COMMISSION RECOMMENDATION

of 20 December 1974

to Member States concerning the protection of birds and their habitats

(75/66/EEC)

1. Title II, Chapter 1, paragraph B.f of the second part of the Programme of Action of the European Communities on the Environment, approved by the Council on 22 November 1973 [1], calls for various action to protect the natural environment. Section f of this chapter provides, in particular, for specific action to be taken to protect birds and certain other animal species.

2. The main conclusions of a study on the various aspects of bird protection, carried out on behalf of the Commission by the 'Zoologische Gesellschaft von 1858' of Frankfurt-on-Main under the direction of Professor Dr. Bernhard Grzimek in collaboration with the major international organizations concerned, may be summarized as follows :

   (a) of the 408 species of wildbirds living in the Community, 125 are increasing their number whereas 221 species are on the decline, in some cases very rapidly.

   The number of species which have become extinct in recent decades varies from one Member State to another : for example, 32 in Italy, 17 in Germany and six in Belgium. In the Community as a whole, the number of species threatened with extinction is 58. The corresponding figures for individual Member States are, in some cases, much higher than this ;

   (b) the main reasons for the high mortality rate among declining species of birds are :

   — intensive capture by man (hunting, trapping, etc.) in some Member States and in the majority of non-Member States affected ;

   — loss of habitats due to various types of development (drainage schemes, ill-considered land-reallocation projects, urbanization, tourist developments, etc.) ;

   — poisoning of their food and polluting of their environment ;

   (c) given the important role played by birds in maintaining the ecological balance, the quality of the natural environment is seriously jeopardized by the excessive mortality rate of nearly half the autochthonous species in Europe. This situation is not confined to the territory of countries which give inadequate protection to birds, but also extends to the territory of other countries which constitute migration areas. This is therefore 'a typical trans-frontier and international environment problem and cannot be solved by isolated measures taken at national level ;

   (d) apart from the detrimental effect on the ecological balance, an excessive mortality rate of nearly half the bird species also produces marked adverse effects in a number of economic sectors, particularly agriculture and tourism, as well as in several scientific fields (ornithology, ethology, biology, ecology, sociology, etc.). On the other hand, the adverse consequences caused in some economic sectors by a reasonable restriction on the number of birds captured (in particular the sporting gun and ammunition industry and trade) should not be over-estimated ;

   (e) for many strata of European society birds are an important element in the quality of life and, for a large number of people, especially town-dwellers, they are the main point of contact with nature. Public opinion is coming to consider migratory birds more and more as a common heritage and not as the exclusive property of the country where they may be at any given time.

3. Protection of birds and of certain species of wild flora and fauna could be already significantly improved if all the Member States adhere to the International Convention for the Protection of Birds, adopted in Paris in October 1950, and to the Convention on the Conservation of Wetlands of International Importance especially as Waterfowl Habitat, adopted at Ramsar in February 1971.

4. The International Convention for the Protection of Birds, adopted in Paris in 1950, replaces and extends the Convention for the Protection of Birds useful to Agriculture concluded in 1902, again in Paris, by 12 European States. In contradistinction to the 1902 Convention, the 1950 one is basically motivated by ecological considerations, although Article 5 introduces an ethical arguement by making it an offence to inflict wanton suffering on birds. This Convention applies without exception to all wild birds. It aims in particular at providing

[1] OJ No C 112, 20. 12. 1973, p. 1.

strict protection for all species during reproduction and migration periods. Species threatened with extinction or which are of 'particular interest' are given round-the-year protection. Exceptions to provisions of this Convention may be granted to acceding States in cases where some species through sheer numbers might be detrimental to agriculture. This Convention has been in force since 17 January 1963.

5. The Convention on Wetlands of International Importance especially as Waterfowl Habitat was adopted on 2 February 1971 by an international conference convened by the Iran Government in Ramsar. It will enter into force as soon as seven States notify it. Apart from the United Kingdom, four States, namely Finland, Iran, Switzerland and the Soviet Union have already deposited their instruments of ratification.

   This Convention is generally regarded as being of vital importance for the protection of the ecological balance and an irreplaceable natural heritage; in scope it goes far beyond the mere protection of waterfowl habitats.

6. The Commission, anxious to contribute to the protection and improvement of the environment and of the quality of life, and having regard to the Treaty establishing the European Economic Community, recommends Member States, if they have not already done so, to accede as quickly as possible to both of the abovementioned Conventions.

Done at Brussels, 20 December 1974.

For the Commission

The President

François-Xavier ORTOLI