Council Decision (EU) 2019/1917 of 3 December 2018 on the position to be taken on behalf of the European Union at the seventh session of the Meeting of the Parties to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds with regard to certain amendments to Annex 3 to the Agreement

COUNCIL DECISION (EU) 2019/1917

of 3 December 2018

on the position to be taken on behalf of the European Union at the seventh session of the Meeting of the Parties to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds with regard to certain amendments to Annex 3 to the Agreement

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 Agreement on the Conservation of African-Eurasian Migratory Waterbirds (the 'Agreement') entered into force on 1 November 1999 and was approved on behalf of the European Community by Council Decision 2006/871/EC[(1)].

(2) Pursuant to Article X(5) of the Agreement, the Meeting of the Parties may adopt amendments to Annexes to the Agreement.

(3) During its seventh session, that will take place on 4 to 8 December 2018 in Durban, South Africa, the Meeting of the Parties is expected to adopt a resolution on the adoption of amendments to Annexes 2 and 3 to the Agreement.

(4) The proposed amendments to Annex 3 to the Agreement submitted by Uganda and set out in draft Resolution 7.3 concerning the following nine species: Common Eider — *Somateria mollissima,* Red-breasted Merganser — *Mergus serrator*, Common Pochard — *Aythya ferina*, Eurasian Oystercatcher — *Haematopus ostralegus,* Northern Lapwing — *Vanellus vanellus*, Bar-tailed Godwit — *Limosa lapponica,* Black-tailed Godwit — *Limosa limosa,* Red Knot — *Calidris canutus,* and Spotted Redshank — *Tringa erythropus,* contribute to achieving a higher degree of protection of those populations of species that are in decline and should therefore be approved on behalf of the Union. However, in accordance with Article 3(4) of Decision 2006/871/EC, the Commission is to enter a reservation with regard to the proposed amendments concerning the above nine species, since they would require an amendment to Directive 2009/147/EC of the European Parliament and of the Council[(2)], which would not be feasible within 90 days of the date of their adoption by the Meeting of the Parties.

(5) It is appropriate to establish the position to be taken on the Union's behalf at the seventh session of the Meeting of the Parties with regard to the proposed amendments, as the

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/1917. (See end of Document for details)*

Resolution will be binding on the Union and will be capable of decisively influencing the content of Union law, namely Directive 2009/147/EC,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the seventh session of the Meeting of the Parties to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds shall be the following:

The Union shall approve the amendments to Annex 3 to the Agreement submitted by Uganda and set out in draft Resolution 7.3 of the seventh session of the Meeting of the Parties concerning the following nine species: Common Eider — *Somateria mollissima,* Red-breasted Merganser — *Mergus serrator*, Common Pochard — *Aythya ferina*, Eurasian Oystercatcher — *Haematopus ostralegus,* Northern Lapwing — *Vanellus vanellus*, Bar-tailed Godwit — *Limosa lapponica,* Black-tailed Godwit — *Limosa limosa,* Red Knot — *Calidris canutus,* and Spotted Redshank — *Tringa erythropus*.

Article 2

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

Done at Brussels, 3 December 2018.

For the Council

The President

N. HOFER