Council Decision (EU) 2020/243 of 13 February 2020 on the position to be taken on behalf of the European Union in the thirteenth meeting of the Conference of the Parties to the Convention on the conservation of migratory species of wild animals as regards proposals from various parties to amend the Appendices to that Convention, and on the withdrawal of a reservation notified to that Convention

COUNCIL DECISION (EU) 2020/243

of 13 February 2020

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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 migratory species of wild animals (the 'Convention') was concluded by the Union by Council Decision 82/461/EEC[(1)] and entered into force on 1 November 1983.

(2) Pursuant to Article XI of the Convention, the Conference of the Parties to the Convention (the 'Conference of the Parties') may adopt decisions to amend the Appendices to the Convention.

(3) The Conference of the Parties, during its thirteenth meeting from 15 to 22 February 2020, is to adopt decisions to amend the Appendices to the Convention.

(4) It is appropriate to establish the position to be taken on the Union's behalf in the Conference of the Parties, as the decisions amending the Appendices to the Convention will be binding on the Union.

(5) The Union submitted proposals for inclusion of the species *Tetrax tetrax* in Appendix I to the Convention and the species *Galeorhinus galeus, Tetrax tetrax* and *Sphyrna zygaena* in Appendix II to the Convention. These proposed amendments would not require any change in Union law.

(6) Other parties to the Convention submitted proposals regarding the inclusion of *Elephas maximus indicus*, *Panthera onca*, *Ardeotis nigriceps*, *Houbaropsis bengalensis bengalensis*, *Diomedea antipodensis* and *Carcharhinus longimanus* in Appendix I to the Convention and regarding the inclusion of *Panthera onca*, *Ovis vignei* and *Sphyrna zygaena* (regional population which occurs along the Exclusive Economic Zones of

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/243. (See end of Document for details)*

Brazil, Uruguay and Argentina and in international adjacent waters) in Appendix II to the Convention.

(7) The Union should support its own proposal to include the global population of *Sphyrna zygaena* in Appendix II to the Convention, in preference to the proposal submitted by another party to the Convention to include only the regional population which occurs along the Exclusive Economic Zones of Brazil, Uruguay and Argentina and in international adjacent waters.

(8) The Union should support all other proposals because they are science-based, in line with the Union's commitment to international cooperation for the protection of biodiversity in accordance with Article 5 of the UN Convention on Biological Diversity, and in line with decisions taken at the Conference of the Parties to that Convention.

(9) The Union is not a range state for the species *Elephas maximus indicus*, *Ardeotis nigriceps*, and *Houbaropsis bengalensis bengalensis*, so adding these species to Appendix I to the Convention would not require any change in Union law.

(10) The Union is not a range state for the species *Ovis vignei*, so adding this species to Appendix II to the Convention would not require any change in Union law.

(11) The species *Panthera onca* occurs in the Union only in French Guiana, which falls outside the scope of Council Directive 92/43/EEC[(2)] as it only applies to the European territory of the Member States to which the Treaty applies. The protection of species in French Guiana, including *Panthera onca*, is ensured through national legislation. Adding this species to Appendix I to the Convention would therefore not require any change in Union law.

(12) The bird species *Diomedea antipodensis* does not occur in the Union. The Union's Common Fisheries Policy and the regulation of fishing by the relevant regional fisheries management organisations offer the appropriate instruments for the Union to contribute to managing its protection. Adding this species to Appendix I to the Convention would therefore not require any change in Union law.

(13) The Union's Common Fisheries Policy and the regulation of fishing by the relevant regional fisheries management organisations offer the appropriate instruments for the Union to contribute to managing the protection of the fish species *Carcharhinus longimanus*. Furthermore, the fishing and retention of this species are prohibited under Council Regulation (EU) 2019/124[(3)]. Adding this species to Appendix I to the Convention would therefore not require any change in Union law.

(14) The fishing and retention of the species *Cetorhinus maximus,* which is included in Appendix I to the Convention but concerning which inclusion the Union presently has a reservation in force, are prohibited under Regulation (EU) 2019/124. Withdrawing this reservation would therefore not require any change in Union law,

HAS ADOPTED THIS DECISION: