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Subject: COUNCIL DECISION on the position to be adopted, on behalf of the European Union, with regard to a proposal for amending Annex II to the Protocol concerning specially protected areas and biological diversity in the Mediterranean at the twentieth ordinary meeting of the Contracting Parties to the Convention for the protection of the marine environment and the coastal region of the Mediterranean

COUNCIL DECISION (EU) 2017/...

of ...

**on the position to be adopted,
on behalf of the European Union,
with regard to a proposal for amending
Annex II to the Protocol concerning specially protected areas
and biological diversity in the Mediterranean
at the twentieth ordinary meeting of the Contracting Parties
to the Convention for the protection of the marine environment
and the coastal region of the Mediterranean**

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 for the protection of the marine environment and the coastal region of the Mediterranean ('the Barcelona Convention') was concluded by the Union by means of Council Decision 1999/802/EC¹ and entered into force on 9 July 2004.
- (2) The Union is also a Party to the Protocol concerning specially protected areas and biological diversity in the Mediterranean ('the Protocol'), which was concluded by the Union by means of Council Decision 1999/800/EC² and entered into force on 12 December 1999.
- (3) Pursuant to Article 18 of the Barcelona Convention, one of the functions of the meetings of the Contracting Parties is to adopt, review and amend the Annexes to that Convention and to the Protocols, as required.

¹ Council Decision 1999/802/EC of 22 October 1999 on the acceptance of amendments to the Convention for the Protection of the Mediterranean Sea against Pollution and to the Protocol for the Prevention of Pollution by Dumping from Ships and Aircraft (Barcelona Convention) (OJ L 322, 14.12.1999, p. 32).

² Council Decision 1999/800/EC of 22 October 1999 on concluding the Protocol concerning specially protected areas and biological diversity in the Mediterranean, and on accepting the annexes to that Protocol (Barcelona Convention) (OJ L 322, 14.12.1999, p. 1).

- (4) The twentieth ordinary meeting of the Contracting Parties to the Barcelona Convention is scheduled to take place from 17 to 20 December 2017. Among the items on the agenda, the meeting is to adopt a decision amending Annex II to the Protocol.
- (5) The purpose of those amendments is to add four new Anthozoa species (*Dendrophyllia cornigera*, *Dendrophyllia ramea*, *Desmophyllum dianthus* and *Isidella elongata*) to the list of species set out in Annex II to the Protocol, and to update the denomination of a number of marine and coastal bird species in that list in view of certain taxonomic changes that occurred since the last amendments of the Annexes to the Protocol.
- (6) It is appropriate to establish the position to be adopted on behalf of the Union at the twentieth ordinary meeting of the Contracting Parties to the Barcelona Convention, as the amendments to Annex II to the Protocol will be binding on the Union.

- (7) The four Anthozoa species proposed for inclusion in Annex II to the Protocol are present in natural habitat types of Union interest whose conservation requires the designation of special areas of conservation as set out in Annex I to Council Directive 92/43/EEC¹. Three of those species are also included in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora which is implemented in the Union by Annex B to Council Regulation (EC) No 338/97². All of the species proposed for inclusion are known to be threatened in the Mediterranean Sea and are therefore in need of the enhanced protection from human activities that is provided under the Protocol.
- (8) As the proposal for the decision at the twentieth ordinary meeting of the Contracting Parties to the Barcelona Convention is for the amendment of Annex II to the Protocol, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.
- (9) At the twentieth ordinary meeting of the Contracting Parties to the Barcelona Convention, the Union is to be represented by the Commission in accordance with Article 17(1) of the Treaty on European Union (TEU),

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).

² Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

Article 1

At the twentieth ordinary meeting of the Contracting Parties to the Convention for the protection of the marine environment and the coastal region of the Mediterranean ('the Barcelona Convention'), the Commission, on behalf of the Union, shall support the proposal for a decision amending Annex II to the Protocol concerning specially protected areas and biological diversity in the Mediterranean ('the Protocol') as regards:

- (1) the addition of the following species:
 - *Dendrophyllia cornigera*,
 - *Dendrophyllia ramea*,
 - *Desmophyllum dianthus*,
 - *Isidella elongata*;
- (2) the changes made to the denomination of marine and coastal bird species due to taxonomic changes set out in Annex.

Article 2

After its adoption, the decision referred to in Article 1 shall be published in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Commission.

Done at ...,

For the Council

The President

ANNEX

List of taxonomic changes made to the marine and coastal species in Annex II to the Protocol concerning specially protected areas and biological diversity in the Mediterranean

The following taxonomic updates related to the denomination or classification of marine and coastal species are proposed to Annex II to the Protocol concerning specially protected areas and biological diversity in the Mediterranean ('the Protocol'):

- (1) The following species have been linked to a different taxonomic group:
 - '*Fucus virsoides* J. Agardh' was moved from the phylum '*Rhodophyta*' to the phylum '*Heterokontophyta*';
 - '*Kallymenia spathulata* (J. Agardh) P.G. Parkinson' was moved from the phylum '*Heterokontophyta*' to the phylum '*Rhodophyta*'.

- (2) The following species have been deleted under the category '*Aves*':
 - '*Hydrobates pelagicus* (Linnaeus, 1758)';
 - '*Phalacrocorax aristotelis* (Linnaeus, 1761)';
 - '*Phalacrocorax pygmeus* (Pallas, 1773)';
 - '*Phoenicopterus ruber* (Linnaeus, 1758)';
 - '*Sterna albifrons* (Pallas, 1764)';

- ‘*Sterna bengalensis* (Lesson, 1831)’;
- ‘*Sterna caspia* (Pallas, 1770)’;
- ‘*Sterna nilotica* (Gmelin, JF, 1789)’;
- ‘*Sterna sandvicensis* (Latham, 1878)’.

(3) The following species have been added under the category ‘*Aves*’:

- ‘*Gelochelidon nilotica* (Gmelin, JF, 1789)’;
- ‘*Hydrobates pelagicus* ssp. *melitensis* (Schembri, 1843)’;
- ‘*Hydroprogne caspia* (Pallas, 1770)’;
- ‘*Microcarbo pygmaeus* (Pallas, 1773)’;
- ‘*Phalacrocorax aristotelis* ssp. *desmarestii* (Payraudeau, 1826)’;
- ‘*Phoenicopterus roseus* (Pallas, 1811)’;
- ‘*Sternula albifrons* (Pallas, 1764)’;
- ‘*Thalasseus bengalensis* (Lesson, 1831)’;
- ‘*Thalasseus sandvicensis* (Latham, 1878)’.
