

HILLMAN

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 146 final

Brussels, 23 March 1979

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Recommendation for a

COUNCIL DECISION

authorizing the Commission of the European Communities
to participate in the negotiations to conclude a
convention on the conservation of wildlife and the
natural environment

(submitted to the Council by the Commission)

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Recommendation for a

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authorizing the Commission of the European Communities to participate in the negotiations to conclude a convention on the conservation of wildlife and the natural environment

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the recommendation from the Commission,

Whereas negotiations, in which all the Member States are participating, are at present taking place within the Council of Europe for the conclusion of a convention on the conservation of wildlife and the natural environment;

Whereas, to attain its objectives, the draft of the said convention provides for commercial measures including prohibitions on the possession of and prohibitions or restrictions on the sale, carriage or offer for sale of certain live or dead wild animals, or of any easily identifiable part or product obtained therefrom; whereas such measures affect the free movement of goods within the Community;

● Whereas the Council approved a proposal for a Council directive on bird conservation on 19 December 1978;

Whereas, by decision of 14 March 1977, the Council authorized the Commission to open negotiations for the accession of the Community to the Convention on international trade in endangered species of wild flora and fauna (Washington Convention); whereas that Convention deals with matters within the competence of the Community and covers species dealt with in the draft of the convention on the conservation of wildlife and the natural environment;

Whereas, for the abovementioned reasons and in view of its powers in this sector, it is essential that the Community take part in the negotiations for the conclusion of the said Convention,

1. Following the resolutions taken in 1973 and 1976 at the European Ministerial Conferences on the Environment held under the auspices of the Council of Europe an ad hoc committee of experts was set up within the Council of Europe in 1976 to draw up a draft Convention on the conservation of wildlife.

This ad hoc committee has submitted a draft Convention to the Committee of the Ministers of the Council of Europe for a decision before the third European Ministerial Conference on the Environment to be held in Bern on 19 September.

2. The abovementioned draft includes provisions affecting the Treaty's rules on the free movement of goods (prohibition of the possession or sale of certain living and dead animals and easily identifiable parts and products obtained therefrom).

3. The Council also approved a proposal for a Directive on bird conservation on 19 December 1978.

The Community's environmental action programmes also provides for Community measures to protect flora and fauna.

Finally, the Council decided on 14 March 1977 to enter negotiations for the Community to accede to the Convention on international trade in endangered species of wild flora and fauna (the Washington Convention). The scope of the measures proposed in this sector at Community level cover, at least partly, the scope of the draft Convention in question.

4. This Convention thus falls within the competence of the Community and the Member States cannot therefore commit themselves individually to joint action with non-Community countries in these areas without the Community's participation.

5. In these circumstances, the Community as such must accede to this Convention alongside its Member States and the Commission therefore recommends that the Council approve the draft Decision attached.

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission is hereby authorised to take part in the negotiations for the conclusion by the Community of the convention on the conservation of wildlife and the natural environment.

It shall conduct these negotiations, in consultation with representatives of the Member States, in accordance with the negotiating guidelines annexed hereto.

Done at Brussels,

For the Council

The President

Negotiating Guidelines

The draft of the Convention, which is currently being drawn up, should be worded in such a way that the Community can sign and conclude the Convention.