



Council of the  
European Union

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#### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union at the eighth 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

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**COUNCIL DECISION (EU) 2022/...**

**of ...**

**on the position to be taken on behalf of the European Union  
at the eighth 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<sup>1</sup>.
- (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 eighth session, that will take place from 26 to 30 September 2022, the Meeting of the Parties is expected to adopt a resolution on the adoption of amendments to Annex 3 to the Agreement.
- (4) It is appropriate to establish the position to be taken on behalf of the Union at the eighth session of the Meeting of the Parties with regard to the proposed amendments, as the Resolution will be binding on the Union and will be capable of decisively influencing the content of Union law, namely Directive 2009/147/EC of the European Parliament and of the Council<sup>2</sup>.

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<sup>1</sup> Council Decision 2006/871/EC of 18 July 2005 on the conclusion on behalf of the European Community of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (OJ L 345, 8.12.2006, p. 24).

<sup>2</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

- (5) The proposed amendments to Annex 3 to the Agreement submitted by the United Kingdom and set out in draft Resolution 8.2 concerning the following five species: Greylag Goose - *Anser anser*, Red-crested Pochard - *Netta rufina*, Grey Plover - *Pluvialis squatarola*, Eurasian Oystercatcher - *Haematopus ostralegus longipes* and Bean Goose, Taiga Bean Goose - *Anser fabalis fabalis*, 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 those five species, since they would require an amendment to Directive 2009/147/EC, which would not be feasible within 90 days of the date of their adoption by the Meeting of the Parties,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the Union at the eighth 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 the United Kingdom and set out in draft Resolution 8.2 of the eighth session of the Meeting of the Parties to the Agreement concerning the following five species: Greylag Goose - *Anser anser*, Red-crested Pochard - *Netta rufina*, Grey Plover - *Pluvialis squatarola squatarola*, Eurasian Oystercatcher - *Haematopus ostralegus longipes*, and Bean Goose, Taiga Bean Goose - *Anser fabalis fabalis*.

*Article 2*

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

Done at ..., ...

*For the Council*

*The President*

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