, the Commission held the opinion that it is not necessary at present to remove other species from Annex II to the Directive given that these species can be given adequate protection under suitable regional or national management plans (amendments 1 to 4 and 6 to 22). Amendment 26 was rejected because *Tringa totanus* (Redshank) can be distinguished more easily from *Numenius tenuirostris* (Slender-billed curlew) than species of the genera *Numenius* and *Limosa*.

2. Specific

(A) Parliamentary amendments accepted by the Commission and incorporated in the common position:

- A new recital stressing the need to remove from Annex II/2, in respect of Italy, the species *Limosa limosa* (Black-tailed godwit), *Limosa lapponica* (Bar-tailed godwit) and *Numenius arquata* (Curlew) in order to protect the globally-endangered species *Numenius tenuirostris* (Slender-billed curlew).
- Removal of the species *Limosa limosa*, *Limosa lapponica* and *Numenius arquata* from Annex II/2 in respect of Italy.
- Inclusion of the species *Pica pica* (Magpie) and *Corvus corone* (Crow) in Annex II/2 in respect of Italy.

(B) Parliamentary amendments accepted by the Commission but not included in the common position:

None.

(C) New elements introduced by the Council:

- The date to be entered in Article 2 will be the date of notification to the Member States plus 15 months.
- Inclusion of the species *Alectoris chukar* (Chukar) in Annex II/2 in respect of Greece.
- Inclusion of the species *Larus cachinnans* (Yellow-legged herring gull) in Annex II/2 in respect of Spain.
- Inclusion of the species *Larus ridibundus* (Black-headed gull) and *Larus argentatus* (Herring gull) in Annex II/2 in respect of Belgium.
- Inclusion of the species *Sturnus vulgaris* (Starling) in Annex II/2 in respect of Greece, Spain, France and Portugal.
- Inclusion of the species *Pica pica* (Magpie), *Corvus monedula* (Jackdaw) and *Corvus corone* (Crow) in Annex II/2 in respect of Greece.
- Removal of 21 species from Annex II/2 in respect of Spain:
[*Melanitta nigra* (Common scoter), *Mergus serrator* (Red-breasted merganser), *Tetrao urogallus* (Capercaillie), *Rallus aquaticus* (Water rail), *Gallinula chloropus* (Moorhen), *Haematopus ostralegus* (Oystercatcher), *Pluvialis apricaria* (Golden plover), *Pluvialis squatarola* (Grey plover), *Calidris canutus* (Knot), *Philomachus pugnax* (Ruff), *Limosa limosa* (Black-tailed godwit), *Limosa lapponica* (Bar-tailed godwit), *Numenius phaeopus* (Whimbrel), *Numenius arquata* (Curlew), *Tringa erythropus* (Spotted redshank), *Tringa totanus* (Redshank), *Tringa nebularia* (Greenshank), *Larus fuscus* (Lesser Black-backed Gull), *Larus canus* (Common gull), *Streptopelia decaocto* (Collared dove) and *Turdus merula* (Blackbird)].

The Commission has accepted the new elements introduced by the Council since they preserve the integrity of its proposal and its general objectives.

It has carried out an examination of the situation of the newly-included species and whether the criteria for hunting laid down in Article 7 of the Directive have been met, and has found no compelling reasons to refuse the requests made by the Member States in question.