II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the protection of natural and semi-natural habitats and of wild fauna and flora

(COM(88) 381 final

(Submitted by the Commission on 16 August 1988)

(88/C 247/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the European Community Policy and Action Programme on the Environment (1987 to 1992) (1) makes provision for measures regarding conservation of nature and natural resources;

Whereas the protection of natural and semi-natural habitats and of wild fauna and flora constitutes an important element of environmental policy; whereas the decline in the quality of habitats and in the number of wild fauna and flora represents a serious threat to the conservation of the natural environment;

Whereas the threats affecting habitats and species of wild fauna and flora may also be of a transfrontier nature; whereas it is therefore in particular necessary to undertake action to protect those habitats and species at a Community level; whereas for the determination of the species to be protected, account should be taken of environmental conditions in the various regions of the Community;

Whereas the conservation, protection and improvement of the environment are essential objectives of general interest pursued by the Community, as is stated in Article 130r of the Treaty;

Whereas it is not appropriate to include in this Directive habitats and wild fauna and flora of the non-European territories of the Member States due to fundamentally different biological and climatic characteristics;

Whereas territories sufficient in number and size to ensure the maintenance of threatened species and the protection of threatened habitats should be classified as special protection areas according to a carefully-defined schedule;

Whereas in view of the urgent need for action to protect certain theatened habitats, it is necessary that the ten most important areas in the Community be identified and classified as special protection areas within a very short period of time;

Whereas all classified areas, including those classified under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (2), should become part of a European network aimed not only at protecting and improving existing natural resources and re-establishing degraded or destroyed habitats but also at making the best use of those resources, adequately preserved in their biological diversity; whereas the European network will thus contribute to achieving the objective of prudent and rational utilization of natural resources;

Whereas therefore the classification of special protection areas will play an important role in the overall strategy for the protection of the environment, since it will contribute to a satisfactory balance between nature protection and economic development, based on better use of local resources and diversification of economic activities as well as new forms of land management;

Whereas such classification of special protection areas should not mean that excessive exploitation of nature should be allowed in non-protected areas and whereas appropriate land management also outside the classified areas should ensure the sustainability of the biological systems connecting these areas;

Whereas there is a need to protect distinct features of the landscape;

(1) OJ No C 328, 7. 12. 1987, p. 1.

(2) OJ No L 103, 25. 4. 1979, p. 1.

Whereas provision should be made for the possibility of derogations from the obligations to classify special protection areas given specific socio-economic conditions, provided the coherence of the European network and its conservation potential for the habitats and species concerned is fully maintained;

Whereas it might be necessary to take initiatives to promote common or coordinated management of trans-frontier areas of major importance for the conservation of threatened species of wild fauna and flora and the maintenance of wilderness areas, as well as the transfer of know-how with regard to the management of special protection areas;

Whereas the national, regional and local planning and development policies should take into account the conservation of habitats and wild fauna and flora and therefore all projects, all development plans or programmes likely to affect special protection areas should be made subject to environmental impact assessment and whereas for this end Council Directive 85/337/EEC (1) should be amended;

Whereas a general system of protection is required for certain species of flora and fauna not already covered by Directive 79/409/EEC;

Whereas exploitation of certain species, whose biological status so requires, should be subject to a management plan, and whereas with in the framework of such management plans no undue burdens should be placed on industry or commerce;

Whereas certain means of capture or killing and hunting from certain modes of transport must be banned because of the excessive pressure which they exert or may exert on the numbers of the species concerned or because of unnecessary cruelty;

Whereas, because of the importance which may be attached to certain specific situations, provision should be made for the possibility of derogations on certain conditions and subject to monitoring by the Commission;

Whereas the Commission should prepare periodically a composite report based among other things on the information forwarded by the Member States regarding implementation of national provisions taken under the Directive;

Whereas the conservation of natural and semi-natural habitats and of wild fauna and flora still presents problems which call for scientific research and evaluation;

Whereas it is appropriate for the Council to adopt amendments to the articles of the Directive under the procedure provided for under Article 130s of the Treaty;

Whereas it is necessary to adapt certain annexes rapidly in the light of technical and scientific progress; whereas, to facilitate the implementation of the measures needed for this purpose, provision should be made for a procedure establishing close cooperation between the Member States and the Commission in a Committee for Adaptation to Technical and Scientific Progress;

Whereas all necessary measures should be taken to ensure the monitoring of the biological communities and the populations of threatened species for which full habitat protection is required;

Whereas care should be taken in consultation with the Commission to see that the introduction of any species of wild fauna and flora not naturally occurring in the European territory of the Member States does not cause harm to local flora and fauna,

HAS ADOPTED THIS DIRECTIVE:

GENERAL PROVISIONS

Article 1

The aim of this Directive is to conserve natural and semi-natural habitats and wild fauna and flora in the European territory of the Member States to which the Treaty applies, including maritime areas under the sovereignty or jurisdiction of the Member States.

Article 2

Member States shall take the requisite measures to maintain the abundance and diversity of wild fauna and flora at a level which corresponds in particular to ecological, scientific and cultural requirements and the needs of sub-species, varieties, forms and populations at risk locally, while taking account of economic and recreational requirements.

Article 3

For the purposes of this Directive:

(a) *'threatened species' means:*

— endangered species, i.e. taxa in danger of extinction and whose survival is unlikely if the causal factors continue operating. Included are taxa whose numbers have been reduced to a critical level or whose habitats have been so drastically reduced that they are deemed to be in immediate danger of extinction, and

— vulnerable species, i.e. taxa believed likely to move into the endangered category in the near future if the causal factors continue operating. Included are taxa of which most or all the popu-

(1) OJ No L 175, 5. 7. 1985, p. 40.

lations are decreasing because of over-exploitation, extensive destruction of habitats or other environmental disturbance; taxa with populations that have been seriously depleted and whose ultimate security is not yet assured; and taxa with populations that are still abundant but are under threat from serious adverse factors throughout their range, and

— narrow endemic species under latent threat.

(b) *'Habitat' means:*

— the normal abode, natural home or locality of a named species or population of a named species;

— a distinctive type of terrain, site or location, distinguished by physical, geographical, vegetational or other features.

(c) *'threatened habitat' means:*

— a type of environment characterized by a complex of abiotic conditions and a specific biotic community, exposed to the risk of disappearance or degradation because of its scarcity or because of the fragility of the ecological conditions or because of the fragility of its more specialized and characteristic species or because of its tendency to rarification. In this context 'disappearance' means the passage to another category in a general classification of habitats and 'degradation' means the reduction of its most characteristic elements without any change of category.

(d) *'specimen' means:*

— any animal or plant, whether alive or dead, of the species specified in accordance with Annex II and Annex III to this Directive, any part or derivative thereof, as well as any other goods which appear from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be parts or derivatives of animals or plants of these species.

(e) *'regions' means:*

— the geographical units defined in the nomenclature of territorial units for statistics (NUTS) of Eurostat, the Statistical Office of the European Community:

— on level II for Greece, France, Italy, Portugal, Spain and the United Kingdom,

— on level I for the other Member States.

PROTECTION OF HABITATS

Article 4

Member States shall take the requisite measures to conserve the natural and semi-natural habitats of wild fauna and flora, with particular attention to the habitats of threatened species, especially threatened species endemic to the European territory of the Member States, and threatened natural and semi-natural habitats, in accordance with the provisions of this Directive.

Article 5

1. Habitats of the species specified in accordance with Annex I and the types of habitat specified in accordance with Annex IV shall be the subject of special conservation measures in order to ensure the maintenance of the species concerned at a satisfactory level in their area of natural distribution as well as the conservation of the habitats concerned in all the regions where they occur.

2. Member States shall, within two years after the expiry of the period laid down in Article 27, classify as special protection areas those areas which they consider correspond to the criteria set out in Annex V (a). If, after the expiry of that period, the ten most important areas in the Community have not been classified by Member States, the remaining areas to be classified shall be identified by the Commission during the following year in accordance with the procedure laid down in Article 23, and shall be classified by the Member States accordingly within one year, following the decision of the Commission.

3. Within, at the latest, eight years after the expiry of the period laid down in Article 27, Member States shall classify as special protection areas territories sufficient in number and size to ensure:

(i) the maintenance of the species specified in accordance with Annex I at a satisfactory level in all regions where they occur;

(ii) the protection of the threatened habitats specified in accordance with Annex IV with their associated fauna and flora in all regions where they occur.

In classifying these areas, Member States shall apply in particular the criteria set out in Annex V (b). They shall at least take into account the timing and priorities set out in the joint programme mentioned in Article 6 (2).

4. Member States shall send the Commission all relevant information on each area which they classify under paragraphs 2 and 3, using in particular the form specified in accordance with Annex VI.

5. For the areas covered by paragraph 3, Member States may derogate from the criteria set out in Annex V (b) if on the basis of scientific evidence and environmental impact assessment the authority competent for nature protection is satisfied that, within the area for which it is responsible, the coherence of the European network mentioned in Article 6 and its conservation potential for the habitats and species concerned is fully maintained. The reasons for such derogations shall be made public and notified to the Commission.

Article 6

1. Member States shall assist the Commission in the creation of a European network of classified special protection areas named 'Natura 2000'. The European network shall consist of areas classified under Directive 79/409/EEC, as well as those classified under this Directive. Unless notice is given to the contrary before the expiry of the period laid down under Article 27, areas classified by the Member States under the Ramsar Convention shall also be considered as classified under this Directive. The European network shall be composed of areas sufficient in number and size to ensure the maintenance of the species specified in accordance with Annex 1 at a satisfactory level as well as the conservation of the types of habitats specified in accordance with Annex IV, in all regions where they occur. The European network should ensure that these territories form a coherent whole which meets the protection requirements of the abovementioned species and habitats in the geographical land and sea area to which this Directive applies.

2. Within two years after the expiry of the period laid down in Article 27, the Commission shall adopt a joint programme for the development and strengthening of the European network in accordance with the procedure laid down in Article 23. The joint programme shall be reviewed at the end of the eight-year period specified in Article 5 (3). The joint programme shall furthermore specify the measures to be taken at the appropriate levels of competence by the Community and the Member States in order to back up the implementation of the Directive. Such measures may include the requirements for protection, training infrastructure and management plans, research and studies, field experiments, monitoring schemes and necessary resources.

Article 7

1. In respect of the special protection areas referred to in Article 5 (2) and (3), Member States shall the appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting fauna and flora, insofar as these would have significant effects, having regard to the objectives of this Directive, on the species or types of habitats for which the area has been classified.

2. Member States shall consider in particular the appropriate protection status to be given to areas as referred to in paragraph 1, and the setting up of integrated management plans in accordance with the ecological needs of the species and types of habitat concerned. A common typology for the classification of protected areas at European level shall be adopted in accordance with the procedure laid down in Article 23.

3. Where necessary to ensure a satisfactory conservation status of a species Member States shall envisage the re-establishment of destroyed or degraded biotopes or the creation of new ones.

Article 8

1. Outside the classified special protection areas referred to in Article 5 (2) and (3), Member States shall also strive to avoid pollution or deterioration of natural and semi-natural habitats.

2. Member States shall furthermore take measures to ensure the protection of distinct features of the landscape, including in particular those specified in accordance with Annex VII, which are of outstanding local importance to wildlife.

3. Member States may allow derogations, limited to the minimum area necessary, from paragraph 2 if their impact can be counterbalanced, so that they have no adverse effects on the sustainability of the biological systems connecting the special protection areas or on species whose conservation cannot be ensured solely through the designation of special protection areas.

Article 9

Member States shall assist the Commission in promoting:

(a) common or coordinated management of transfrontier areas of major importance for the conservation of species of wild fauna and flora specified in accordance with Annexes I and II or for the protection of the threatened habitats specified in accordance with Annex IV;

(b) the maintenance of wilderness areas throughout the Community;

(c) the transfer of know-how with regard to the management of special protection areas.

ENVIRONMENTAL IMPACT ASSESSMENT

Article 10

Member States shall take the necessary measures to incorporate safeguards in national, regional and local planning and development policies to ensure that damage to natural and semi-natural habitats and loss of wild fauna and flora (with particular reference to populations or colonies of threatened species) is avoided.

They shall also ensure that persons involved in the planning and implementation of these policies, as well as the general public, are adequately informed as to the requirements of this Directive.

Article 11

Directive 85/337/EEC is hereby amended as follows:

(a) The following subparagraphs are added to Article 4 (2):

'However, all projects which are located in or are likely to affect the conservation potential of a special protection area forming part of the European network established under Directive ???/EEC shall be made subject to an assessment in accordance with Articles 5 to 10.

All development plans or programmes likely to affect special protection areas shall be made subject to an equivalent assessment.'

(b) The following subparagraph is added to Article 6 (1):

'Member States shall ensure that the authorities responsible for the protection and management of special protection areas, and other relevant bodies likely to be concerned by the project, development plan or programme, are closely associated in the assessment procedures and that their final opinion is made public.'

PROTECTION OF SPECIES

Article 12

1. Member States shall take the requisite measures to establish a general system of protection for animal species specified in accordance with Annex II (a), prohibiting in particular:

(a) all forms of taking, capture and deliberate destruction, injury or killing;

(b) deliberate disturbance, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Directive;

(c) the deliberate destruction or taking of eggs from the wild or the keeping of such eggs even if empty;

(d) the keeping and sale of specimens taken from the wild.

(2) The prohibitions referred to under (a), (b) and (d) of paragraph 1 shall apply to all life stages of the animals to which this Article applies.

Article 13

1. Member States shall take the requisite measures to establish a general system of protection for the plant species specified in accordance with Annex II (b), prohibiting in particular:

(a) the picking, collecting, cutting, uprooting or destruction of such plants in the wild;

(b) the keeping and sale or specimens of such species taken in the wild.

2. The prohibitions referred to under (a) and (b) of paragraph 1 shall apply to all life stages of the plants to which this Article applies.

Article 14

1. Member States shall take the requisite measures to insure the protection of the wild fauna and flora species specified in accordance wih Annex III.

2. Exploitation, whether commercial or otherwise, of the species specified in accordance with Annex III (a) should only be permitted of species whose population is shown to be stable or increasing and exploitation must be sustainable. Such exploitation shall be subject to a management plan with the aims specified in Annex VIII in order to keep wild populations of those species at a satisfactory level and to avoid causing local disappearance of or serious disturbance to populations.

3. Member States shall prohibit the uprooting of living wild plants specified in accordance with Annex III (b) in whole or in part (or the removal of their bulbs, corms, rhizomes and/or rootstocks in whole or in part) for commercial use or sale except for species:

(a) whose population is shown to be stable or increasing, and

(b) whose exploitation is sustainable. Any such exploitation shall be subject to a management plan with the aims specified in Annex VIII.

4. Member States shall take the requisite measures to prohibit the sale of and trade in plants or parts of plants specified in accordance with Annex III (b) (including their bulbs, corms, rhizomes and/or rootstocks)

uprooted from the wild, except where exploitation is subject to a management plan with the aims specified in Annex VIII. Such measures shall cover offering or exposing for sale and transporting for the purpose of sale.

5. Member States shall, where appropriate, take other measures, in particular:

(a) closed seasons and/or other procedures regulating exploitation;

(b) temporary or local prohibition of exploitation, in order to restore satisfactory population levels;

(c) regulation of the sale, keeping for sale, transporting for sale or offering for sale of specimens.

Article 15

In respect of the capture or killing of wild fauna species specified in accordance with Annex III (a) and in cases where, in accordance with Article 17, derogations are applied to the taking, capture and killing of species specified in accordance with Annex II (a), Member States shall take measures to prohibit:

(a) the use of the means specified in Annex IX (a);

(b) the manufacture, sale and use of the non-selective devices for capture or killing listed in Annex IX (b);

(c) any hunting from the modes of transport mentioned in Annex IX (c).

Article 16

Member States shall take the requisite measures to ensure that inshore fishing and protection of crops with nets are not detrimental to the conservation of threatened species specified in accordance with Annex II, and, as far as possible, other species of wild fauna and flora.

Article 17

1. Member States may derogate from the provisions of Articles 12, 13 and 14 and from the prohibition of the use of the means mentioned in Article 15 (a) provided that there is no other satisfactory solution and that the exception will not be detrimental to the maintenance of satisfactory levels of the populations concerned in their area of natural distribution:

(a) for the protection of wild fauna and flora;

(b) to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property;

(c) in the interests of public health and safety;

(d) for the purposes of research and education, of repopulation, of reintroduction and for the breeding necessary for these purposes, and for the artificial propagation of plants;

(e) to permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain wild animals and plants in small numbers.

2. Member States shall report to the Commission each year on the derogations applied under this Article.

3. The reports must specify:

(a) the species which are subject to the derogation;

(b) the means, arrangements or methods authorized for capture or killing;

(c) the conditions of risk and the circumstances of time and place under which such derogations may be granted;

(d) the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom;

(e) the controls which will be carried out.

Article 18

Measures taken by Member States in implementation of this Directive shall in no way affect their obligations under the provisions of Community legislation on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora.

INFORMATION

Article 19

1. Member States shall, at the end of the period specified in Article 5 (2), and every three years thereafter, make a full report on the implementation of national provisions taken under this Directive. This report shall be made available to the public and forwarded to the Commission.

2. The Commission shall prepare a composite report based on the information referred to in paragraph 1 and on research results obtained within the Community environmental R & D programme. This report shall include an appropriate evaluation of progress achieved under the Directive. That part of the draft report covering the

information supplied by a Member State shall be forwarded to the authorities of the Member State in question for verification. The final version of the report shall be published by the Commission and forwarded to the Member States, the Parliament and the Council.

3. Each year the Commission shall publish in the *Official Journal of the European Communities* the list of classified areas communicated by Member States. Member States shall ensure that area classified under this Directive are clearly marked by notices specified in accordance with Annex X.

RESEARCH

Article 20

1. Member States shall encourage research and any work required as a basis for the protection, management and use of the populations of all species of wild fauna and flora referred to in Article 1.

2. Particular attention shall be paid to research and work on the subjects specified in accordance with Annex XI, and transnational cooperative research shall be encouraged. Member States shall provide the Commission with any information required to enable it to take appropriate measures for the coordination of the research and work referred to in this Article.

3. Member States and the Commission shall promote multidisciplinary analysis and evaluation with a view to increasing scientifically — based knowledge to which the measures carried out under this Directive can be anchored. Such information should be made available to the public.

AMENDMENT PROCEDURE

Article 21

Any amendment to Articles of this Directive shall, in accordance with the second paragraph of Article 130s of the Treaty, be decided by the Council by qualified majority.

Article 22

1. Where Articles of this Directive provide for the specification of matters in accordance with the Annexes, these matters shall be adopted in accordance with the procedure laid down in Article 23 within one year following the notification of the Directive.

2. Such amendments as are necessary for adapting the Annexes to technical and scientific progress shall be adopted in accordance with the procedure laid down in Article 23.

Article 23

1. The Commission shall be assisted by a committee for the adaptation of this directive to technical and scientific progress consisting of representatives of the Member States and chaired by a representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

— the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication;

— the Council, acting by a qualified majority, may take a different decision within that period.

MONITORING

Article 24

1. Member States shall take all necessary measures to ensure the monitoring of the biological communities and the populations of species specified in accordance with Annex I and in the areas classified under Article 5. Member States shall send the Commission the information resulting from monitoring, so that it may take appropriate initiatives with a view to the coordination necessary to ensure the fulfilment of the objectives of this Directive.

2. The Community and the Member States shall cooperate to ensure consistency of monitoring and measurement methods.

SUPPLEMENTARY PROVISIONS

Article 25

In implementing the provisions of this Directive, Member States shall:

(a) encourage the reintroduction of native species of wild flora and fauna when this would contribute to conservation, provided that an investigation also in

the light of the experiences of other Member States or elsewhere has established that such reintroduction would be effective and acceptable;

(b) ensure that the introduction into the wild of any species which do not occur naturally in the wild state in that region does not prejudice the local fauna and flora or its natural habitats. In this connection they shall consult the Commission;

(c) promote education and general information on the need to conserve species of wild fauna and flora and their habitats.

Article 26

Application of measures taken pursuant to this Directive shall not lead to any deterioration in the present situation as regards the conservation of species and communities of wild fauna and flora referred to in Article 1.

Article 27

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years of its notification. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 28

This Directive is addressed to the Member States.

ANNEX I

The animals and plants to be specified under this Annex are those whose habitats are threatened in the Community

(a) animals

(b) plants

ANNEX II

The species of animals and plants to be specified under this Annex are those which are threatened in the Community

(a) animals

(b) plants

ANNEX III

The animals and plants to be specified under this Annex are those whose exploitation should be subject to a management plan

(a) animals

(b) plants

ANNEX IV

The natural and semi-natural habitats to be specified under this Annex are those that are threatenes in the Community

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ANNEX V (a)

Criteria for classification of areas as special protection areas of European significance for nature conservation to be applied within the first two years after entry into force of the Directive

The criteria for the classification of areas as special protection areas of importance for nature conservation at Community level are:

criterion (1) the presence of threatened species of animals or plants;

criterion (2) the presence of threatened habitats.

For application of criterion (1), at least those areas should be classified which meet one or both of the following conditions:

— they are among the 10 most important areas in the Community for the conservation of each of the species specified in accordance with Annex I;

— they are among the two most important areas in a region for the conservation of the species specified in accordance with Annex I insofar as that region contains areas of regional significance for those species.

For the purpose of assessing the importance of areas, size of the area, population harboured and perennity shall be used.

For application of criterion (2), at least those areas should be classified which meet one or both of the following conditions:

— they are among the 10 most important areas in the Community for the conservation of each of the habitat types specified in accordance with Annex IV;

— they are among the two most important areas in a region for the conservation of each of the habitat types specified in accordance with Annex IV insofar as that region contains areas of regional significance for that habitat type. Size and representativity shall be used to assess importance of the areas.

ANNEX V (b)

Criteria for classification of areas as special protection areas of European significance for nature conservation

The criteria for the classification of areas as special protection areas of importance for nature conservation at Community level are based on:

criterion (1) the presence of threatened species of plants or animals;

criterions (2) the presence of threatened habitats;

criterions (3) the richness of the area for a taxonomic group (order, family).

For application of criterion (1) at least those areas should be classified which meet one or both of the following conditions:

— they are among the 100 most important areas in the Community for the conservation of each of the species specified in accordance with Annex I;

— they are among the five most important areas in a region for the conservation of each of the species specified in accordance with Annex I insofar as that region contains areas of regional significance for those species.

For the purpose of assessing the importance of areas, size of the area, population harboured and perennity shall be used.

For application of criterion (2) at least those areas should be classified which meet one or both of the following conditions:

— they are among the 100 most important areas in the Community for the conservation of each of the habitat types specified in accordance with Annex IV.

— they are among the five most important areas in a region for the conservation of each of the habitat types specified in accordance with Annex IV insofar as that region contains areas of regional significance for that habitat type. Size and representativity of the areas shall be used to assess their importance.

Member States may classify less than five areas in a region or, in the case of species specified in accordance with Annex I where the whole Community population is concentrated in their territory, less than 100 areas if:

(a) no unclassified area is more important than others already classified in the same region, and

(b) more than half of the areas that could qualify have been classified in a region, and

(c) more than half of the regional population of the species is harboured in special protection areas.

In cases of species and types of habitats with very limited distribution involving more than one Member State, decisions as to how to apply the criteria will be taken in accordance with the procedure laid down in Article 23.

For criterion (3) areas should be included in addition to those which satisfy criterion (1) or criterion (2) if they are exceptionally rich in significant species of one or several taxonomic groups.

ANNEX VI

The information to be specified for the transmission of data about the classification of special protection areas

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ANNEX VII

The types of distinct landscape features to be specified under this Annex are those of outstanding local importance to wildlife

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ANNEX VIII

Management plan for exploitable species of wild fauna and flora specified in accordance with Annexes III (a) and III (b)

The management plan mentioned in Article 14, paragraph 2, must aim to ensure:

(a) that exploitation is sustainable,

(b) that exploitation will be properly regulated, monitored and annually re-assessed to ensure that the population is remaining stable or increasing,

(c) that exploitation will not affect the capacity of populations of the exploited species at individual localities to recover from natural or artifical losses.

ANNEX IX

Prohibited methods and means of capture and killing and modes of transport

MAMMALS

(a) — snares,

— live animals used as decoys which are blind or mutilated,

— tape recorders,

— electrical devices capable of killing or stunning,

— artificial light sources,

— mirrors and other dazzling devices,

— devices for illuminating targets,

— sighting devices for night shooting comprising an electronic image magnifier or image converter,

— explosives,

— nets (1),

— traps (1),

— crossbows,

— poisons and poisoned or anaesthetic bait,

— gassing or smoking out,

— semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition;

(b) — leghold trap,

— self-locking body snare;

(c) — aircraft,

— motor vehicles in motion;

FISH

(a) — poison

— explosives

(1) If applied for large-scale or non-selective capture or killing.

ANNEX X

The notices to be specified under this Annex should show the classification of areas as special protection areas

ANNEX XI

The research to be specified under this Annex should provide a basis for the protection, management and use of all species of wild fauna and flora referred to in Article 1