



Council of the  
European Union

Brussels, 22 November 2022  
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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 42nd meeting of the Standing Committee of the Convention on the conservation of European wildlife and natural habitats (the 'Bern Convention')

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

**of ...**

**on the position to be taken on behalf of the European Union at the 42nd meeting  
of the Standing Committee of the Convention on the conservation of European wildlife  
and natural habitats (the 'Bern Convention')**

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 European wildlife and natural habitats<sup>1</sup> (the ‘Bern Convention’) was concluded by the Union by Council Decision 82/72/EEC<sup>2</sup> and entered into force on 1 September 1982.
- (2) Pursuant to Article 17 of the Bern Convention, the Standing Committee set up by the Bern Convention (the ‘Standing Committee’) may adopt decisions to amend the appendices to the Bern Convention.
- (3) During its 42nd meeting from 28 November to 2 December 2022, the Standing Committee is to adopt a decision on amending Appendix II and Appendix III to the Bern Convention.
- (4) Pursuant to Article 13(6) of the Bern Convention, the Standing Committee has drawn up its Rules of Procedure (the ‘Rules of Procedure’) and, in line with Rule 21 thereof, the Standing Committee can amend the Rules of Procedure.
- (5) During its 42nd meeting, the Standing Committee is also called upon to adopt amendments to the Rules of Procedure.
- (6) It is appropriate to establish the position to be taken on the Union’s behalf in the Standing Committee, as both decisions will be binding on the Union.

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<sup>1</sup> OJ L 38, 10.2.1982, p. 3.

<sup>2</sup> Council Decision 82/72/EEC of 3 December 1981 concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats (OJ L 38, 10.2.1982, p. 1).

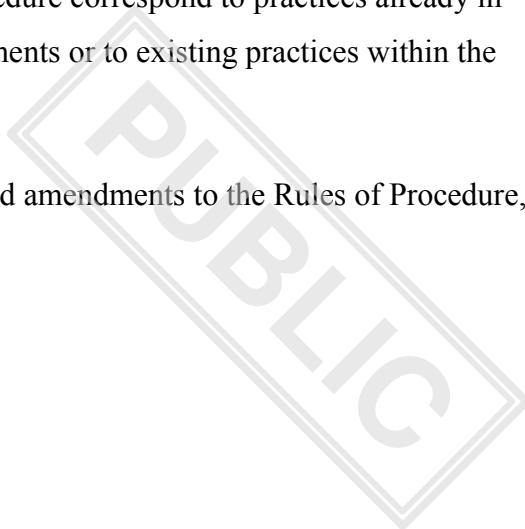
- (7) Switzerland submitted a proposal to move the Wolf (*Canis lupus*) from Appendix II (“Strictly protected fauna species”) to Appendix III (“Protected fauna species”) to the Bern Convention.
- (8) Based on current data, lowering the protection status of all wolf populations is not justified from a scientific and conservation point of view. The conservation status of the species remains divergent across the continent, with a favourable conservation status assessment in only 18 out of 39 national parts of biogeographical regions in the Union. This is confirmed by the latest available scientific information on conservation status of the species, resulting from the reporting under Article 17 of Council Directive 92/43/EEC<sup>1</sup> and under Resolution No. 8 (2012) of the Bern Convention. Continuing threats to the species, including emerging ones such as border fences and wolf-dog hybridisation, also call for maintaining the strict protection status.
- (9) Therefore, the Union should oppose the proposal from Switzerland.
- (10) The Secretariat of the Bern Convention, in cooperation with the Bureau of the Standing Committee, proposed several amendments to the Rules of Procedure, in particular to adapt the Bern Convention’s working methods and procedures to new virtual working methods and tools.

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<sup>1</sup> 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).

- (11) The proposed amendments to the Rules of Procedure correspond to practices already in place in other multilateral environmental agreements or to existing practices within the Bern Convention which are widely accepted.
- (12) The Union should therefore support the proposed amendments to the Rules of Procedure,

HAS ADOPTED THIS DECISION:



### *Article 1*

The position to be taken on the Union's behalf, in relation to matters falling within its competence, at the 42nd meeting of the Standing Committee of the Convention on the conservation of European wildlife and natural habitats (the 'Bern Convention'), shall be:

- (a) to oppose the proposal to move the Wolf (*Canis lupus*) from Appendix II ("Strictly protected fauna species") to Appendix III ("Protected fauna species") to the Bern Convention; and
- (b) to support the proposed amendments to the Rules of Procedure of the Standing Committee contained in document TPVS/Inf(2022)29: "Proposed amendments to the Rules of Procedure of the Standing Committee" of the Secretariat of the Bern Convention.

### *Article 2*

In the light of developments at the 42nd meeting of the Standing Committee, refinement of the position referred to in Article 1, point (b), may be agreed to, by representatives of the Union in consultation with the Member States, during on-the-spot coordination meetings, without a further decision of the Council.

*Article 3*

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

Done at ...,

*For the Council*

*The President*

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