

NATURE PROTECTION ACT, 1991

Principal Act

Act. No. 1991-11	<i>Commencement</i>	9.5.1991
	<i>Assent</i>	9.5.1991
Amending enactments	Relevant current provisions	Commencement date
Act. 1992-08	ss. 5(1)(d)(e)(f), (4), 10(1) (d)(e)(f),(2),3(a) and (6)	9.7.1992
LN. 1995/118	ss. 2(1)(3A), 2A, 3(1)(d)(c), 5(1)(e)(ee), 17A to Z, 17AA, 17BB, 17CC, 17DD, 18(1) and Schs 4 to 7	1.9.1995
Act. 1997-15	Sch 5	10.4.1997
2001-23	s. 24A	12.7.2001
2005-41	ss. 2, 5(1)(e) and (ee), 17S, 17W, 17XA, 17Y, 23, Sch. 5, Sch. 7 and Sch. 8	14.7.2005
2007-12	ss. 2, 2A, 3(1)(bb), 17M, 17PA, 17RA, 17RB, 17T, 17U, 17V, 17VA, 17VB, 17VC, 17X, 17Y, 17Z, 17AB, 17EE, 17FF, 17GG, 17HH, 18(1)-(10), 20, 24, 24A, Schs. 4, 5, 7 & 9	30.4.2007*
2007-17	ss. 5(2), 10(4), 13(1), (2), (3) & (7), 17CC(3) & (4), 18(1), (2), (3), (4) & (6), 21(1) & (2), 24	14.6.2007
LN. 2008/026	Sch. 5	10.4.2008
Act. 2009-07	ss. 17PA(1), (1A) & (2), 17RA(1), (2) & (3), 17RB(1) & (2), 17T(1)(b)(i), 17U(5), 17VA(1), (2), (3) & (4), 17VB(1)	15.1.2009
LN. 2010/145	ss. 2(1), (3A), 3(1), 5(1) & (2), 6, 7A, 10, 12, 12A, 13(1)(g) & (h), (5) & (6A), 13A, 17DA, 17DB, 17E, 17G, 17H, 17P, 17PA, 17RA(1), 17XA(2)(a) & Sch. 8	9.9.2010
2011/012	ss. 2(1) & (4), 17A(1) & (2), 17DA(2)(b), 17G(1), 17GA, 17GB, 17PA(1), (2) & (4), 18ZA & 18(2)	10.2.2011
Act. 2011-19 ¹	ss. 24A, 24B, 24C, 24D, 24E, 24F &	

* Commencement notice LN. 2007/062

	Sch. 10	18.8.2011
2012/033	ss. 2B, 2C, 7A(2)(a)-(e), 13(6A), 17DA(1)(b), 17E, 18(1)(b) & (c) & 21A	19.3.2012
2013/137	Sch. 5 & 8	10.10.2013
Act. 2013-24	s. 10(1)(b) & (ba)	31.10.2013
LN. 2013/173	ss. 7A(4) & 18ZA	5.12.2013
Act. 2013-16	ss. 13(1)(i), (2)(f), 18(5), (5)(a)(ia), (5)(b) & 24(e)	12.12.2013 ²
LN. 2017/089	Sch. 1	4.5.2017
2018/075	Sch. 10	1.4.2018
Act. 2018-16	ss. 11(1), (1A), (2)(a), 18(1)(b), (c), Sch. 2 & 3	2.8.2018
LN. 2018/251	Sch. 1 & 3	8.11.2018
2018/257	<i>Notice of Corrigendum</i>	

EU Legislation/International Agreements involved:

Directive 79/409/EEC

Directive 92/43/EEC

Directive 2006/105/EC

Directive 2009/147/EC

Directive 2013/17/EU

English sources:

None cited

¹ *The provisions of Schedule 10 of the Nature Protection Act inserted by this amendment supersede all other arrangements relating to admission fees to the Upper Rock Nature Reserve and fees collected under such other arrangements shall be deemed to have been duly collected under this Act.*

² LN. 2013/179

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AN ACT TO PROVIDE FOR THE PROTECTION OF WILD BIRDS, ANIMALS AND PLANTS AND FOR THE DESIGNATION AND PRESERVATION OF PROTECTED AREAS FOR THE PURPOSE OF NATURE CONSERVATION AND MATTERS INCIDENTAL THERETO.

PART I. **PRELIMINARY.**

Title and commencement.

1. This Act may be cited as the Nature Protection Act 1991 and shall come into effect on a date to be appointed by the Governor by notice in the Gazette and different days may be so appointed for different purposes.

Interpretation and application.

2.(1) In this Act, unless the context otherwise requires—

“advertisement” includes a catalogue, circular or pricelist;

“animal of a European protected species” means an animal listed in Annex IV(a) to the Habitats Directive;

“aviculture” means the breeding and rearing of birds in captivity;

“biotope” has the same meaning given to it in the Wild Birds Directive;

“BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;

“European site” and “European marine site” have the meanings given them in section 17E;

“firearm” has the meaning given to it in section 2 of the Firearms Act;

“habitat” means an area used in relation to wild birds and animals for feeding, breeding and nesting and in relation to wild plants the area in which normal growth occurs;

“Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora as the same may from time to time be amended (which is reproduced in Schedule 5 for information purposes);

“marine nature area” means an area designated under section 18(2);

“Minister” means the Minister with responsibility for the Environment;

“Nature Conservancy Council” means such Nature Conservancy Council as may be established under section 20, as a scientific authority and as the Minister may specify as the Nature Conservancy Council for the purposes of this Act;

“nature conservation area” means an area designated under section 18(1);

“pick”, in relation to a plant, means gather, cut or pluck any part of the plant without uprooting it;

“plant of a European protected species” means a plant listed in either Annex II(b) or Annex IV(b) to the Habitats Directive;

“poultry” means domestic fowls, geese, ducks, guinea fowls, pigeons, quails and turkeys;

“sale” includes hire, barter and exchange and cognate expressions shall be construed accordingly;

“special area of conservation” or “SAC” means a site designated under section 17C;

“special protection area” or “SPA” means a site designated under section 17DA;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land or other medium on which it is growing;

“vehicle” includes aircraft, hydrofoil, hovercraft and boat;

“wild animal” means any animal (other than a bird) of a kind which is or (before it was killed or taken) was resident in or a visitor to Gibraltar in a wild state;

“wild bird” means any bird, other than poultry, of a kind which is ordinarily resident in or is a visitor to Gibraltar in a wild state and species of naturally occurring birds in the wild state which are native to any Member State;

“Wild Birds Directive” means Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, as the same may from time to time be amended (and which is reproduced in Schedule 8 for information purposes);

“wild bird of European origin” means any wild bird of a species which is ordinarily resident in or a visitor to the European territory of another member State;

“wild plant” means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which grows in Gibraltar in a wild state.

(2) A bird shall not be treated as bred in captivity for the purpose of this Act unless its parents were lawfully in captivity when the egg was laid.

(3) Any reference in this Act to an animal or bird or any species includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal or bird of that species.

(3A) Unless the context otherwise requires expressions used in Part IIA and in the Habitats Directive have the same meaning as in that Directive.

(3B) Unless the context otherwise requires expressions used in this Act and in the Wild Birds Directive have the same meaning in this Act as they have in that Directive.

(4) This Act applies to—

- (a) BGTW; and
- (b) any area of sea, the sea bed and subsoil within the limits of the exclusive economic zone adjacent to Gibraltar, when and if that zone is established.

PART II

PROTECTION OF WILD BIRDS, WILD ANIMALS AND WILD PLANTS.

Disapplication.

2A. Unless otherwise stated, this Part shall not apply in respect of an animal of a European protected species or to a plant of a European protected species.

Assessment and protection of wild bird species.

2B.(1) The Minister, through appropriate means, must establish the conservation status of all wild bird species which are either resident in or visitors to Gibraltar, BGTW or to both, and shall conduct such periodic reviews as may be required to maintain such information relevant and up to date.

(2) Based on the information obtained under subsection (1) the Minister must take such measures as are required to maintain or adapt the population of such wild bird species at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements.

(3) In the light of the duties under subsection (2) the Minister must by order take such measures as are required to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the wild bird species to which this section applies.

(4) For the purposes of subsection (3) the preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures—

- (a) creation of protected areas;
- (b) upkeep and management in accordance with the ecological needs of habitats—
 - (i) inside; and
 - (ii) outside,
the protected zones;
- (c) re-establishment of destroyed biotopes;
- (d) creation of biotopes.

(5) Where the Minister makes an Order under this section in respect of an area of land or sea, the Minister may declare that area shall be treated for the purposes of this Act as a European Site or European Marine Site.

Directions.

2C.(1) In furtherance of any matter provided for under section 2B, the Minister may issue a Direction in writing specifying the action to be taken by the person named therein and within the time stated.

(2) A person who without reasonable excuse fails to comply with such a direction shall be guilty of an offence and shall be liable on summary conviction to a fine up to level 3 on the standard scale.

Protection of wild birds, their nests and eggs.

3.(1) Subject to the provisions of this Part, if any person intentionally–

- (a) hunts, kills, injures or takes any wild bird;
- (b) takes, damages or destroys the nest of any wild bird by any method while that bird's nest is in use or being built;
- (bb) takes, damages or destroys the nest of any wild bird included in Schedule 9;
- (c) takes or destroys an egg of any wild bird; or
- (d) disturbs any wild birds,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control–

- (a) any live or dead wild bird or any part of, or anything derived from, such a bird; or
- (b) any egg of a wild bird or any part of such an egg,

he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that–

- (a) the bird or egg had not been killed or taken, or had been killed or taken otherwise than in contravention of the provisions of this Part; or
- (b) the bird or egg or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.

(4) Subject to the provisions of the Part, if any person intentionally–

- (a) disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturbs dependent young of such a bird,

he shall be guilty of an offence.

- (5) In this section “ wild bird” does not include any bird which is shown–
- (a) to have been bred in captivity; or
 - (b) to have been imported into Gibraltar in accordance with the requirements of any other relevant Act.

Exceptions to section 3.

4.(1) Notwithstanding anything in the provisions of section 3, a person shall not be guilty of an offence by reason of–

- (a) the taking of any wild bird, if he shows that the bird had been disabled otherwise than by his unlawful act and was taken solely for the purpose of passing that bird within a period of 12 hours to a person licensed under section 13(1) to tend it and release it when no longer disabled;
- (b) the killing of any wild bird, if he shows that the bird had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or
- (c) any act made unlawful by those provisions, if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(2) Notwithstanding anything in the provisions of section 3, a person licensed under section 13 shall not be guilty of an offence by reason of–

- (a) the killing or taking of a wild bird or the injuring of such bird in the course of an attempt to kill it;
- (b) the taking, damaging or destruction of the nest of a wild bird;
- (c) the taking or destruction of any egg of a wild bird; or
- (d) the disturbance of a wild bird or dependent young of such a bird,

where that act was carried out in accordance with and for the purposes of the licence.

Prohibition of certain methods of hunting, killing, injuring or taking wild birds.

5.(1) Without prejudice to section 3(1), if a person, with a view to hunting, killing, injuring or taking a wild bird—

- (a) sets in position any of the following articles, being an article which is of such a nature and is so placed as to be calculated to cause bodily injury to any wild bird coming into contact therewith, that is to say, any spring, traps, gin, snare, hook and line, any electrical device for killing, stunning or frightening or any poisonous, poisoned or stupefying substance;
- (b) uses any such article as is specified in paragraph (a), whether or not of such a nature and so placed as specified in paragraph (a), or any net, baited board, bird-lime or substance of a like nature to bird-lime;
- (c) uses—
 - (i) any bow or crossbow, sling or catapult;
 - (ii) any explosive;
 - (iii) any automatic or semi-automatic weapon;
 - (iv) any shotgun;
 - (v) any device for illuminating a target or any sighting device for night shooting;
 - (vi) any form of artificial lighting or any mirror or other dazzling device;
 - (vii) any gas or smoke not falling within paragraphs (a) or (b);
 - (viii) any chemical wetting agent; or
 - (ix) any live animal or bird;
- (d) uses as a decoy, any sound recording or any live bird or other animal whatever which is tethered, or which is secured by means of braces or other similar appliances, or which is blind, maimed or injured;

- (e) uses any mechanically propelled vehicle in immediate pursuit of a wild bird; or
- (f) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection,

he shall be guilty of an offence.

(2) *Repealed.*

(3) In any proceedings under subsection (1)(a), it shall be a defence for a person charged thereunder to show that the article was set in position for the purpose of killing or taking, in accordance with a licence granted under section 13, any wild animals which could be lawfully killed or taken by those means and that he took all reasonable precautions to prevent injury thereby to wild birds.

(4) In any proceedings under sub-section (1)(f) relating to an act which is mentioned in sub-section (1)(a), it shall be a defence for a person charged thereunder to show that the article was set in position for the purpose of killing or taking, in accordance with a licence granted under section 13, any wild animals which could be lawfully killed or taken by those means and that he took or caused to be taken all reasonable precautions to prevent injury thereby to wild birds.

Sale etc. of wild or dead wild birds, egg etc.

6.(1) Subject to the provisions of this Part, if any person—

- (a) sells, offers or exposes for sale, or has in his possession or transports the purpose of sale, any live wild bird or any readily recognisable parts or derivatives thereof, an egg of a wild bird or any part of such an egg; or
- (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person shows or causes or permits to be shown for the purposes of any competition or in any premises in which a competition is being held—

- (a) any live wild bird; or
- (b) any live bird one of whose parents was such a wild bird,

he shall be guilty of an offence.

(3) In this section “wild bird” does not include any bird which is shown—

- (a) to have been bred in captivity; or
- (b) to have been imported into Gibraltar in accordance with the requirements of any other Act.

Protection of captive birds.

7.(1) If any person keeps or confines any bird whatever in any cage or other receptacle which is not sufficient in height, length or breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence.

(2) Subsection (1) does not apply to poultry, or to the keeping or confining of any bird—

- (a) while that bird is in the course of conveyance, by whatever means;
 - (b) while that bird is being shown for the purpose of any public exhibition or competition, if the time during which the bird is kept or confined for those purposes, does not in the aggregate exceed 72 hours; or
 - (c) while that bird is undergoing examination or treatment by a veterinary surgeon or veterinary practitioner.
- (3) Every person who—
- (a) promotes, arranges, conducts, assists in, receives money for, or takes part in, any event whatever at or in the course of which captive birds are liberated by hand or by any other means whatever for the purpose of being shot immediately after their liberation; or
 - (b) being the owner or occupier of any land, permits that land to be used for the purposes of such an event,

shall be guilty of an offence.

Special conservation measures.

7A.(1) Where a species of wild bird is included in Annex I of the Wild Birds Directive, the Minister shall, by Order, adopt special conservation

measures concerning their habitats in order to ensure the survival and reproduction of such species in their area of distribution.

(2) When adopting measures pursuant to subsection (1), the Minister shall take account of—

- (a) species in danger of extinction;
- (b) species vulnerable to specific changes in their habitat;
- (c) species considered rare because of small populations or restricted local distribution;
- (d) other species requiring particular attention for reasons of the specific nature of their habitat; and
- (e) trends and variations in population levels as a background for evaluations.

(3) When adopting measures pursuant to subsection (1), the Minister shall classify, in particular, the most suitable territories in number and size as special protection areas for the conservation of the species in the geographical sea and land area where this Act applies.

(4) This section shall apply to regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection on land and within BGTW, as regards their breeding, moulting and wintering areas and staging posts along their migration routes.

Protection of certain wild animals.

8.(1) Subject to the provisions of this Part, if any person intentionally kills, injures or takes any wild animal of a kind specified in Schedule 1, he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal of a kind specified in Schedule 1, or any part of, or anything derived from, such an animal, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that—

- (a) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of the provisions of this Part; or

- (b) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.

(4) Subject to the provisions of this Part, if any person intentionally—

- (a) damages or destroys, or obstructs access to, any structure or place which any wild animal of a kind specified in Schedule 1 uses for shelter or protection; or
- (b) disturbs any such animal while it is occupying the structure or place which it uses for that purposes,

he shall be guilty of an offence.

(5) Subject to the provisions of this Part, if any person—

- (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal (other than such an animal shown to have been imported into Gibraltar in accordance with the provision of any other relevant law) of a kind specified in Schedule 1, or any part of, or anything derived from, such an animal; or
- (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(6) In any proceedings for an offence under subsections (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Exceptions to section 8.

9.(1) Nothing in subsection (4) of section 8 shall make unlawful anything done within a dwelling house.

(2) Notwithstanding anything in section 8, a person shall not be guilty of an offence by reason of—

- (a) the taking of any such animal if he shows that the animal had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled;

- (b) the killing of any such animal if he shows that the animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of it recovering; or
- (c) any act made unlawful by that section if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(3) Notwithstanding anything in section 8, a person licensed under section 13(2) shall not be guilty of an offence by reason of the killing or injuring of a wild animal of a kind specified in Schedule 1, if he shows that his actions are in accordance with the terms of that licence.

Prohibition of certain methods of killing or taking wild animals.

10.(1) Subject to the provisions of this Part, if any person—

- (a) sets in position any self-locking snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith;
- (b) uses for the purpose of killing or taking any wild animal any self-locking snare, whether or not of such a nature or so placed as aforesaid, any bow or crossbow, any sling or catapult, any explosive, any electrical device for killing or stunning, any automatic or semi-automatic weapon, any shotgun, any device for illuminating a target or sighting device for night shooting, any drift net, any gill net other than a trammel net, any pot, any form of artificial light or any mirror or other dazzling device or any gas or smoke;
- (ba) uses for the purpose of killing or taking any wild animal, any seine or trammel net or device for raking of sea-bed;
- (c) uses as a decoy, for the purpose of killing or taking any wild animal, any live animal or bird whatever or any sound recording;
- (d) uses any mechanical propelled vehicle in immediate pursuit for the purpose of driving, killing or taking any wild animal;
- (e) uses any live bird, mammal for the purpose of killing or taking any wild animal; or
- (f) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person sets in position or knowingly causes or permits to be set in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal of a kind specified in Schedule 1 which comes into contact therewith, that is to say, any trap or snare or any poisonous, poisoned or stupefying substance, he shall be guilty of an offence.

(3) subject to the provisions of this Part, if any person—

- (a) sets in position or knowingly causes or permits to be set in position any snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith; and
- (b) while the snare remains in position fails, without reasonable excuse, to inspect it, or cause it to be inspected, at least once every day,

he shall be guilty of an offence.

(4) The Government may by order, either generally or in relation to any kind of wild animal specified in that order, amend sub-section (2) by adding any method of killing or taking wild animals, or by omitting any such method which is mentioned in that sub-section.

(5) In any proceedings for an offence under this section the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

(6) In any proceedings for an offence under sub-section (2) it shall be a defence for a person charged thereunder to show that the article was set in position for the purpose of killing or taking in accordance with a licence granted under section 13(2), any wild animals which could be lawfully killed or taken by those means and that he took or caused to be taken all reasonable precautions to prevent injury thereby to any wild animals of a kind specified in Schedule 1.

Protection of wild plants.

11.(1) Subject to the provisions of this Part, if any person intentionally picks, cuts, uproots or destroys any wild plant otherwise than in accordance with the licence granted under section 13, he shall be guilty of an offence.

(1A) Subsection (1) does not apply to —

- (a) a plant specified in Schedule 2; or

- (b) any plant that has been introduced to Gibraltar and could not have arrived in Gibraltar by natural means.
- (2) Subject to the provisions of this Part, if any person—
- (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild plant (other than a plant specified in Schedule 2 or any plant that has been introduced to Gibraltar and could not have arrived in Gibraltar by natural means), or any part of, or anything derived from, such a plant; or
 - (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(3) Notwithstanding anything in sub-section (1), a person shall not be guilty of an offence by reason of any act made unlawful by that sub-section if he shows that the act was an incidental result of a lawful operation and could not reasonably have been avoided.

(4) In any proceedings for an offence under sub-section (1) or (2)(a), the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

Introduction of new species of animals or plants.

12.(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Gibraltar in a wild state, he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which does not ordinarily grow in the wild in Gibraltar, he shall be guilty of an offence.

(3) Subject to sub-section (4), it shall be a defence to a charge of committing an offence under sub-section (1) or (2) to prove that the accused took all reasonable steps and exercised all diligence to avoid committing the offence.

(4) Where the defence provided by sub-section (3) involves an allegation that the commission of the offence was due to the act or default by another person, the person charged shall not, without leave of the Court, be entitled to rely on the defence unless, within a

period ending 7 clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

Introduction of new species of birds.

12A.(1) A person who without a permit issued by the Minister under this section releases into the wild any bird which is of a kind which is not ordinarily resident in and is not a regular visitor to Gibraltar in a wild state is guilty of an offence.

(2) Subject to subsection (3), it shall be a defence to a charge of committing an offence under subsection (1) to prove that the accused took all reasonable steps and exercised all diligence to avoid committing the offence.

(3) Where the defence provided by subsection (2) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on the defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

(4) Where a person applies to the Minister for a permit under this section the Minister shall—

- (a) consider whether the introduction of that species will be prejudicial to flora and fauna; and
- (b) consult the European Commission,

and thereafter may issue a permit subject to such terms and conditions as he deems necessary.

Power to grant licences.

13.(1) Sections 3,4,5,6(2) and 7 do not apply to anything done—

- (a) for scientific or educational purposes;
- (b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;
- (c) for the purpose of conserving wild birds;

- (d) for the purpose of tending a disabled wild bird and releasing it when no longer disabled;
- (e) for the purposes of preserving public health or public or air safety;
- (f) for the purpose for preventing the spread of disease;
- (g) for the protection of flora and fauna;
- (h) for the purposes of the re-population or re-introduction of wild birds, including any breeding necessary for those purposes;
- (i) for such other purpose as may be prescribed by regulations,

where there is no other satisfactory solution, and if it is done under and in accordance with the terms of a licence granted by the Government after consultation with the Nature Conservancy Council.

(2) Sections 8(1), (2) and (4), 10(1) and (2) and 11(1) do not apply to anything done—

- (a) for scientific or educational purposes;
- (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;
- (c) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;
- (d) for the purpose of preserving public health or public safety;
- (e) for the purpose of preventing the spread of disease;
- (f) for such other purpose as may be prescribed by regulations,

if it is done under and in accordance with the terms of a licence granted by the Government after consultation with the Nature Conservancy Council.

(3) Subject to sub-section (4), a licence under the foregoing provisions of this section—

- (a) may be, to any degree, general or specific;
- (b) may be granted either to persons of a class or to a particular person;
- (c) may be subject to compliance with any specified conditions;

- (d) may be modified or revoked at any time by the Government after consultation with the Nature Conservancy Council; and
- (e) subject to paragraph (d), shall be valid for the period stated in the licence;

and the Government may charge therefor such reasonable sum (if any) as he may determine.

(4) A licence under sub-sections (1) or (2) which authorises any person to kill wild birds or wild animals shall specify the area within which the methods by which the wild bird or wild animals may be killed.

(5) No licence may be granted under this section which may have the effect of causing the extinction in Gibraltar of any wild birds, wild animals or wild plants specified in Schedule 3.

(6) A licence granted for the purpose of allowing disabled wild birds to be tended shall specify the arrangements to be made for registering with the Nature Conservancy Council any bird so tended and for recording the release or otherwise of such bird.

(6A) Notwithstanding any provision, limitation or condition that may be imposed on a licence issued under this section, where the licence to be issued is in respect of a wild bird, the licence must specify—

- (a) the species which are covered by the licence;
- (b) the means, arrangements or methods authorised for capture or killing;
- (c) the conditions of risk and the circumstances of time and place under which the licensed activity may be undertaken;
- (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; and
- (e) the controls which will be carried out.

(7) Notwithstanding the provisions of this section the Government shall grant to a public officer such licence as may be necessary to enable that officer to carry out his duties under any other Act.

Implementation reports.

13A.(1) The Minister shall annually send a report to the European Commission regarding the implementation of Article 9(1) and (2) of the Wild Birds Directive in the preceding year.

(2) The Minister shall, in accordance with the timescales set out in Article 12(1) of the Wild Birds Directive, send a report to the European Commission regarding the implementation of the Directive in the preceding reporting period.

False statements made for obtaining a licence.

14. A person who, for the purposes of obtaining, whether for himself or another, the grant of a licence under section 13–

- (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular, shall be guilty of an offence.

Attempts to commit offences.

15.(1) Any person who attempts to commit an offence under the foregoing provisions of this Part, shall be guilty of an offence and shall be punishable in like manner as for the said offence.

(2) Any person who for the purposes of committing an offence under the foregoing provisions of the Part, has in his possession anything capable of being used for committing the offence, shall be guilty of an offence and shall be punishable in like manner as for the said offence.

Enforcement.

16. If a Police officer or a person appointed for the purpose of enforcing this Act under section 21 suspects with reasonable cause that any person is committing or has committed an offence under this Part, the officer or person appointed may without warrant–

- (a) stop and search that person;
- (b) search or examine any thing or vehicle which that person may then be using or have in his possession;
- (c) seize and detain for purposes of proceedings under this Part, anything which may be evidence of the commission of the offence or may be liable to be forfeited under section 17.

Penalties, forfeitures etc.

17.(1) Subject to sub-section (3), a person guilty of an offence under sections 3, 5, 6, 8, 10, 11 or 15 shall be liable—

- (a) on summary conviction to a fine at level 5 on the standard scale or 6 months imprisonment or both; or
- (b) on conviction on indictment to imprisonment for 2 years and to a fine.

(2) Subject to sub-section (3), a person guilty of an offence under sections 7, 12, 12A or 14 shall be liable on summary conviction to a fine at level 4 on the standard scale or 6 months imprisonment or to both.

(3) Where an offence to which sub-sections (1) or (2) applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the fine which may be imposed under that subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

(4) The Court by which any person is convicted of an offence under this Part—

- (a) shall order the forfeiture of any bird, nest, egg, other animal, plant or thing in respect of which the offence was committed; and
- (b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 12, any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.

PART IIA

DESIGNATION OF SITES, ETC.

Application etc..

17A. (1) This Part makes provision for the purpose of transposing into the law of Gibraltar the Habitats Directive and the Wild Birds Directive.

(2) Where this Act creates a function (including a power or duty) to be carried out by any person, that person shall carry out that function so as to secure compliance with the Habitats Directive, the Wild Birds Directive or both, as the case may be.

*Designation of sites under the Habitats Directive***Selection of sites eligible for identification as of Community importance.**

17B. (1) On the basis of the criteria set out in Annex III (Stage 1) to the Habitats Directive, and relevant scientific information, the Minister shall propose a list of sites indicating with respect to each site —

- (a) which natural habitat types in Annex I to the Directive the site hosts, and
- (b) which species in Annex II to the Directive that are native to Gibraltar the site hosts.

(2) Where appropriate after having carried out surveillance of the conservation status of the natural habitats and species in Gibraltar the Minister may propose modification of the list in the light of the results of the surveillance.

(3) The list shall be transmitted to the Secretary of State for sending to the Commission as soon as practicable together with information on each site including—

- (a) a map of the site,
- (b) its name, location and extent, and
- (c) the data resulting from application of the criteria specified in Annex III (Stage 1),

provided in a format established by the Commission.

Adoption of list of sites: designation of special areas of conservation.

17C.(1) Once a site of Community importance in Gibraltar has been adopted in accordance with the procedure laid down in paragraph 2 of Article 4 of the Habitats Directive, the Minister shall designate that site as a special area of conservation as soon as possible and within six years at most.

(2) The Minister shall establish priorities for the designation of sites in the light of—

- (a) the importance of the sites for the maintenance or restoration at a favourable conservation status of —

- (i) a natural habitat type in Annex I to the Habitats Directive, or
- (ii) a species in Annex II to the Directive,

and for the coherence of Natura 2000; and

- (b) the threats of degradation or destruction to which those sites are exposed.

(3) In this section “Natura 2000” means the European network of special areas of conservation and special protection areas under the Wild Birds Directive provided for in Article 3(1) of the Habitats Directive.

Consultation as to inclusion of site omitted from the list.

17D. If consultation is initiated by the Commission in accordance with Article 5(1) of the Habitats Directive with respect to a site in Gibraltar hosting a priority natural habitat type or priority species and—

- (a) the Minister agrees that the site should be added to the list transmitted in accordance with section 17B, or
- (b) the Council, acting on a proposal from the Commission in pursuance of paragraph 2 of Article 5 of the Habitats Directive, so decides,

the site shall be treated as added to the list as from the date of that agreement or decision.

Designation of sites under the Wild Birds Directive

Designation of special protected areas.

17DA.(1) Subject to subsection (2) the Minister must by order, and for the purposes set out in Article 3 of the Wild Birds Directive, designate areas (special protected areas or SPA’s) for the protection of—

- (a) the species of birds listed in Annex I to the Wild Birds Directive in accordance with, and to the extent required by, Article 4(1) of that Directive; and
- (b) regularly occurring migratory species not listed in Annex I of the Wild Birds Directive bearing in mind their breeding, moulting and wintering areas and staging posts along their migration routes in accordance with, and to the extent required by, Article 4(2) of that Directive.

(2) In designating a special protection area under subsection (1) and the extent of any such site, the Minister shall have regard to—

- (a) the need to give effect to the measures set out in Article 3(2) of the Wild Birds Directive, and in particular subparagraphs (c) and (d) thereof which set requirements on the re-establishment of destroyed biotopes and on the creation of biotopes; and
- (b) the extent to which the site shall include BGTW.

Information to be sent to the European Commission.

17DB. Where a special protected area has been designated under section 17DA the Minister shall cause all relevant information pertaining to the designation to be sent to the European Commission for the purposes set out in Article 4(3) of the Wild Birds Directive.

European Sites

Meaning of “European site” and “European Marine site”.

17E. (1) In this Act a “European site” means—

- (a) a special area of conservation,
- (b) a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive,
- (c) a site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period or pending a decision of the Council under Article 5(3), or
- (d) an area classified pursuant to section 17DA,
- (e) where an Order under section 2B so provides, an area designated under that section.

(2) In this Act a European marine site means a European site which consists of, or so far as it consists of, marine areas.

Notice to landowners, relevant persons, etc..

17F. (1) As soon as practicable after a site is designated as a European site, or ceases to be so designated, or there is any change in the designation the Minister shall give notice of this to—

- (a) every owner or occupier of land within the site;
- (b) the Nature Conservancy Council; and
- (c) such other persons or bodies as it may determine.

(2) A notice required to be issued by virtue of sub-section (1) shall be accompanied by a copy of the document by which the site has been designated as a European site in so far as it relates to land owned or occupied by or, as the case may be, to land within the area of responsibility of the person or body to whom the notice is given.

(3) The Government may make rules as to the form and content of notices to be given under this section.

Management agreements.

17G.(1) The Nature Conservancy Council shall enter into an agreement (a “management agreement”) with every owner, lessee and occupier of land forming part of a European site, or land adjacent to such a site, for the management, conservation, restoration or protection of the site, or any part of it with the purpose of attaining the objectives of the Habitats Directive or the Wild Birds Directive, as the case may be.

(2) A management agreement may impose such restrictions as may be expedient for the purposes of the agreement on the exercise of rights over the land by the persons who can be bound by the agreement.

(3) A management agreement—

- (a) may provide for the management of the land in such manner, the carrying out thereon of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement;
- (b) may provide for any of the matters mentioned in paragraph (a) being carried out, or for the costs thereof being defrayed, either by the said owner or other person or by the Nature Conservancy Council, or partly in one way and partly in another;
- (c) may contain such other provisions as to the making of payments by the Nature Conservancy Council, and in particular for the payment by the Council of compensation for the effect

of the restrictions mentioned in sub-section (2) as may be specified in the agreement.

(4) Where land is subject to a management agreement, the Nature Conservancy Council shall, as respects the enforcement of the agreement against persons other than the original contracting party, have the like rights as if—

- (a) they had at all material times been the absolute owners in possession of ascertained land adjacent to the land subject to the agreement and capable of being benefited by the agreement; and
- (b) the management agreement had been expressed to be for the benefit of that adjacent land.

Management Agreements: determination by Minister.

17GA.(1) Where the Nature Conservancy Council is unable to conclude a management agreement under section 17G it must notify the Minister in writing setting out—

- (a) the names and addresses of the parties (including any person who claims to be entitled to be a party to any agreement);
- (b) the terms of the proposed agreement;
- (c) the terms of the agreement which are agreed;
- (d) the terms of the agreement which are not agreed, including the reasons why, in the view of the Nature Conservancy Council, agreement of those terms has not been possible.

(2) Upon receipt of the notice the Minister shall give the parties, identified to him pursuant to subsection (1)(a) and any other person whom the Minister deems ought to be given an opportunity to make representations, up to 28 days in which to respond to his request for their views as to why an agreement cannot be reached and how it is proposed that the issues be resolved.

(3) After receipt of any matters brought to the Minister's attention, or the expiry of 28 days (whichever is the earlier), the Minister shall, on the basis of the information before him and after having considered any duties that may arise in connection with the obligations arising from the Habitats Directive, the Wild Birds Directive or both Directives, issue a determination which shall be binding on all the parties to whom it is addressed.

(4) A determination under this section shall, for the purposes of this Act, be deemed to be an agreement under section 17G and, subject to an appeal being made under section 17GB, shall be deemed to be enforceable 21 days after it has been made.

Appeal to the Magistrates' Court.

17GB.(1) A person to whom a determination under section 17GA is addressed may within 14 days of receipt of the determination appeal against any part of the determination to the Magistrates' Court.

(2) Upon hearing an appeal the Magistrates' Court may uphold, substitute, vary or quash the Minister's determination but in so doing it may not impose anything that conflicts with the provisions of the Habitats or Wild Birds Directives.

(3) There shall be no appeal from the decision of the Magistrates' Court except on a point of law.

Notification of potentially damaging operations.

17H.(1) Any designation made under section 17C(1) or section 17DA(1) in relation to a European site may specify—

- (a) the flora, fauna, or geological or physiographical features by reason of which the land is of special interest, and
- (b) any operations appearing to the Nature Conservancy Council to be likely to damage that flora or fauna or those features.

(2) The Minister may, for the purpose of securing compliance with the requirements of the Habitats Directive and/or the Wild Birds Directive, at any time amend the designation with respect of any of the matters mentioned in sub-section (1) and shall notify those persons to whom he gave notification of the original designation of the amendment.

Restriction on carrying out operations specified in notification.

17J.(1) The owner or occupier of any land within a European site shall not carry out, or cause or permit to be carried out, on that land any operation specified in relation to the site under section 17H unless—

- (a) one of them has given the Nature Conservancy Council written notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out, and
- (b) one of the conditions specified in sub-section (2) is fulfilled.

- (2) The conditions referred to in sub-section (1)(b) are—
- (a) that the operation is carried out with the written consent of the Nature Conservancy Council;
 - (b) that the operation is carried out in accordance with the terms of a management agreement.
- (3) A person who, without reasonable excuse, contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine at level 4 on the standard scale.
- (4) For the purposes of sub-section (3) it is a reasonable excuse for a person to carry out an operation—
- (a) that the operation was an emergency operation particulars of which (including details of the emergency) were notified to the Nature Conservancy Council as soon as practicable after the commencement of the operation; or
 - (b) that the operation was authorised by a planning permit granted on an application under the Town Planning Act.

Supplementary provisions as to consents.

17K.(1) Where it appears to the Nature Conservancy Council that an application for consent given in accordance with section 17J(2)(a) relates to an operation which is or forms part of a plan or project which —

- (a) is not directly connected with or necessary to the management of the site, and
- (b) is likely to have a significant effect on the site (either alone or in combination with other plans or projects),

the Council shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

(2) In the light of the conclusions of the assessment, the Nature Conservancy Council may give consent for the operation only after having ascertained that the plan or project will not adversely affect the integrity of the site.

(3) The Nature Conservancy Council shall give notice of its decision in respect of an application for consent to the owner and the occupier of the land to which the application relates and where the Nature Conservancy Council does not give consent for the operation the Council shall give to those persons reasons for its decision.

- (4) The owner or the occupier of the land in question may—
- (a) within two months of receiving notice of the refusal of consent, or
 - (b) if no notice of a decision is received by him within three months of an application for consent being made,

by notice in writing to the Nature Conservancy Council require the Council to refer the matter forthwith to the Minister.

(5) If on the matter being referred to the Minister he is satisfied that, there being no alternative solutions, the plan or project should be carried out for imperative reasons of overriding public interest (which, subject to sub-section (6), may be of a social or economic nature), he may direct the Nature Conservancy Council to give consent to the operation.

(6) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred in sub-section (5) shall be either—

- (a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment, or
- (b) other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.

(7) Where the Minister directs the Nature Conservancy Council to give consent under this section, he shall secure that such compensatory measures are taken as are necessary to ensure that the overall coherence of Natura 2000 is protected.

(8) This section does not apply in relation to a site which is a European site by reason only of section 17E(1)(c).

Provisions as to existing notices and consents.

17L.(1) Any notice or consent previously given under section 18 in relation to land which on or after the commencement of this Part becomes land within a European site shall have effect, subject to the provisions of this section, as if given in accordance with section 17J(1)(a) or (2)(a).

(2) The Minister shall review any such consent as is referred to in sub-section (1) to assess its compatibility with the conservation objectives of the site, and—

- (a) to the extent that it is not so compatible may modify the consent, or
- (b) if in the opinion of the Minister the consent cannot by modification be made compatible with the conservation objectives of the site, may withdraw it.

(3) Notice of any such modification or withdrawal of consent shall be given to every owner and occupier of land within the site who in the opinion of the Nature Conservancy Council may be affected by it, and the modification or withdrawal shall come into effect in relation to an owner or occupier upon such notice being given to him.

(4) The modification or withdrawal of a consent shall not affect anything done in reliance on the consent before the modification or withdrawal takes effect.

Power to make special nature conservation order.

17M. (1) The Minister may, after consultation with the Nature Conservancy Council make in respect of any land within a European site or marine area within a European marine site a special nature conservation order specifying operations which appear to it to be likely to destroy or damage the flora, fauna, or geological or physiographical features by reason of which the land is a European site or in relation to the sea a European marine site.

(2) A special nature conservation order may be amended or revoked by a further order.

(3) Schedule 4 has effect with respect to the making, amending or revoking of special nature conservation orders.

Restriction on carrying out operations specified in a special nature conservation order.

17N.(1) No person shall carry out on any land within a European site in respect of which a special nature conservation order is in effect any operation specified in the order, unless the operation is carried out, or caused or permitted to be carried out, by the owner or occupier of the land and—

- (a) one of them has, after the making of the order, given the Nature Conservancy Council written notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out, and
- (b) one of the conditions specified in sub-section (2) is fulfilled.

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- (2) The conditions referred to in sub-section (1)(b) are–
- (a) that the operation is carried out with the written consent of the Nature Conservancy Council;
 - (b) that the operation is carried out in accordance with the terms of a management agreement.
- (3) A person who, without reasonable excuse, contravenes sub-section (1) commits an offence and is liable–
- (a) on summary conviction, to a fine at level 5 on the standard scale;
 - (b) on conviction on indictment, to a fine.
- (4) For the purposes of sub-section (3) it is a reasonable excuse for a person to carry out an operation–
- (a) that the operation was an emergency operation particulars of which (including details of the emergency) were notified to the Nature Conservancy Council as soon as practicable after the commencement of the operation; or
 - (b) that the operation was authorised by a planning permit granted on an application under the Town Planning Act.

Supplementary provisions as to consents.

17P.(1) Where it appears to the Nature Conservancy Council that an application for consent in accordance with section 17N(2)(a) relates to an operation which is or forms part of a plan or project which–

- (a) is not directly connected with or necessary to the management of the site, and
- (b) is likely to have a significant effect on the site (either alone or in combination with other plans or projects),

the Council shall make an appropriate assessment of the implications for the site in view of the conservation objectives the Council considers appropriate to that site.

(2) In the light of the conclusions of the assessment referred to in sub-section (1), the Nature Conservancy Council may give consent for the operation only after having ascertained that the plan or project will not adversely affect the integrity of the site.

(3) The Nature Conservancy Council shall give notice of its decision in respect of an application for consent to the person making that an application and where the Nature Conservancy Council does not give consent for the operation the Council shall give to that person reasons for its decision.

(4) The owner or occupier, as the case may be, of the land in question may—

- (a) within two months of receiving notice of the refusal of consent, or
- (b) if no notice of a decision is received by him within three months of an application for consent being made,

by notice in writing to the Nature Conservancy Council require the Council to refer the matter forthwith to the Minister.

(5) If on the matter being referred to the Minister he is satisfied that, there being no alternative solutions, the plan or project should be carried out for imperative reasons of overriding public interest (which, subject to subsection (6), may be of a social or economic nature), he may direct the Nature Conservancy Council to give consent to the operation.

(6) Where the site concerned hosts a priority natural habitat type, a priority species or a wild bird of European origin falling within Article 4(1)(a) to (d) of the Wild Birds Directive, the reasons referred to in subsection (5) shall be either—

- (a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment, or
- (b) other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.

(7) Where the Minister directs the Nature Conservancy Council to give consent under this section, he shall secure that such compensatory measures are taken as are necessary to ensure that the overall coherence of Natura 2000 is protected.

(8) This section does not apply in relation to a site which is a European site by reason only of section 17E(1)(c).

Prevention of deterioration.

17PA. (1) Where the natural habitat or the habitat of a species for which a site has been designated a European site or a European marine site is or has

been polluted, has deteriorated, is deteriorating or is likely to deteriorate, the Government must make an order specifying the steps which are to be taken in order to remedy or prevent that pollution or deterioration in so far as such pollution or deterioration has been or could be significant in relation to the objectives of the Habitats Directive or the Wild Birds Directive, as the case may be.

(1A) In considering deterioration under subsection (1) no regard shall be had as to whether such deterioration arises as a consequence of human activity or from a failure to act.

(2) An order under subsection (1) shall be addressed to the owner or occupier of land within such a site or where the pollution or deterioration was caused, results from or is likely to arise as a result of an operation outside that site, to the person who undertook, is or will be undertaking that operation.

(3) An order under subsection (1) shall state the time for compliance with the terms of the order.

(4) An order under subsection (1) shall be consistent with but shall not exceed the obligations under Article 6(2) of the Habitats Directive, or Article 4(4) of the Wild Birds Directive.

(5) A person to whom an order is addressed and who within the time stated in the order fails to comply with a provision of that order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding level 3 on the standard scale for every day or part of every day in respect of which the order has not been complied with.

(6) Upon receipt of representations from a person who is affected by or has an interest in an order made under subsection (1) the Government may subject to subsection (4) amend, vary or revoke that order.

European Marine Site.

17Q.(1) The Minister may install markers indicating the existence and extent of a European marine site.

(2) As soon as possible after a site becomes a European marine site, the Minister shall publish in the Gazette—

- (a) the conservation objectives for that site, and
- (b) any operations which may cause deterioration of natural habitats or the habitats of species, or disturbance of species, for which the site has been designated.

Management scheme for European Marine Site.

17R.(1) The Minister may by notice in the Gazette establish a management scheme for a European marine site.

- (2) The scheme may, in particular—
- (a) appoint the Nature Conservancy Council to co-ordinate the establishment of the scheme;
 - (b) set time limits within which any steps by the Nature Conservancy Council are to be taken;
 - (c) require the Nature Conservancy Council to supply to the Minister such information concerning the establishment of the scheme as may be specified in the notice.
- (3) The Government may amend a management scheme for a European marine site, either generally or in any particular respect.

*Surveillance***Surveillance of conservation status of habitats and species.**

17RA.(1) The Minister must make arrangements for the surveillance of the conservation status of—

- (a) natural habitats of Community interest;
- (b) species of Community interest; and
- (c) wild birds listed in Annex I to the Wild Birds Directive,

and in particular, the priority natural habitat types and the priority species.

(2) The surveillance measures under subsection (1) shall be carried out systematically and on a permanent basis and the extent of the surveillance required shall have regard to—

- (a) whether the habitat or species is a priority natural habitat type or priority species;
- (b) the conservation status of the habitat or species; and
- (c) the extent, if any, to which that conservation status is under threat.

(3) The Minister must ensure that the surveillance under subsection (1) is made available to the public via electronic or other means.

Protection of animals

Protection of certain animals from exploitation.

17RB.(1) The Minister must, as required, in the light of information derived from the surveillance arranged under section 17RA or otherwise arranged for the purpose of Article 11 of the Habitats Directive, ensure that measures are taken to ensure that—

- (a) the taking in the wild of specimens of a species of animal listed in Annex V to the Habitats Directive; and
- (b) the exploitation of such specimens,

is compatible with that species being maintained at a favourable conservation status.

(2) Where measures are required under subsection (1), the Minister must make arrangements for surveillance for the purpose of establishing whether the taking in the wild of specimens of the species concerned, and the exploitation of specimens of that species, are compatible with it being maintained at a favourable conservation status.

17S. *Repealed.*

Protection of certain wild animals.

17T.(1) It is an offence—

- (a) deliberately to capture injure or kill a wild animal of a European protected species;
- (b) deliberately to disturb such an animal—
 - (i) if the disturbance is such as is likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young, hibernate or migrate; or
 - (ii) if the disturbance significantly affects the local distribution or abundance of the species to which it belongs;
- (c) deliberately to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person—

- (a) to have in his possession or control;
- (b) to transport;
- (c) to sell or exchange; or
- (d) to offer for sale or exchange,

anything to which subsection (3) applies.

(3) This subsection applies to—

- (a) any live or dead animal or part of an animal—
 - (i) which has been taken from the wild; and
 - (ii) which is of a species or subspecies listed in Annex IV(a) to the Habitats Directive; and
- (b) to any part of, or anything derived from, such an animal or such a part of an animal.

(4) The offences in subsections (1) and (2) apply to all stages of the life of the animals to which they apply.

(5) Subject to subsection (6), a person shall not be guilty of an offence under subsection (2) if he shows that the animal or part of the animal in question, or the animal or part of the animal from which the part or the thing in question is derived, was lawfully taken from the wild.

(6) The defence under subsection (5) does not apply—

- (a) in the case of the offences in subsection (2)(a) and (b) if—
 - (i) the animal in question is an animal of a European protected species or the part or thing in question is derived from such an animal; and
 - (ii) that the animal, part or thing in question was in the defendant's possession, or transported by the defendant, for the purpose of sale or exchange;

- (b) in the case of the offences in subsection (2)(c) and (d) if the animal in question is an animal of a European protected species or the part or thing in question is derived from such an animal.

(7) For the purposes of subsection (5) an animal, or part of an animal, shall be treated as having been lawfully taken from the wild if—

- (a) it was taken from the wild in the European territory of a member State to which the EC Treaty applies, without contravention of the law of that member State and before the implementation date; or
- (b) it was taken from the wild elsewhere.

(8) A person shall not be guilty of an offence under subsection (2) if he shows that the animal, or the animal from which the part or thing in question is derived is of a species listed in Annex IV(a) to the Habitats Directive and—

- (a) was from a population occurring in a country or area which appears next to the name of that species in that Annex;
- (b) is of the species *Capra aegagrus* and was not from a naturally occurring population;
- (c) is of the subspecies *Ovis gmelini musimon* and was not from a naturally occurring population in Corsica or Sardinia; or
- (d) is of the species *Coregonus oxyrinchus* and either was from Finland or was not from an anadromous population.

(9) Unless the contrary is shown, in any proceedings under subsection (1) the animal in question is presumed to have been a wild animal.

(10) In any proceedings under subsection (2) it is to be presumed unless the contrary is shown—

- (a) that the animal in question was taken from the wild;
- (b) that the part of an animal in question is from an animal which was taken from the wild or that it was taken from the wild; or
- (c) the thing in question (if it is not part of an animal) was derived from an animal taken from the wild.

(11) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(12) In deciding upon the sentence for a person convicted of an offence under subsection (1)(d), the court shall in particular have regard to whether that person could reasonably have avoided the damage to or destruction of the breeding site or resting place concerned.

(13) In this section—

“the EC Treaty” means the Treaty establishing the European Community;

“the implementation date” means—

- (a) where the relevant State became a member State before 10th June 1994, the 10th June 1994; and
- (b) in any other case, the date on which the relevant State became a member State;

“relevant State” means the State in whose territory the animal, or part of it, was taken from the wild.

Exceptions from section 17T.

17U.(1) A person shall not be guilty of an offence under section 17T(1) of deliberately capturing a wild animal of a European protected species, or an offence under section 17T(2)(a) or (b) if he shows that the contravention in question—

- (a) was in relation to an animal that had been disabled otherwise than by his unlawful act; and
- (b) was done solely for one or more of the purposes of—
 - (i) tending and releasing it when no longer disabled; or
 - (ii) releasing it after it had been tended.

(2) A person shall not be guilty of an offence under section 17T(1) (a) or (b) or under 17T(2)(a) or (b) if he shows that the contravention in question—

- (a) was in relation to an animal that had been disabled otherwise than by his unlawful act and that there was no reasonable chance of it recovering; and
- (b) was done solely for one or more of the purposes of—
 - (i) ending the animal’s life; or

- (ii) disposing of it (otherwise than by sale or exchange) as soon as practicable after it was dead.

(3) A person shall not be guilty of an offence under section 17T(1) by reason of the injuring of an animal of a European protected species if he shows that this was done solely for the purpose-

- (a) of taking a sample by virtue of section 13 or section 17Y; or
- (b) of taking a sample for the purpose of giving evidence in any criminal proceedings in respect of an offence under this Act or the Criminal Offences Act.

(4) A person shall not be guilty of an offence under section 17T(2)(a) or (b) if he shows that the contravention in question was done for the purposes of-

- (a) investigating whether an offence is being or has been committed;
- (b) bringing, conducting, or giving evidence in, any criminal proceedings in respect of any such offence; or
- (c) giving effect to an order under section 17.

(5) The defences in subsections (1) to (4) apply unless it is shown by the prosecution that the defendant's action did not satisfy the following conditions-

- (a) that there was no satisfactory alternative; and
- (b) that the action was not detrimental to the maintenance of the populations of the species concerned at a favourable status in their natural range.

Prohibition of certain methods of taking or killing wild animals.

17V. (1) This section applies in relation to the taking or killing of a wild animal-

- (a) of any of the species listed in Annex V(a) to the Habitats Directive, and to which Article 15 applies, whose natural range includes any area of Gibraltar, or
- (b) of a European protected species, where the taking or killing of such animals is permitted in accordance with this Part.

(2) It is an offence to use for the purpose of taking or killing any such wild animal as is referred to in sub-section (1)–

- (a) any of the means listed in sub-section (3) or (4), or
- (b) any form of taking or killing from the modes of transport listed in sub-section (5); or
- (c) any other means of taking or killing which is indiscriminate and capable of causing the local disappearance of, or serious disturbance to, animals of a species referred to in subsection (1).

(3) The prohibited means of taking or killing of mammals are the use of–

- (a) blind or mutilated animals used as live decoys;
- (b) tape recorders;
- (c) electrical and electronic devices capable of killing or stunning;
- (d) artificial light sources;
- (e) mirrors and other dazzling devices;
- (f) devices for illuminating targets;
- (g) sighting devices for night shooting comprising an electronic image magnifier or image converter;
- (h) explosives;
- (j) nets which are non-selective according to their principle or their conditions of use;
- (k) traps which are non-selective according to their principle or their conditions of use;
- (l) crossbows;
- (m) poisons and poisoned or anaesthetic bait;
- (n) gassing or smoking out;
- (p) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.

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- (4) The prohibited means of taking or killing fish are the use of—
- (a) poison;
 - (b) explosives.
- (5) The prohibited modes of transport are—
- (a) aircraft;
 - (b) moving motor vehicles.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine at level 5 on the standard scale.

Monitoring incidental capturing and killing.

17VA.(1) The Minister must, in accordance with the provisions of this section, establish a system to monitor the incidental capture and incidental killing, of animals of the species listed in Annex IV(a) to the Habitats Directive which takes place in Gibraltar.

- (2) The system established under subsection (1) shall incorporate the following elements—
- (a) the identification of the risks of incidental capture and incidental killing to which those species are subject (including the activities which give rise to such risks); and
 - (b) the maintenance of records of the instances of incidental capture or incidental killing of animals of those species resulting from—
 - (i) the surveillance undertaken under section 17RA or pursuant to Article 11 of the Habitats Directive;
 - (ii) the monitoring carried out under this section or pursuant to Article 12(4); and
 - (iii) any another sources.
- (3) In establishing the monitoring system the Minister may have regard to—
- (a) the risks identified under subsection (2)(a);
 - (b) the instances of incidental capture and incidental killing recorded under subsection (2)(b);

- (c) whether the species is a priority species; and
- (d) the conservation status of the species and the extent to which that conservation status is under threat.

(4) The Minister shall make available to the public the information obtained from monitoring under subsection (1) via electronic or other means.

Protection from incidental capture and killing.

17VB.(1) The Minister, as required, in the light of the information derived from the monitoring arranged under section 17VA or otherwise arranged for the purpose of Article 12(4) of the Habitats Directive, must make arrangements for further research for, or ensure that conservation measures are taken for, the purpose specified in subsection (2).

(2) The purpose referred to in subsection (1) is to ensure that the incidental capture and incidental killing of animals of a species listed in Annex IV(a) to the Habitats Directive does not have a significant negative impact on that species.

Minister may make Regulations.

17VC. The Minister may make regulations to implement or require the implementation of conservation measures to ensure that the incidental capture and incidental killing of animals of the species listed in Annex IV(a) to the Habitats Directive does not have a negative impact on the species concerned or for the implementation of sections 17VA and 17VB.

17W. *Repealed.*

Protection of plants

Protection of certain wild plants.

17X.(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a wild plant of a European protected species.

- (2) It is an offence for any person to—
 - (a) have in his possession or control;
 - (b) transport;
 - (c) sell or exchange; or

(d) offer for sale or exchange,

anything to which subsection (3) applies.

(3) This section applies to—

(a) any live or dead plant, or part of a plant—

(i) which has been taken in the wild; and

(ii) which is of a species or subspecies listed in Annex II(b) (other than any bryophyte) or IV(b) to the Habitats Directive; and

(b) to any part of, or anything derived from, such a plant or such part of a plant.

(4) The offences in subsections (1) and (2) apply to all stages of the biological cycle of the plants to which they apply.

(5) Subject to subsection (6) a person shall not be guilty of an offence under subsection (2) if he shows that the plant or part of the plant in question, or the plant or part of the plant from which the part or thing in question is derived, was lawfully taken in the wild.

(6) The defence in subsection (5) does not apply—

(a) in the case of the offences in subsection 2(a) and (b) if—

(i) the plant in question is of a European protected species, or the part or thing in question is derived from such a plant; and

(ii) the plant, part or thing in question was in the defendant's possession or control, or transported by the defendant, for the purpose of sale or exchange;

(b) in the case of the offences in subsection 2(c) and (d) if—

(i) the plant in question is of a European protected species;
or

(ii) the part or thing in question is derived from such a plant.

(7) For the purposes of subsection (5) a plant, or part of a plant, shall be treated as having been lawfully taken in the wild if—

- (a) it was taken in the wild in the European territory of a member State to which the EC Treaty applies, without contravention of the law of that member State and before the implementation date; or
- (b) it was taken in the wild elsewhere.

(8) A person shall not be guilty of the offence under subsection (1) of picking or cutting of a wild plant of a European protected species if he shows that this was done solely for the purpose—

- (a) of taking a sample by virtue of section 13 or section 17Y;
- (b) of taking a sample for the purpose of giving evidence in any criminal proceedings.

(9) A person shall not be guilty of an offence under section 17X(2)(a) or (b) if he shows that the contravention in question was done for the purposes of—

- (a) investigating whether an offence is being or has been committed;
- (b) bringing, conducting, or giving evidence in, any criminal proceedings in respect of any such offence; or
- (c) giving effect to an order under section 17.

(10) Unless the contrary is shown, in any proceedings under subsections (1) and (2), a plant or any part of it or anything derived from a plant shall be presumed to be or to have been a part of or derived from a plant taken from the wild.

(11) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(12) In this section—

“the EC treaty” means the treaty establishing the European Community;

“the implementation date” means—

- (a) where the relevant State became a member State before 10th June 1994, the 10th June 1994; and
- (b) in any other case, the date on which the relevant State became a member State; and

“relevant State” means the State in whose territory the plant, or part of it, was taken in the wild.

Trade in wild birds of European Origin

Protection of wild birds of European origin.

17XA.(1) Subject to subsection (2) a person who sells or offers for sale, transports for sale or keeps for sale any live or dead wild birds of European origin or any readily recognisable parts or derivatives thereof is guilty of an offence and liable on summary conviction to a fine up to level 5 on the standard scale.

(2) It shall not be an offence for a person to carry out an act specified in subsection (1) if the bird—

- (a) is listed in Part A of Annex III to the Wild Birds Directive; and
- (b) has been captured, killed or otherwise acquired in another member State and in accordance with the laws of that member State.

(3) It shall not be an offence for a person to carry out an act specified in subsection (1) in respect of a wild bird that is listed in Part B of Annex III to the Wild Birds Directive if the Minister makes an order under this subsection to that effect.

(4) An order under subsection (3) may make provision for certain restrictions in the carrying out of the acts specified in subsection (1) and must only relate to birds that have been legally killed or captured or otherwise legally acquired.

(5) Where the Minister proposes to make an order under subsection (3) he must first consult the European Commission in accordance with the procedure set out in Article 6(3) of the Wild Birds Directive.

Licences

Grant of licences for certain purposes.

17Y. (1) Sections 17T, 17V, 17X and 17XA do not apply to anything done for any of the purposes mentioned in sub-section (2) under and in accordance with the terms of a licence granted by the Minister.

- (2) The purposes referred to in sub-section (1) are—
- (a) scientific or educational purposes;

- (b) ringing or marking, or examining any ring or mark on, wild animals;
- (c) conserving wild animals or wild plants or introducing them to particular areas;
- (d) protecting any zoological or botanical collection;
- (e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (f) preventing the spread of disease.

(2A) The Minister may grant a licence to permit the taking or the possession or control of specimens of any of the species listed in Annex IV to the Habitats Directive for a purpose not falling within subsection (2).

(2B) The Minister shall only grant a licence under subsection (2A) where he is satisfied that the grant of the licence would be compatible with the restrictions in Article 16(1)(e) of the Habitats Directive.

(2C) Sections 17T, 17V and 17X do not apply to anything done under and in accordance with the terms of a licence granted by the Minister under subsection (2A).

(3) The Minister shall not grant a licence under this section unless he is satisfied—

- (a) that there is no satisfactory alternative, and
- (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

(4) The Minister shall from time to time consult with the Nature Conservancy Council as to the exercise of his functions under this section, and he shall not grant a licence of any description unless he has been advised by that Council as to the circumstances in which, in the opinion of the Council licences of that description should be granted.

Licences: supplementary provisions.

17Z. (1) Subject to the provisions of this section, a licence granted under section 17Y—

- (a) may be, to any degree, general or specific;
- (b) may be granted either to persons of a class or to a particular person; and
- (c) may be subject to compliance with any specified conditions.

(1A) A licence granted under section 17Y(2A) shall be valid only in relation to such persons as are named in the licence.

(2) For the purposes of a licence under section 17Y the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.

(3) A licence under section 17Y may be modified or revoked at any time by the Minister but otherwise shall be valid for the period stated in the licence.

(4) A licence under section 17Y which authorises any person to kill wild animals shall specify the area within which and the methods by which the wild animals may be killed and shall not be granted for a period of more than two years.

(4A) A licence granted under section 17Y(2A) shall specify–

- (a) the species of animal or plant of the specimens which the person authorised by the licence may take or have in his possession or under his control;
- (b) the maximum number of specimens which the person authorised by the licence may take or have in his possession or under his control or which particular specimens that person may take or have in his possession or under his control;
- (c) the conditions subject to which the action authorised by the licence may be taken and in particular–
 - (i) the methods, means or arrangements by which the specimens may be taken or be in the possession or control of the person authorised by the licence;
 - (ii) when or over what period the action authorised by the licence may be taken; and
 - (iii) where it authorises any person to take specimens, the area from which they may be taken.

(5) The Government may by notice in the Gazette prescribe such reasonable fees (if any) as it may determine in respect of applications for and the grant of a licence under section 17Y, and for renewal or amendment of such a licence.

False statements made for obtaining licence.

17AA. (1) A person commits an offence who, for the purpose of obtaining, whether for himself or another, the grant of a licence under section 17Y—

- (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular, or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine at level 4 on the standard scale.

Offence of breaching a licence condition.

17AB.(1) It is an offence for any person authorised by virtue of a licence to which subsection (4) applies to contravene or fail to comply with any condition which the licence requires him to comply with.

(2) A person shall not be guilty of an offence under subsection (1) if he shows—

- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or
- (b) that the commission of the offence was otherwise due to matters beyond his control.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine up to level 4 on the standard scale or up to 3 months imprisonment.

(4) This section applies to a licence granted under section 17Y on or after 25 June 2007.

Miscellaneous

General provisions for protection of European sites.

17BB. (1) The Minister, or, as the case may be, a person empowered under any enactment to give any consent, permit or other authorisation for a plan or project or works or empowered to undertake a plan or project or carry out works shall if the plan, project or works —

- (a) is, or are, likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and
- (b) is, or are, not directly connected with or necessary to the management of the site,

shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

(2) Without prejudice to the generality of sub-section (1), for the purpose of the Town Planning Act material considerations to be taken into account in granting permits shall include considerations which lead to improving the ecological coherence of the Natura 2000 network to encourage the management of features of the landscape which are of major importance for wild fauna and flora.

(3) A person applying for any consent, permit or other authorisation mentioned in sub-sections (1) or (2) shall provide such information as the Minister, or other person, as the case may be, may reasonably require for the purposes of the assessment.

(4) The Minister, or other person, as the case may be, shall for the purposes of the assessment consult the Nature Conservancy Council and have regard to any representations made by that Council within such reasonable time as the Minister, or other person, may specify.

(5) In the light of the conclusions of the assessment, and subject to section 17CC, the Minister or other person, as the case may be, shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

(6) In considering whether a plan or project will adversely affect the integrity of the site, the Minister, or other person, as the case may be, shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which he proposes that the consent, permission or other authorisation should be given.

(7) This section does not apply in relation to a site which is a European site by reason only of section 17E(1)(c).

Considerations of overriding public interest.

17CC.(1) If the Minister is satisfied that, there being no alternative solutions, the plan or project or works mentioned in section 17BB should be carried out for imperative reasons of overriding public interest (which, subject to sub-section (2), may be of a social or economic nature), he may agree to the plan or project or works notwithstanding a negative assessment of the implications for the site.

(2) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in sub-section (1) shall be either—

- (a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment, or
- (b) other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.

(3) Where a person having sufficient interest desires to obtain the opinion of the European Commission as to whether reasons are to be considered imperative reasons of overriding public interest, he shall submit a written request to the Government —

- (a) identifying the matter on which an opinion is sought, and
- (b) accompanied by any documents or information which may be required.

(4) The Government shall thereupon forward such request to the Secretary of State who may if he thinks fit, seek the opinion of the Commission, and if he does so, and sends the Commission's opinion to the Government, the Government shall make the opinion known to the person requesting the opinion.

Information for Commission.

17DD. (1) The Government shall as soon as practicable and thereafter as required by the timetable established under Article 23 of the Habitats Directive forward a report on the implementation of the Directive to the Secretary of State for onward transmission to the Commission.

(2) The report shall in particular include—

- (a) information concerning the conservation measures specified in Article 6(1) of the Habitats Directive;
- (b) an evaluation of the impact of those measures on the conservation status of the natural habitat types set out in Annex

I, if appropriate, and the species referred to in Annex II of the Habitats Directive;

- (c) the main results of the surveillance carried out under section 17A(2) in compliance with obligations arising from Article II of the Habitats Directive.

PART IIB APPROPRIATE ASSESSMENTS FOR LAND USE PLANS

Interpretation for Part IIB.

17EE.(1) In this Part—

“land use plan” includes a spatial development strategy, a development plan or a waste plan;

“plan-making authority” means a person or body that is required by virtue of an enactment to compile or give effect to a land use plan.

(2) References in this Part to giving effect to a land use plan include the publication, approval, adoption, revision or replacement of a land use plan.

Assessment of implications for European site or European marine site.

17FF.(1) Where a land use plan—

- (a) is likely to have a significant effect on a European site in or a European marine site (either alone or in combination with other plans or projects); and
- (b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that plan shall, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) The plan-making authority shall, for the purposes of any appropriate assessment relating to a European site or a European marine site consult the Nature Conservancy Council and shall take into account any representations made by that body within such reasonable time as the authority specifies.

(3) The plan-making authority shall also, if it considers it appropriate, take the opinion of the general public, and in doing so, shall take such steps for that purpose as it considers appropriate.

(4) In the light of the conclusions of the assessment, and subject to section 17GG, the plan-making authority shall give effect to the land use plan only after having ascertained that it will not significantly adversely affect the integrity of the European site or the European marine site (as the case may be).

(6) This section does not apply in relation to a site which is a European site by reason only of section 17E(1)(c).

Considerations of overriding public interest.

17GG.(1) If the plan-making authority is satisfied that, there being no alternative solutions, the land use plan must be given effect to for imperative reasons of overriding public interest (which, subject to subsection (2), may be of a social or economic nature), it may give effect to the land use plan notwithstanding a negative assessment of the implications for the European site or the European marine site (as the case may be).

(2) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in subsection (1) must be either–

- (a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment; or
- (b) any other reasons of overriding public interest provided the plan-making authority has had due regard to the opinion of the European Commission in satisfying itself that there are such reasons.

(3) Where a plan-making authority, other than the Government, desires to obtain the opinion of the European Commission as to whether reasons are to be considered imperative reasons of overriding public interest, it shall submit a written request to the Government–

- (a) identifying the matter on which an opinion is sought; and
- (b) accompanied by any documents or information which may be required.

(4) The Government may seek the opinion of the Commission and shall transmit the opinion to the plan-making authority.

(5) Where a plan-making authority other than the Government proposes to give effect to a land use plan under this section, it shall notify the Government.

(6) The plan-making authority shall not give effect to the land use plan before the end of the period of 21 days beginning with the day notified to it

Government as that on which its notification was received, unless the Government notifies it that it may do so.

(7) Without prejudice to any other power, the Government may give directions to the plan-making authority in any such case prohibiting it from giving effect to the land use plan, either indefinitely or during such period as may be specified in the direction.

Compensatory measures.

17HH. Where in accordance with section 17GG a land use plan is given effect, notwithstanding a negative assessment of the implications for a European site or European marine site, the Government shall secure that any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.

PART III
NATURE CONSERVATION.

Protection of habitats from pollution or deterioration.

18ZA.(1) The Minister must make an Order if a habitat is suffering from or is likely to suffer from pollution or deterioration and that habitat is not within a European Site within the meaning of Part IIA.

(2) An Order under subsection (1) shall provide for such measures to be taken as are necessary to prevent the pollution or deterioration of that habitat.

(3) An Order under subsection (1) may be addressed—

- (a) to the owner or occupier of the land upon which the pollution or deterioration arises from or in which the habitat is situated; or
- (b) to the person undertaking an activity that is or is likely to cause the pollution or deterioration of a habitat, irrespective of whether the activity is or will be carried out on land or at sea or both on land and at sea.

(4) An Order under this section may only be made if it is for the purposes of, and to the extent required for compliance with, the second sentence of Article 4(4) of the Wild Birds Directive.

Areas of special interest protected for the purpose of nature conservation etc.

18.(1) Subject to the provisions of sub-section (3) where the Government is of the opinion after consultation with the Nature Conservancy Council that an area of land not being a European site is of special interest—

- (a) by reason of any of its flora, fauna or geological or physiographical features;
- (b) by reason of being the habitat of any wild animal of a kind specified in Schedule 1 or wild plant (other than a plant specified in Schedule 2 or any plant that has been introduced to Gibraltar and could not have arrived in Gibraltar by natural means);
- (c) for the purpose of securing the survival in Gibraltar of any kind of wild animal of a kind specified in Schedule 1 or wild plant (other than a plant specified in Schedule 2 or any plant that has been introduced to Gibraltar and could not have arrived in Gibraltar by natural means);
- (d) for the purpose of complying with any international obligation;
- (e) for the purpose of providing under suitable conditions and control, special opportunities for the study of, and research into, matters relating to flora and fauna and the physical conditions in which they live, or the study of geological and geophysical features of special interest in the area,

it may by order designate that area to be a nature conservation area.

(2) Where the Government is of the opinion after consultation with the Nature Conservancy Council that any land covered (continuously or intermittently) by waters or parts of the sea within BGTW is of special interest for the purpose of—

- (a) conserving marine flora or fauna or geological or physiographical features of special interest in the area;
- (b) providing under suitable conditions and control, special opportunities for the study of, and research into, matters relating to marine flora and fauna and the physical conditions in which they live, or for the study of geological and physiographical features of special interest in the area;
- (c) for the purpose of complying with any international obligation;

it may by order designate such an area as a marine nature area.

(3) Subject to sub-section (4) no person shall carry out on any land to which this sub-section applies any operation which—

- (a) appears to the Government to be likely to destroy or damage the flora, fauna, or geological or physiographical features by reason of which the land is land which paragraph (a) or, as the case may be, paragraph (b) of sub-section (1) applies; and
- (b) is specified in the order applying this sub-section to the land.

(4) Sub-section (3) shall not apply in relation to any operation carried out, or caused or permitted to be carried out, by the owner or occupier of the land if—

- (a) one of them has, after the commencement date, given the Nature Conservancy Council notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out; and
- (b) the operation is carried out with the written consent of the Nature Conservancy Council.

(5) The Minister may, after consultation with the Nature Conservancy Council, make regulations for the protection of any area designated as a marine nature area under sub-section (2) and without prejudice to the generality of the foregoing such regulations may provide—

- (a) for prohibiting or restricting, either absolutely or subject to any exceptions—
 - (i) the entry into or movement within the area of persons and vessels;
 - (ia) fishing (including fishing from a vessel, spear fishing, shore-based fishing, bait collection and any other form of fishing), diving (including the use of self-contained underwater breathing apparatus and any form of surface demand apparatus that supplies air to a person underwater), undertaking a business as a dive operator, a sports fishing operator, or a dolphin tour operator or undertaking a fishing competition within the area;
 - (ii) the killing, taking, destruction, molestation or disturbance of animals or plants of any description in the area, or the doing anything therein which will interfere with the sea bed or damage or disturb any object in the area, or

- (iii) the depositing of rubbish in the area;
 - (b) for the issue, on such terms and subject to such conditions as may be specified in the regulations, of permits, approval or licences authorising entry into the area or the doing of anything which would otherwise be unlawful under the regulations; and
 - (c) may be so made as to apply either generally or with respect to particular parts of the area or particular times of the year.
- (6) Nothing in the regulations made under sub-section (5) shall—
- (a) prohibit or restrict the exercise of any right of passage by a vessel other than a pleasure boat; or
 - (b) prohibit, except with respect to particular parts of the area at particular times of the year, the exercise of any such right by a pleasure boat.
- (7) Nothing in regulations made under sub-section (5) shall make unlawful—
- (a) anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;
 - (b) anything done more than 30 metres below the sea bed; or
 - (c) the exercise by a relevant authority of any powers given to that authority under any enactment.
- (8) In this section “vessel” includes a hydrofoil, hovercraft and any aircraft capable of landing on water and “pleasure boat” shall be construed accordingly.
- (9) References in this section to birds, animals or plants of any description include references to eggs, seeds, spores, larva or other immature stages of birds, animals or plants of that description.

Penalties etc. in relation to nature conservation areas and marine nature areas.

19.(1) A person who, without reasonable excuse, contravenes sub-section (4) of section 18, shall be liable—

- (a) on summary conviction to a fine at level 4 on the standard scale or 3 months imprisonment or both;

- (b) on conviction on indictment to 2 years imprisonment and a fine.

(2) Where an operation in respect of which a person is convicted of an offence under sub-section (1) has destroyed or damaged any part of the flora, fauna, or geological or physiographical features by reason of which the land on which it was carried out is of special interest, the Court by which he is convicted, in addition to dealing with him in any way, may make an order requiring him to carry out, within such period as may be specified in the order, such operations for the purpose of restoring the land to its former condition as may be so specified.

(3) In the case of an order under sub-section (2) made by the Magistrates' Court, the period specified in the order shall not begin to run—

- (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against the decision of the Magistrates' Court;
- (b) where notice of appeal is given within the period so prescribed, until the determination of the appeal.

(4) At any time before an order under sub-section (2) has complied with or fully complied with, the Court by which it was made may, on the application of the person against whom it was made, discharge or vary the order if it appears to the Court that a change in circumstance has made compliance or full compliance with the order impracticable or unnecessary.

(5) If, within the period specified in an order under this section, the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be liable on summary conviction—

- (a) to a fine at level 4 on the standard scale or 3 months imprisonment or both; and
- (b) in the case of a continuing offence, to a further fine not exceeding one tenth of the maximum fine under (a) above for each day during which the offence continues after conviction.

(6) If, within the period specified in an order under this section, any operations specified in the order have not been carried out, the Nature Conservancy Council may enter the land and carry out these operations and recover from the person against whom the order was made any expenses reasonably incurred by them in doing so.

(7) Regulations made under section 18(6) may provide, in relation to offences created by those regulations—

- (a) on summary conviction for a fine not exceeding the maximum fine at level 4 on the standard scale and a period of imprisonment not exceeding 3 months;
- (b) on conviction on indictment for a period of imprisonment not exceeding 2 years and a fine.

PART IV
MISCELLANEOUS

Scientific Authorities.

20.(1) The Minister may by Regulations establish any body or bodies for the purpose of advising the Government in relation to any matter including but not limited to—

- (a) the environment;
- (b) terrestrial and aquatic flora and fauna;
- (c) the exploitation (whether commercial or otherwise) of the matters referred to in paragraphs (a) and (b).

(2) A body established under subsection (1) shall perform such duties as may be prescribed by regulations made thereunder.

(3) A reference in this Act to a scientific authority is a reference to a body which is established under subsection (1).

Wildlife Warden.

21.(1) The Government may, after consultation with the Nature Conservancy Council appoint by notice any person to be a Wildlife Warden or an honorary Wildlife Warden for the purposes of this Act.

(2) The Government may make regulations for the purpose of determining the powers and duties of any person appointed under subsection (1).

Promotion of research etc.

21A.(1) The Government shall take steps to encourage research and any other work that it considers is required as the basis for the protection, management and use of the populations of all wild bird species.

(2) In discharging the obligations set out in subsection (1), the Government shall have particular regard to the subjects that are listed in

Annex V to the Wild Birds Directive, which is reproduced in Schedule 8 for information purposes.

(3) The Government shall ensure that the Commission is supplied with such information resulting from the discharge of its obligations under subsection (1) as is required for the Commission to coordinate research in relation to the protection, management and use of wild bird populations.

Offences by bodies corporate etc.

22.(1) Where body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who is purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, sub-section (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Amendment of Schedules.

23. The Minister may amend the Schedules by notice in the Gazette.

Regulations.

24. The Government may, after consultation with the Nature Conservancy Council, make regulations for carrying into effect the provisions of this Act and without prejudice to the generality of the foregoing such regulations may provide for—

- (a) fees or charges payable in respect of any application, licence or other document under this Act, or any other matter in the administration of this Act;
- (b) the forms or contents of applications, licences, registers and other documents required for the purposes of this Act;
- (c) the procedure to be followed for the establishment of a nature conservation area or a marine nature area;
- (d) the protection and regulation of (subject to the provisions of section 18) nature conservation areas and marine nature areas;

- (e) the powers and functions of Wildlife Wardens appointed under this Act,
- (f) compliance with any European Union obligation.

Fees for entry into a nature conservation area.

24A.(1) The fees payable to Government for entry into a nature conservation area shall be those set out in paragraph 1(1) of Schedule 10.

(2) With the exception of the fee for persons entering by foot at Jew's Gate or Willis's Road the payment by a person of the relevant fee set out in paragraph 1(1) of Schedule 10 exempts such person from the requirement to pay a further fee under section 24B for entry into the tourist sites within a nature conservation area.

Fees for entry into tourist sites within a nature conservation area.

24B. The fees payable to Government for entry into tourist sites within a nature conservation area shall be those set out in paragraph 1(2) of Schedule 10.

Fees (Miscellaneous).

24C.(1) The Minister may exempt particular persons, vehicles, categories of persons or categories of vehicles from payment of the fees set out in Schedule 10 to the extent set out in such exemption.

(2) Fees recovered in accordance with sections 24A and 24B shall constitute revenue of and be paid into the Consolidated Fund.

Terms and conditions of entry.

24D. The Minister may by Order published in the Gazette—

- (a) set the terms and conditions of entry into a nature conservation area (including times and dates);
- (b) define which sites in a nature conservation area are “tourist sites” for the purposes of this Act.

Offences.

24E.(1) A person who—

- (a) conveys another person in a public service vehicle into a nature conservation area; or

- (b) assists another person to enter a nature conservation area;

other than on the payment of the relevant fee is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale and in the case of a second or subsequent conviction at level 4 on the standard scale.

(2) A third conviction for an offence against sub-section (1) shall render the offender ineligible to hold a road service licence, a licence to drive a public service vehicle or a licence to act as a conductor of a public service vehicle for a period of 12 months and the Transport Commission shall immediately revoke any such licence (including any road service licence) which the offender may hold.

- (3) A person who—

- (a) contravenes; or
(b) assists another in contravening;

a term or condition of entry included in an Order made under section 24D is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

- (4) A person who—

- (a) enters a tourist site within a nature conservation area; or
(b) assists another to enter a tourist site within a nature conservation area;

other than on the payment of the relevant fee is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

Exclusion Orders.

24F.(1)The Minister for Transport may issue an Order excluding a holder of a public service vehicle licence from entering into a nature conservation area in the course of his business as a driver of a public service vehicle for such a period of time as shall be set out in the Order up to 3 months.

(2) The Minister for Transport may only issue such an Order if he is satisfied that there is reasonable cause to believe that the person has conveyed a person or persons into a nature conservation area without the payment of the relevant fee.

(3) A copy of an Order made under this section shall be served on the person against whom it is directed.

(4) A person aggrieved by an Order made under this section may appeal to the Supreme Court on a point of law; the Order shall remain in force until such time as the appeal is determined and a decision has been made by the Minister for Transport under subsection (6) or the period of time set out in the Order expires (whichever is the sooner).

(5) In determining an appeal under subsection (4)–

(a) where the court is of the opinion that the relevant decision is wrong in law the Court–

(i) shall make a declaration to that effect;

(ii) shall inform the appellant and the Minister for Transport of such declaration; and

(iii) may, where it considers it appropriate to do so, request that the Minister for Transport reconsider the relevant decision.

(b) where the court is not of the opinion that the relevant decision is wrong in law the Court shall–

(i) confirm the Order of the Minister for Transport; and

(ii) inform the appellant and the Minister for Transport of such confirmation.

(6) Where the Minister for Transport receives a request under subsection (5)(a)(iii) he shall reconsider the relevant decision de novo.

(7) If without reasonable excuse a person does anything which he is prohibited from doing by an exclusion order, the person commits an offence and is liable on summary conviction, to a fine at level 5 on the standard scale.

25. Sections 8 and 9 of the Animals and Birds Act are repealed.

SCHEDULE 1.

Section 8

SPECIFIED WILD ANIMALS

NAME	COMMON NAME
MAMMALIA	MAMMALS
Insectivora	Insectivores
Erinaceidae	hedgehogs
Talpidae	moles
Soricidae	shrews
Chiroptera	Bats
all species	all species
Primates	Apes & monkeys
Macaca sulvanus	Barbary Macaque
Carnivora	Carnivores
Vulpes vulpes	Red Fox
Rodentia	Rodents
Eliomys quercinus	Garden dormouse
Lagomorpha	Rabbits & hares
Oryctolagus cuniculus	Rabbit
Pinnipedia	Seals
Monachus monachus	Monk Seal
Cetacea	Whales, porpoises and dolphins
all species	all species
AMPHIBIA	AMPHIBIANS
all species	all species
REPTILIA	REPTILES
all species	all species
PISCES	FISH
Hippocampus spp.	seahorses
Syngnathus spp.	pipefish
Thalassoma spp.	Turkish wrasse
Blennius spp.	blennies
Gobius spp.	gobies
Chromogobius spp.	gobies

Thorogobius spp.	gobies
ELASMOBRANCHII	SHARKS, RAYS, SKATES AND STINGRAYS
(all species of elasmobranchii not limited to those set out below, except	(all species of sharks, rays, skates and stingrays not limited to those set out below, except
- Scyliorhinus canicula	- Small spotted catshark/
- Raja miraletus)	lesser spotted dogfish
	- Twineye skate)
HEXANCHIFORMES	COW & FRILLED SHARKS
Family HEXANCHIDAE	SIXGILL & SEVENGILL SHARKS
Heptranchias perlo	Sharpnose sevengill shark
Hexanchus griseus	Bluntnose sixgill shark
Hexanchus nakamurai	Bigeye sixgill shark
SQUALIFORMES	DOGFISH SHARKS
Family ECHINORHINIDAE	BRAMBLE SHARKS
Echinorhinus brucus	Bramble shark
Family SQUALIDAE	DOGFISH SHARKS
Squalus acanthias	Piked dogfish
Squalus blainvillei	Longnose spurdog
Squalus megalops	Shortnose spurdog
Family CENTROPHORIDAE	GULPER SHARKS
Centrophorus granulosus	Gulper shark
Centrophorus uyato	Little gulper shark
Family ETMOPTERIDAE	LANTERN SHARKS
Etmopterus spinax	Velvet belly
Family SOMNIOSIDAE	SLEEPER SHARKS
Centrosymnus coelolepis	Portugese dogfish
Somniosus rostratus	Little sleeper shark
Family OXYNOTIDAE	ROUGHSHARKS
Oxynotus centrina	Angular roughshark
Family DALATIIDAE	KITEFIN SHARKS
Dalatias licha	Kitefin shark
SQUATINIFORMES	ANGEL SHARKS
Family SQUATINIDAE	ANGEL SHARKS
Squatina aculeata	Sawback angelshark
Squatina oculata	Smoothback angelshark
Squatina squatina	Angel shark
LAMNIFORMES	MACKEREL SHARKS
Family ODONTASPIDIDAE	SAND TIGER SHARKS
Carcharias taurus	Sand tiger shark
Odontaspis ferox	Smalltooth sand tiger
Family ALOPIIDAE	THRESHER SHARKS

Alopias superciliosus	Bigeye thresher
Alopias vulpinus	Thresher shark
Family CETORHINIDAE	BASKING SHARKS
Cetorhinus maximus	Basking shark
Family LAMNIDAE	MACKEREL SHARKS
Carcharodon carcharias	Great white shark
Isurus oxyrinchus	Shortfin mako
Isurus paucus	Longfin mako
Lamna nasus	Porbeagle shark
CARCHARHINIFORMES	GROUND SHARKS
Family SCYLIORHINIDAE	CAT SHARKS
Scyliorhinus stellaris	Nursehound
Galeus atlanticus	Atlantic catshark
Galeus melastomus	Blackmouth catshark
Family TRIAKIDAE	HOUND SHARKS
Galeorhinus galeus	Tope shark
Mustelus asterias	Starry smoothhound
Mustelus mustelus	Smoothhound
Mustelus punctulatus	Blackspot smoothhound
Family CARCHARHINIDAE	REQUIEM SHARKS
Carcharhinus altimus	Bignose shark
Carcharhinus brachyurus	Bronze whaler shark
Carcharhinus brevipinna	Spinner shark
Carcharhinus falciformis	Silky shark
C. limbatus	Blacktip shark
C. melanopterus	Blacktip reef shark
Carcharhinus obscurus	Dusky shark
Carcharhinus plumbeus	Sandbar shark
Galeocerdo cuvier	Tiger shark
Prionace glauca	Blue shark
Rhizoprionodon acutus	Milk shark
Family SPHYRNIDAE	HAMMERHEAD SHARKS
Sphyrna (Sphyrna) lewini	Scalloped hammerhead
Sphyrna (Sphyrna) mokarran	Great hammerhead
Sphyrna (Mesozygaena) tudes	Smalleye hammerhead
Sphyrna (Sphyrna) zygaena	Smooth hammerhead
BATOIDS	SKATES and RAYS
PRISTIFORMES	SAWFISHES
Family PRISTIDAE	SAWFISHES
Pristis pectinata	Smalltooth sawfish
Pristis pristis	Common sawfish
RHINOBATIFORMES	GUITARFISHES
Family RHINOBATIDAE	GUITARFISHES
Rhinobatos (Glaucostegus) cemiculus	Blackchin guitarfish
Rhinobatos (Rhinobatos) rhinobatos	Common guitarfish

TORPEDINIFORMES

Family TORPEDINIDAE

Torpedo (Tetronarce) nobiliana
 Torpedo (Torpedo) sinuspersici
 Torpedo (Torpedo) marmorata
 Torpedo (Torpedo) torpedo

RAJIFORMES

Family RAJIDAE

Dipturus batis
 Dipturus oxyrinchus
 Dipturus nidarosiensis
 Leucoraja circularis
 Leucoraja fullonica
 Leucoraja melitensis
 Leucoraja naevus
 Raja undulata
 Raja africana
 Raja asterias
 Raja brachyura
 Raja clavata Linnaeus
 Raja montagui Fowler
 Raja polystigma
 Raja radula
 Rostroraja alba

MYLIOBATIFORMES

Family DASYATIDAE

Dasyatis centroura
 Dasyatis marmorata
 Dasyatis pastinaca
 Dasyatis tortonesei
 Himantura uarnak
 Pteroplatytrygon violacea
 Taeniura grabata

Family GYMNURIDAE

Gymnura altavela

Family MYLIOBATIDAE

Myliobatis aquila
 Pteromylaeus bovinus

Family RHINOPTERIDAE

Rhinoptera marginata

Family MOBULIDAE

Mobula mobular

INSECTA

Phasmatodea

ELECTRIC RAYS

TORPEDO RAYS

Great torpedo
 Variable torpedo ray
 Spotted torpedo
 Ocellate torpedo

SKATES

SKATES

Gray skate
 Sharpnose skate
 Norwegian skate
 Sandy skate
 Shagreen skate
 Maltese skate
 Cuckoo skate
 Undulate skate
 African skate
 Atlantic starry skate
 Blonde skate
 Thornback skate
 Spotted skate
 Speckled skate
 Rough skate
 White skate

STINGRAYS

WHIPTAIL STINGRAYS

Roughtail stingray
 Marbled stingray
 Common stingray
 Tortonese's stingray
 Honeycomb whipray
 Pelagic stingray
 Round fantail stingray

BUTTERFLY RAYS

Spiny butterfly ray

EAGLE RAYS

Common eagle ray
 Bullray

COWNOSE RAYS

Lusitanian cownose ray

DEVIL RAYS

Giant devilray

INSECTS

All stick insects

Mantatodea	All mantids
Coleoptera	
<i>Buprestis sanguinea</i>	Jewel beetle
<i>Paratyphlus tristancanoi</i>	(Gibraltar endemic beetle)
<i>Lusitanopsis herculeana</i>	(Gibraltar endemic beetle)
<i>Torneuma bensusani</i>	(A near-endemic beetle)
Hymenoptera	
<i>Technomyrmex vexatus</i>	(A rare ant)
<i>Anochetus ghilianii</i>	(A trap-jaw ant)
Lepidoptera	Butterflies and Moths
<i>Iphiclides podalinus</i>	Scarce Swallowtail
<i>Euchloe tagis</i>	Portuguese Dappled White
<i>Anthocaris belia</i>	Morocco Orange Tip
<i>Gonepterix rhamni</i>	Brimstone
<i>Danaus chryssipus</i>	Plain Tiger
<i>Melanargia ines</i>	Spanish Marbled White
<i>Pyronia cecilia</i>	Southern Gatekeeper
<i>Strymonidia spini</i>	Blue-spot Hairstreak
<i>Tomares ballus</i>	Provence Hairstreak
<i>Zizeenia knysna</i>	African Grass Blue
<i>Carcharodus alceae</i>	Mallow Skipper
<i>Spialia sertorius</i>	Red Underwing Skipper
<i>Gegenes nostradamus</i>	Mediterranean Skipper
<i>Borbo borbonica</i>	Zeller's Skipper
<i>Zygaena fausta gibraltarica</i>	Gibraltar Burnet Moth
ARACHNIDA	SPIDERS
<i>Macrothele calpetana</i>	Gibraltar Funnel-web Spider
CRUSTACEA	CRUSTACEANS
<i>Lepas anatifera</i>	Goose Barnacle
<i>Maja</i> spp.	spider crabs.
CHILOPODA	CENTIPEDES & MILLIPEDES
<i>Scholopendra cingulatus</i>	
MOLLUSCA	MOLLUSCS
Bivalvia	Bivalves
<i>Atrina pectinata</i>	Brittle Pen Shell
<i>Pinna nobilis</i>	Noble Pen Shell
PINNA RUDIS	Rough Pen Shell
Gastropoda	Gastropods
<i>Haliotis tuberculata</i>	Sea Ormer
<i>Patella ferruginea</i>	Ribbed Mediterranean Limpet

Monodonta spp.	toothed topshells
Jujubinus spp.	top shells
Gibbula spp.	top shells
Acicula norrisi	
Thais haemastoma	Rock Shell
Aplysia spp.	sea hares
Onchidella celtica	
Lauria cylindracea	Chrysalis Snails
Truncatellina cylindrica	Cylindrical Whorl Snail
Pyramidula rupestris	Rock Snail
Chondrina calpica	
Granopupa granum	
Ferussacia follicula	
Charonia spp.	tritons
Epitonium spp.	wentletraps
Trivia spp.	cowries
Cypraea spp.	cowries
Mitra zonata	Zoned Mitre Shell
Bolinus brandaris	Purple Dye Murex
Hexaplex trunculus	Banded Murex
Cecilioides spp.	
Testacella maugei	Mauge's slug
Vitrea contracta	Glass Snail
Oxychilus draparnaudi	
Oxychilus hudatinus	
Parmacella valencienii	
Milax nigricans	Black slug
Deroceras ponsonbyi	Ponsonby's slug
Trichia hispida	Hairy snail
Helicella apicina	
Helicella conspurcata	
Candidula intersecta	Wrinkled snail
Cernuella virgata	Striped snail
Cochlicella acuta	Pointed snail
Caracollina lenticula	
Osteophora calpeana	
Cumbium olla	
Cephalopoda	Cephalopods
Argonauta argo	Paper Nautilus
Eledone spp.	Lesser Octopus
ECHINOIDEA	SEA URCHINS
Echinus actutus	Common Sea Urchin
ANTHOZOA	ANEMONES, CORALS,
Madreporaria	
Balanophyllia regia	Regal Coral

Clodocora cespitosa	Carpet Coral
Dendrophyllia ramea	Yellow Coral
Lophelia pertusa	coral
Leptopsammia pruroti	Yellow Cup Coral
Astroides calcycularis	Star Coral

Alcyonacea

Alcyonium palmatum	Deadman's fingers
Parerythropodium corralloides	soft coral

Gorgonacea

Eunicella cavolinii	Yellow Gorgonian
Eunicella clavata	Violet Sea Whip
Eunicella singularis	gorgonian
Eunicella verrucosa	White Gorgonian
Corallium rubrum	Red Coral

SCHEDULE 2

Section 11

Name	Common Name
PTERIDACEAE	
<i>Anogramma leptophylla</i>	Annual Gymnogram
ASPLENIACEAE	
<i>Asplenium ceterach</i>	Rusty-back Fern
<i>Asplenium trichomanes</i> subsp <i>quadrivalens</i>	Maidenhair Spleenwort
POLYPODIACEAE	
<i>Polypodium cambricum</i>	Southern Polypody
MORACEAE	
<i>Ficus carica</i>	Fig
URTICACEAE	
<i>Urtica membranacea</i>	Nettle
<i>Parietaria judaica</i>	Pellitory-of-the-wall
<i>Parietaria lusitanica</i>	Mediterranean Pellitory-of-the-wall
<i>Parietaria mauritanica</i>	Moroccan Pellitory-of-the-wall
SANTALACEAE	
<i>Osyris lanceolata</i>	Osyris
ARISTOLOCHIACEAE	
<i>Aristolochia baetica</i>	Pipe Vine
POLYGONACEAE	
<i>Polygonum aviculare</i>	Common Knotgrass
<i>Rumex intermedius</i>	Intermediate Dock
AMARANTHACEAE	
<i>Amaranthus blitoides</i>	Spreading Amaranth
<i>Amaranthus blitum</i>	Black Amaranth

<i>Achyranthes aspera</i> var. <i>sicula</i>	Devil's Horsewhip
<i>Beta vulgaris</i>	Beet
<i>Dysphania ambrosioides</i>	Aromatic Goosefoot
<i>Chenopodium murale</i>	Nettle-leaved Goosefoot
<i>Chenopodium album</i>	Fat Hen
NYCTAGINACEAE	
All species	
AIZOACEAE	
<i>Carpobrotus edulis</i>	Hottentot Fig
<i>Disphyma crassifolium</i>	Purple Dewplant
CARYOPHYLLACEAE	
<i>Minuartia hybrida</i>	Fine-leaved Sandwort
<i>Stellaria media</i>	Chickweed
<i>Stellaria pallida</i>	Lesser Chickweed
<i>Cerastium glomeratum</i>	Sticky Mouse-eared Chickweed
<i>Sagina apetala</i>	Common Pearlwort
<i>Paronychia argentea</i>	Silver Paronychia
<i>Polycarpon tetraphyllum</i>	Four-leaved All-seed
<i>Spergularia marina</i>	Sea Spurrey
<i>Silene obtusifolia</i>	Blunt-leaved Catchfly
<i>Silene colorata</i>	Pink Mediterranean Catchfly
<i>Silene nocturna</i>	Night Catchfly
<i>Silene nicaeensis</i>	Sticky Catchfly
RANUNCULACEAE	
<i>Clematis cirrhosa</i>	Virgin's Bower

<i>Ranunculus paludosus</i>	Fan-leaved Buttercup
PAPAVERACEAE	
<i>Papaver dubium</i>	Long-headed Poppy
<i>Papaver rhoeas</i>	Corn Poppy
<i>Glaucium flavum</i>	Yellow Horned Poppy
FUMARIACEAE	
<i>Fumaria capreolata</i>	Ramping Fumitory
<i>Fumaria sepium</i>	Coastal Fumitory
BRASSICACEAE	
<i>Sisymbrium officinale</i>	Hedge Mustard
<i>Sisymbrium erysimoides</i>	Mediterranean Rocket
<i>Cardamine hirsuta</i>	Hairy Bitter Cress
<i>Lobularia maritima</i>	Sweet Alison
<i>Biscutella megacarpa</i>	Buckler Mustard
<i>Biscutella sempervirens</i>	Lesser Buckler Mustard
<i>Hirschfeldia incana</i>	Hoary Mustard
<i>Raphanus raphanistrum</i>	Wild Radish
<i>Lepidium coronopus</i>	Lesser Swine-cress
RESEDACEAE	
<i>Reseda alba</i>	Upright Mignonette
CRASSULACEAE	
<i>Aeonium arboretum</i>	Tree Houseleek
<i>Aeonium haworthii</i>	Haworth's Aeonium
<i>Umbilicus rupestris</i>	Wall Pennywort
<i>Umbilicus horizontalis</i>	Horizontal Navelwort
<i>Sedum sediforme</i>	Yellow Stonecrop

<i>Sedum album</i>	White Stonecrop
<i>Sedum rubens</i>	Red Stonecrop
<i>Bryophyllum delagoense</i>	Mother of Thousands
FABACEAE	
<i>Acacia cyclops</i>	Red-eye Wattle
<i>Acacia saligna</i>	Blue-leaved Wattle
<i>Paraserianthes lophantha</i>	Stink Bean
<i>Calicotome villosa</i>	Spiny Broom
<i>Genista linifolia</i>	Mediterranean Broom
<i>Astragalus boeticus</i>	Southern Milk Vetch
<i>Bituminaria bituminosa</i>	Pitch Trefoil
<i>Vicia villosa</i> subsp <i>ambigua</i>	Slender-leaved Tufted Vetch
<i>Vicia sativa</i> subsp <i>cordata</i>	Common Vetch
<i>Lathyrus clymenum</i>	Perennial Pea
<i>Pisum sativum</i>	Wild Pea
<i>Ononis reclinata</i>	Small Restharrow
<i>Melilotus indica</i>	Small-flowered Melilot
<i>Medicago truncatula</i>	Barrel Medick
<i>Medicago littoralis</i>	Coastal Medick
<i>Medicago polymorpha</i>	Hairy Medick
<i>Trifolium tomentosum</i>	Woolly Trefoil
<i>Trifolium campestre</i>	Hop Trefoil
<i>Trifolium scabrum</i>	Rough Trefoil
<i>Trifolium stellatum</i>	Star Clover
<i>Lotus longesiliquosus</i>	Common Birdsfoot Trefoil

<i>Lotus arenarius</i>	Sand Birdsfoot Trefoil
<i>Lotus edulis</i>	Edible Birdsfoot Trefoil
<i>Lotus ornithopodioides</i>	Birdsfoot Trefoil
<i>Lotus creticus</i>	Southern Birdsfoot Trefoil
<i>Hippocrepis multisiliquosa</i>	Horseshoe Vetch
<i>Scorpiurus muricatus</i>	Prickly Scorpiontail
OXALIDACEAE	
All species	
GERANIACEAE	
<i>Geranium rotundifolium</i>	Round-leaved Cranesbill
<i>Geranium molle</i>	Doves-foot Cranesbill
<i>Geranium purpureum</i>	Lesser Herb Robert
<i>Erodium chium</i>	Three-lobed Storksbill
<i>Erodium malacoides</i>	Soft Storksbill
<i>Erodium moschatum</i>	Musk Storksbill
<i>Pelargonium inquinans</i>	Scarlet Pelargonium
TROPAEOLACEAE	
All species	
LINACEAE	
<i>Linum strictum</i>	Upright Yellow Flax
EUPHORBIACEAE	
<i>Mercurialis annua</i>	Annual Mercury
<i>Euphorbia peplus</i>	Petty Spurge
<i>Euphorbia chamaesyce</i>	Prostrate Spurge
<i>Euphorbia serpens</i>	Matted Sandmat
<i>Euphorbia maculata</i>	Spotted Spurge

RUTACEAE	
<i>Ruta angustifolia</i>	Fringed Rue
SIMAROUBACEAE	
All species	
ANACARDIACEAE	
<i>Pistacia terebinthus</i>	Terebinth; Turpentine Tree
<i>Pistacia lentiscus</i>	Lentisc
<i>Schinus molle</i>	Californian Pepper Tree
RHAMNACEAE	
<i>Rhamnus alaternus</i>	Mediterranean Buckthorn
MALVACEAE	
<i>Malva hispanica</i>	Spanish Mallow
<i>Malva sylvestris</i>	Common Mallow
<i>Lavatera cretica</i>	Smaller Tree Mallow
CUCURBITACEAE	
<i>Ecballium elaterium</i>	Squirting Cucumber
CACTACEAE	
All species	
MYRTACEAE	
<i>Eucalyptus camaldulensis</i>	Red Gum
<i>Eucalyptus globulus</i>	Blue Gum
ARALIACEAE	
<i>Hedera helix</i>	Ivy
APIACEAE	
<i>Smyrniium olusatrum</i>	Alexanders
<i>Crithmum maritimum</i>	Rock Samphire
<i>Foeniculum vulgare</i> subsp <i>piperitum</i>	Fennel
<i>Kundmannia sicula</i>	Kundmannia
<i>Elaeoselinum foetidum</i>	Elaeoselinum

<i>Thapsia villosa</i>	Thapsia
<i>Daucus carota</i> subsp <i>maximus</i>	Wild Carrot
<i>Daucus carota</i> subsp <i>hispanicus</i>	Wild Carrot
PRIMULACEAE	
<i>Anagallis arvensis</i>	Pimpernel
OLEACEAE	
<i>Jasminum fruticans</i>	Wild Jasmine
<i>Olea europaea</i>	Olive
GENTIANACEAE	
<i>Blackstonia perfoliata</i>	Yellow Wort
<i>Centaurium erythraea</i>	Common Centaury
APOCYNACEAE	
<i>Vinca difformis</i>	Intermediate Periwinkle
<i>Nerium oleander</i>	Oleander
RUBIACEAE	
<i>Sherardia arvensis</i>	Field Madder
<i>Galium aparine</i>	Cleavers
<i>Galium verrucosum</i>	Warty Bedstraw
<i>Galium murale</i>	Yellow Wall Bedstraw
<i>Valantia muralis</i>	Horned Valantia
<i>Rubia peregrina</i>	Wild Madder
<i>Theligonum cynocrambe</i>	Dog's Cabbage
CONVOLVULACEAE	
<i>Convolvulus althaeoides</i>	Mallow-leaved Bindweed
<i>Ipomoea indica</i>	Morning Glory
BORAGINACEAE	
<i>Heliotropium europaeum</i>	Heliotrope
<i>Echium creticum</i> subsp <i>coincyanum</i>	Bristly Bugloss

<i>Borago officinalis</i>	Borage
VERBENACEAE	
<i>Lantana camara</i>	Bush Lantana
LAMIACEAE	
<i>Teucrium fruticans</i>	Tree Germander
<i>Teucrium lusitanicum</i>	Felty Germander
<i>Prasium majus</i>	Prasium
<i>Phlomis purpurea</i>	Purple Jerusalem Sage
<i>Clinopodium menthifolium</i> subsp <i>ascendens</i>	Wood Calamint
<i>Micromeria graeca</i>	Greek Savory
<i>Rosmarinus officinalis</i>	Rosemary
<i>Lavandula dentata</i>	Toothed Lavender
SOLANACEAE	
<i>Solanum luteum</i> subsp. <i>luteum</i>	Hairy Nightshade
<i>Solanum alatum</i>	Orange Nightshade
<i>Nicotiana glauca</i>	Shrub Tobacco
ACANTHACEAE	
<i>Acanthus mollis</i>	Bear's Breech
OROBANCHACEAE	
<i>Orobanche ramosa</i>	Branched Broomrape
<i>Orobanche minor</i>	Lesser Broomrape
<i>Orobanche crenata</i>	Bean Broomrape
SCROPHULARIACEAE	
<i>Myoporum laetum</i>	Waterbush
PLANTAGINACEAE	
<i>Plantago coronopus</i>	Bucks Horn Plantain
<i>Plantago lagopus</i>	Hare's Foot Plantain

<i>Plantago afra</i>	Branched Plantain
<i>Antirrhinum majus</i> subsp <i>cirrhiigerum</i>	Snapdragon
<i>Antirrhinum majus</i> subsp <i>tortuosum</i>	Snapdragon
<i>Misopates orontium</i>	Weasel's Snout
<i>Linaria amethystea</i>	Spanish Toadflax
<i>Cymbalaria muralis</i>	Ivy-leaved Toadflax
<i>Veronica cymbalaria</i>	Pale Speedwell
<i>Veronica arvensis</i>	Wall Speedwell
CAPRIFOLIACEAE	
<i>Lonicera implexa</i>	Honeysuckle
<i>Fedia cornucopiae</i>	African Valerian
<i>Centranthus calcitrapae</i>	Cut-leaved Valerian
<i>Centranthus ruber</i>	Red Valerian
<i>Scabiosa atropurpurea</i>	Mournful Widow
CAMPANULACEAE	
<i>Campanula erinus</i>	Annual Bellflower
ASTERACEAE	
<i>Symphotrichum squamatum</i>	Squamate Aster
<i>Erigeron sumatrensis</i>	Tall Fleabane
<i>Erigeron bonariensis</i>	Horseweed
<i>Helichrysum boissieri</i>	Wall Helichrysum
<i>Phagnalon saxatile</i>	Rock Phagnalon
<i>Dittrichia viscosa</i>	Aromatic Inula
<i>Pallenis spinosa</i>	Spiny Daisy
<i>Pallenis maritima</i>	Mediterranean Beach Daisy

<i>Glebionis coronaria</i>	Crown Daisy
<i>Anacyclus radiatus</i>	Yellow Anacyclus
<i>Arctotheca calendula</i>	Cape Weed
<i>Jacobaea maritima</i>	Silver Ragwort; Cineraria
<i>Senecio vulgaris</i>	Groundsel
<i>Senecio angulatus</i>	Cape Ivy
<i>Calendula incana</i> subsp <i>algarbiensis</i>	Rock Marigold
<i>Calendula arvensis</i>	Marigold
<i>Bidens aureus</i>	Golden Bur-marigold
<i>Bidens pilosus</i>	Hairy Beggar's Ticks
<i>Carlina hispanica</i>	Flat-topped Carline Thistle
<i>Carduus tenuiflorus</i>	Slender Thistle
<i>Carduus pycnocephalus</i>	Plymouth Thistle
<i>Galactites tomentosus</i>	Galactites
<i>Centaurea seridis</i>	Silver Knapweed
<i>Centaurea melitensis</i>	Maltese Star Thistle
<i>Centaurea pullata</i>	Iberian Knapweed
<i>Carthamus arborescens</i>	Yellow Tree Thistle
<i>Scolymus hispanicus</i>	Spanish Oyster Plant
<i>Hyoseris radiata</i>	Perennial Hyoseris
<i>Hedypnois arenaria</i>	Sand Hedypnois
<i>Urospermum picroides</i>	Prickly Goldenfleece
<i>Reichardia picroides</i>	Common Reichardia
<i>Reichardia intermedia</i>	Intermediate Reichardia

<i>Leontodon saxatilis</i> subsp <i>rothii</i>	Hairy Hawkbit
<i>Sonchus oleraceus</i>	Common Sow-thistle
<i>Sonchus tenerrimus</i>	Slender Sow-thistle
<i>Lactuca tenerrima</i>	Pale Blue Lettuce
<i>Andryala integrifolia</i>	Rabbit's Bread
XANTHORRHOEACEAE	
<i>Asphodelus macrocarpus</i>	White Asphodel
<i>Asphodelus ramosus</i>	Branched Asphodel
All species of the genus <i>Aloe</i>	
COLCHICACEAE	
<i>Colchicum lusitanum</i>	Autumn Colchicum
ASPARAGACEAE	
<i>Asparagus albus</i>	Spiny or White Asparagus
<i>Asparagus asparagoides</i>	Bridal Creeper
<i>Drimia maritima</i>	Sea Squill
<i>Ruscus hypophyllum</i>	Southern Butcher's Broom
<i>Ruscus aculeatus</i>	Butcher's Broom
All species of the genus <i>Agave</i>	
SMILACACEAE	
<i>Smilax aspera</i>	Smilax
AMARYLLIDACEAE	
<i>Allium roseum</i>	Rose Garlic
<i>Allium triquetrum</i>	Triquetrous Garlic
<i>Allium ampeloprasum</i>	Wild leek
<i>Nothoscordum borbonicum</i>	Fragrant or False Garlic
<i>Narcissus papyraceus</i>	Paper-white Narcissus

DIOSCOREACEAE	
<i>Dioscorea communis</i>	Black Bryony
IRIDACEAE	
<i>Iris albicans</i>	White Iris
<i>Freesia refracta</i>	Freesia
<i>Freesia laxa</i>	False Freesia
<i>Gladiolus communis</i>	Common Gladiolus
<i>Chasmanthe floribunda</i>	African Corn Flag
POACEAE	
<i>Lolium rigidum</i>	Italian Rye Grass
<i>Vulpia geniculata</i>	Jointed Fescue
<i>Vulpia ciliata</i>	Bearded Fescue
<i>Desmazeria rigida</i>	Hard Poa
<i>Poa annua</i>	Annual Meadow Grass
<i>Poa infirma</i>	Early Meadow Grass
<i>Dactylis glomerata</i>	Cocksfoot
<i>Melica minuta</i>	Lesser Melick
<i>Bromus diandrus</i>	Great Brome
<i>Bromus rigidus</i>	Upright Brome
<i>Bromus madritensis</i>	Compact Brome
<i>Brachypodium distachyon</i>	Purple False-brome
<i>Trisetaria panicea</i>	Oat Grass
<i>Hordeum murinum</i> subsp <i>leporinum</i>	Wall Barley
<i>Avena barbata</i>	Bearded Wild Oat
<i>Avena sterilis</i>	Animated Oat
<i>Lagurus ovatus</i>	Hare's Tail

<i>Polypogon viridis</i>	Water Bent
<i>Piptatherum miliaceum</i>	Slender Piptatherum
<i>Piptatherum coerulescens</i>	Black Piptatherum
<i>Stipa tenacissima</i>	Esparto Grass
<i>Arundo donax</i>	Giant Reed; Cane
<i>Cynodon dactylon</i>	Bermuda Grass
<i>Panicum repens</i>	Creeping Millet
<i>Hyparrhenia hirta</i>	Thatching Grass
<i>Phalaris canariensis</i>	Canary Grass
<i>Digitaria sanguinalis</i>	Hairy Finger-grass
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Setaria verticillata</i>	Burr Bristle-grass
ARECACEAE	
<i>Chamaerops humilis</i>	Dwarf Fan Palm
<i>Phoenix canariensis</i>	Canary Palm
ARACEAE	
<i>Arisarum simorrhinum</i>	Friar's Cowl
CYPERACEAE	
<i>Cyperus rotundus</i>	Purple Nut Sedge

SCHEDULE 3.

Section 13

Wild animals, including wild birds and wild plants in respect of which no licence shall be issued under section 13 which may result in the extinction in Gibraltar of that wild animal, wild bird or wild plant.

Name	Common name or description
<i>Phalacrocrax aristotelis desmarestii</i>	Mediterranean Shag
<i>Falconiformes</i>	Any bird of prey
<i>Alectoris barbara</i>	Barbary Partridge
<i>Tytonidae</i> and <i>Strigidae</i>	Any Owl
<i>Vulpes vulpes</i>	Red Fox
<i>Macaca sylvanus</i>	Barbary Macaque
<i>Acicula norris</i>	(Gibraltar endemic snail)
<i>Osteophora calpeana</i>	(Gibraltar endemic snail)
<i>Ceciliodes spp.</i>	(Gibraltar endemic snail)
<i>Macrothele calpetana</i>	Gibraltar Funnel-web Spider
<i>Buprestis sanguinea</i>	Jewel Beetle
<i>Paratyphlus tristancaoi</i>	(Gibraltar endemic beetle)
<i>Lusitanopsis herculeanus</i>	(Gibraltar endemic beetle)
<i>Technomyrmex vexatus</i>	A rare ant
<i>Torneuma bensusani</i>	A near-endemic beetle
<i>Cerastium gibraltarium</i>	Gibraltar Chickweed
<i>Silene tomentosa</i>	Gibraltar Sea Campion

Iberis gibraltaria Gibraltar Candytuft

*Saxifraga
globurifera* var. *gibraltaria* Gibraltar Saxifrage

Ononis natrix subsp. *ramosissima* Gibraltar Restharrow

Limonium emarginatum Gibraltar Sea Lavender

Thymus willdenowii Gibraltar Thyme

Petroselinum crispum Parsley

All species of the family
ORCHIDACEAE

SCHEDULE 4

Section 17M

**PROCEDURE IN CONNECTION WITH ORDERS UNDER
SECTION 17M****Coming into operation.**

1. An order takes effect on its being made.

Publicity for orders.

2.(1) The Government shall, as soon as practicable after making an order, publish in the Gazette a notice setting out the order (or describing its general effect) and stating that it has taken effect.

(2) The notice shall —

- (a) name a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours; and
- (b) specify the time (not being less than 14 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

(3) A copy of the notice shall be served on —

- (a) every owner and occupier of that land (subject to paragraph 4);
- (b) the Development and Planning Commission; and
- (c) the Nature Conservancy Council.

Procedures when orders opposed.

3. (1) If any representation or objection is duly made within the period specified in accordance with paragraph 2(2)(b) with respect to an order and is not withdrawn, then, as soon as practicable the Minister shall either —

- (a) cause an inquiry to be held; or
- (b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Minister for the purpose.

(2) On considering any representations or objections duly made and the report of any person appointed to hold the inquiry or to hear representations or objections, the Government shall decide either to take no action on the order, or to make an order amending or revoking it as it thinks appropriate in the light of the report, representations or objections.

(3) An amending or revoking order made by virtue of sub-paragraph (2) takes effect immediately and no representation or objection with respect to it shall be entertained.

Restriction on power to amend orders or confirm them with modifications.

4. The Government shall not by virtue of paragraph 3(2) amend an order which has taken effect so as to extend the area to which the order applies.

Notice of final decision on order.

5. (1) The Minister shall as soon as practicable after making an order by virtue of paragraph 3(2) give notice —

- (a) setting out the order (or describing its effect) and stating that it has taken effect; and
- (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours.

(2) The Minister shall give notice as soon as practicable of a decision under paragraph 3(2) to take no action on an order which has already taken effect.

Proceedings for questioning validity of orders.

6. (1) In this paragraph the “relevant date” is, in the case of an order —

- (a) in respect of which no representations have been made under paragraph 3, 15 days from the publication of the notice under paragraph 2(1); and
- (b) in respect of which representations have been made, the date on which the Minister gives notice under paragraph 5.

(2) If any person is aggrieved by an order to which this paragraph applies and desires to question its validity on the grounds that it is not within the powers of section 17M or that any of the requirements of this Schedule have

not been complied with in relation to it, he may within six weeks from the date of the relevant date made an application to the Supreme Court under this paragraph.

(3) On any such application the court may, if satisfied that the order is not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of those requirements, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant.

(4) Except as provided by this paragraph, the validity of an order shall not be questioned in any legal proceedings whatsoever.

Interpretation.

7. In this Schedule —

“amending order” and “revoking order” mean an order which amends or, as the case may be, revokes a previous order;

“order” means an order under section 17M.

SCHEDULE 5

Section 2

**COUNCIL DIRECTIVE 92/43/EEC
of 21 May 1992****on the conservation of natural habitats and of wild fauna and flora**

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⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas the preservation, protection and improvement of the quality of the environment, including the conservation of natural habitats and of wild fauna and flora, are an essential objective of general interest pursued by the Community, as stated in Article 130r of the Treaty;

Whereas the European Community policy and action programme on the environment (1987 to 1992)⁽⁴⁾ makes provision for measures regarding the conservation of nature and natural resources;

Whereas, the main aim of this Directive being to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements, this Directive makes a contribution to the general objective of sustainable development; whereas the maintenance of such biodiversity may in certain cases require the maintenance, or indeed the encouragement, of human activities;

Whereas, in the European territory of the Member States, natural habitats are continuing to deteriorate and an increasing number of wild species are seriously threatened; whereas given that the threatened habitats and species form part of the Community's natural heritage and the threats to them are often of a transboundary nature, it is necessary to take measures at Community level in order to conserve them;

⁽¹⁾ OJ No C 247, 21. 9. 1988, p. 3 and OJ No C 195, 3. 8. 1990, p. 1.

⁽²⁾ OJ No C 75, 20. 3. 1991, p. 12.

⁽³⁾ OJ No C 31, 6. 2. 1991, p. 25.

⁽⁴⁾ OJ No C 328, 7. 12. 1987, p. 1.

Whereas, in view of the threats to certain types of natural habitat and certain species, it is necessary to define them as having priority in order to favour the early implementation of measures to conserve them;

Whereas, in order to ensure the restoration or maintenance of natural habitats and species of Community interest at a favourable conservation status, it is necessary to designate special areas of conservation in order to create a coherent European ecological network according to a specified timetable;

Whereas all the areas designated, including those classified now or in the future as special protection areas pursuant to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds⁽⁵⁾, will have to be incorporated into the coherent European ecological network;

Whereas it is appropriate, in each area designated, to implement the necessary measures having regard to the conservation objectives pursued;

Whereas sites eligible for designation as special areas of conservation are proposed by the Member States but whereas a procedure must nevertheless be laid down to allow the designation in exceptional cases of a site which has not been proposed by a Member State but which the Community considers essential for either the maintenance or the survival of a priority natural habitat type or a priority species;

Whereas an appropriate assessment must be made of any plan or programme likely to have a significant effect on the conservation objectives of a site which has been designated or is designated in future;

Whereas it is recognized that the adoption of measures intended to promote the conservation of priority natural habitats and priority species of Community interest is a common responsibility of all Member States; whereas this may, however, impose an excessive financial burden on certain Member States given, on the one hand, the uneven distribution of such habitats and species throughout the Community and, on the other hand, the fact that the 'polluter pays' principle can have only limited application in the special case of nature conservation;

Whereas it is therefore agreed that, in this exceptional case, a contribution by means of Community co-financing should be provided for within the limits of the resources made available under the Community's decisions;

Whereas land-use planning and development policies should encourage the management of features of the landscape which are of major importance for wild fauna and flora;

⁽⁵⁾ OJ No L 103, 25. 4. 1979, p. 1. Directive as last amended by Directive 91/244/ECC (OJ No L 115, 8. 5. 1991, p. 41).

Whereas a system should be set up for surveillance of the conservation status of the natural habitats and species covered by this Directive;

Whereas a general system of protection is required for certain species of flora and fauna to complement Directive 79/409/EEC; whereas provision should be made for management measures for certain species, if their conservation status so warrants, including the prohibition of certain means of capture or killing, whilst providing for the possibility of derogations on certain conditions;

Whereas, with the aim of ensuring that the implementation of this Directive is monitored, the Commission will periodically prepare a composite report based, *inter alia*, on the information sent to it by the Member States regarding the application of national provisions adopted under this Directive;

Whereas the improvement of scientific and technical knowledge is essential for the implementation of this Directive; whereas it is consequently appropriate to encourage the necessary research and scientific work;

Whereas technical and scientific progress mean that it must be possible to adapt the Annexes; whereas a procedure should be established whereby the Council can amend the Annexes;

Whereas a regulatory committee should be set up to assist the Commission in the implementation of this Directive and in particular when decisions on Community co-financing are taken;

Whereas provision should be made for supplementary measures governing the reintroduction of certain native species of fauna and flora and the possible introduction of non-native species;

Whereas education and general information relating to the objectives of this Directive are essential for ensuring its effective implementation,

HAS ADOPTED THIS DIRECTIVE:

Definitions

Article 1

For the purpose of this Directive:

(a) *conservation* means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status as defined in (e) and (i);

(b) *natural habitats* means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural;

(c) *natural habitat types of Community interest* means those which, within the territory referred to in Article 2:

- (i) are in danger of disappearance in their natural range; or
- (ii) have a small natural range following their regression or by reason of their intrinsically restricted area; or
- (iii) present outstanding examples of typical characteristics of one or more of the nine following biogeographical regions: Alpine, Atlantic, Black Sea, Boreal, Continental, Macaronesian, Mediterranean, Pannonian and Steppic.

Such habitat types are listed or may be listed in Annex I;

(d) *priority natural habitat types* means natural habitat types in danger of disappearance, which are present on the territory referred to in Article 2 and for the conservation of which the Community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority natural habitat types are indicated by an asterisk (*) in Annex I;

(e) *conservation status of a natural habitat* means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2.

The conservation status of a natural habitat will be taken as 'favourable' when:

- its natural range and areas it covers within that range are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable as defined in (i);

(f) *habitat of a species* means an environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle;

(g) *species of Community interest* means species which, within the territory referred to in Article 2, are:

- (i) endangered, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western palearctic region; or
- (ii) vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or
- (iii) rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk. The species are located within restricted geographical areas or are thinly scattered over a more extensive range; or
- (iv) endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.

Such species are listed or may be listed in Annex II and/or Annex IV or V;

(h) *priority species* means species referred to in (g) (i) for the conservation of which the Community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority species are indicated by an asterisk (*) in Annex II;

(i) *conservation status of a species* means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2;

The *conservation status* will be taken as 'favourable' when:

— population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and

— the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and

— there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;

(j) *site* means a geographically defined area whose extent is clearly delineated;

(k) *site of Community importance* means a site which, in the biogeographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation

status of a natural habitat type in Annex I or of a species in Annex II and may also contribute significantly to the coherence of Natura 2000 referred to in Article 3, and/or contributes significantly to the maintenance of biological diversity within the biogeographic region or regions concerned.

For animal species ranging over wide areas, sites of Community importance shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction;

(l) *special area of conservation* means a site of Community importance designated by the Member States through a statutory, administrative and/or contractual act where the necessary conservation measures are applied for the maintenance or restoration, at a favourable conservation status, of the natural habitats and/or the populations of the species for which the site is designated;

(m) *specimen* means any animal or plant, whether alive or dead, of the species listed in Annex IV and Annex V, 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 those species;

(n) *the committee* means the committee set up pursuant to Article 20.

Article 2

1. The aim of this Directive shall be to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies.

2. Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.

3. Measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.

Conservation of natural habitats and habitats of species

Article 3

1. A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000. This network, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species'

habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range.

The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC.

2. Each Member State shall contribute to the creation of Natura 2000 in proportion to the representation within its territory of the natural habitat types and the habitats of species referred to in paragraph 1. To that effect each Member State shall designate, in accordance with Article 4, sites as special areas of conservation taking account of the objectives set out in paragraph 1.

3. Where they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10.

Article 4

1. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.

The list shall be transmitted to the Commission, within three years of the notification of this Directive, together with information on each site. That information shall include a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III (Stage 1) provided in a format established by the Commission in accordance with the procedure laid down in Article 21.

2. On the basis of the criteria set out in Annex III (Stage 2) and in the framework both of each of the nine biogeographical regions referred to in Article 1 (c) (iii) and of the whole of the territory referred to in Article 2 (1), the Commission shall establish, in agreement with each Member State, a draft list of sites of Community importance drawn from the Member States' lists identifying those which host one or more priority natural habitat types or priority species.

Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.

The list of sites selected as sites of Community importance, identifying those which host one or more priority natural habitat types or priority species, shall be adopted by the Commission in accordance with the procedure laid down in Article 21.

3. The list referred to in paragraph 2 shall be established within six years of the notification of this Directive.

4. Once a site of Community importance has been adopted in accordance with the procedure laid down in paragraph 2, the Member State concerned shall designate that site as a special area of conservation as soon as possible and within six years at most, establishing priorities in the light of the importance of the sites for the maintenance or restoration, at a favourable conservation status, of a natural habitat type in Annex I or a species in Annex II and for the coherence of Natura 2000, and in the light of the threats of degradation or destruction to which those sites are exposed.

5. As soon as a site is placed on the list referred to in the third subparagraph of paragraph 2 it shall be subject to Article 6 (2), (3) and (4).

Article 5

1. In exceptional cases where the Commission finds that a national list as referred to in Article 4 (1) fails to mention a site hosting a priority natural habitat type or priority species which, on the basis of relevant and reliable scientific information, it considers to be essential for the maintenance of that priority natural habitat type or for the survival of that priority species, a bilateral consultation procedure shall be initiated between that Member State and the Commission for the purpose of comparing the scientific data used by each.

2. If, on expiry of a consultation period not exceeding six months, the dispute remains unresolved, the Commission shall forward to the Council a proposal relating to the selection of the site as a site of Community importance.

3. The Council, acting unanimously, shall take a decision within three months of the date of referral.

4. During the consultation period and pending a Council decision, the site concerned shall be subject to Article 6 (2).

Article 6

1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

Article 7

Obligations arising under Article 6 (2), (3) and (4) of this Directive shall replace any obligations arising under the first sentence of Article 4 (4) of Directive 79/409/EEC in respect of areas classified pursuant to Article 4 (1) or similarly recognized under Article 4 (2) thereof, as from the date of implementation of this Directive or the date of classification or recognition by a Member State under Directive 79/409/EEC, where the latter date is later.

Article 8

1. In parallel with their proposals for sites eligible for designation as special areas of conservation, hosting priority natural habitat types and/ or priority species, the Member States shall send, as appropriate, to the Commission their estimates relating to the Community co-financing which they consider necessary to allow them to meet their obligations pursuant to Article 6 (1).

2. In agreement with each of the Member States concerned, the Commission shall identify, for sites of Community importance for which co-financing is sought, those measures essential for the maintenance or re-establishment at a favourable conservation status of the priority natural habitat types and priority species on the sites concerned, as well as the total costs arising from those measures.

3. The Commission, in agreement with the Member States concerned, shall assess the financing, including co-financing, required for the operation of the measures referred to in paragraph 2, taking into account, amongst other things, the concentration on the Member State's territory of priority natural habitat types and/or priority species and the relative burdens which the required measures entail.

4. According to the assessment referred to in paragraphs 2 and 3, the Commission shall adopt, having regard to the available sources of funding under the relevant Community instruments and according to the procedure set out in Article 21, a prioritized action framework of measures involving co-financing to be taken when the site has been designated under Article 4 (4).

5. The measures which have not been retained in the action framework for lack of sufficient resources, as well as those included in the abovementioned action framework which have not received the necessary co-financing or have only been partially co-financed, shall be reconsidered in accordance with the procedure set out in Article 21, in the context of the two-yearly review of the action framework and may, in the meantime, be postponed by the Member States pending such review. This review shall take into account, as appropriate, the new situation of the site concerned.

6. In areas where the measures dependent on co-financing are postponed, Member States shall refrain from any new measures likely to result in deterioration of those areas.

Article 9

The Commission, acting in accordance with the procedure laid down in Article 21, shall periodically review the contribution of Natura 2000 towards achievement of the objectives set out in Article 2 and 3. In this context, a special area of conservation may be considered for

declassification where this is warranted by natural developments noted as a result of the surveillance provided for in Article 11.

Article 10

Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora.

Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.

Article 11

Member States shall undertake surveillance of the conservation status of the natural habitats and species referred to in Article 2 with particular regard to priority natural habitat types and priority species.

Protection of species

Article 12

1. Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

- (a) all forms of deliberate capture or killing of specimens of these species in the wild;
- (b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;
- (c) deliberate destruction or taking of eggs from the wild;
- (d) deterioration or destruction of breeding sites or resting places.

2. For these species, Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented.

3. The prohibition referred to in paragraph 1 (a) and (b) and paragraph 2 shall apply to all stages of life of the animals to which this Article applies.

4. Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.

Article 13

1. Member States shall take the requisite measures to establish a system of strict protection for the plant species listed in Annex IV (b), prohibiting:

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

(b) the keeping, transport and sale or exchange and offering for sale or exchange of specimens of such species taken in the wild, except for those taken legally before this Directive is implemented.

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

Article 14

1. If, in the light of the surveillance provided for in Article 11, Member States deem it necessary, they shall take measures to ensure that the taking in the wild of specimens of species of wild fauna and flora listed in Annex V as well as their exploitation is compatible with their being maintained at a favourable conservation status.

2. Where such measures are deemed necessary, they shall include continuation of the surveillance provided for in Article 11. Such measures may also include in particular:

— regulations regarding access to certain property,

— temporary or local prohibition of the taking of specimens in the wild and exploitation of certain populations,

— regulation of the periods and/or methods of taking specimens,

— application, when specimens are taken, of hunting and fishing rules which take account of the conservation of such populations,

— establishment of a system of licences for taking specimens or of quotas,

— regulation of the purchase, sale, offering for sale, keeping for sale or transport for sale of specimens,

— breeding in captivity of animal species as well as artificial propagation of plant species, under strictly controlled conditions, with a view to reducing the taking of specimens of the wild,

— assessment of the effect of the measures adopted.

Article 15

In respect of the capture or killing of species of wild fauna listed in Annex V (a) and in cases where, in accordance with Article 16, derogations are applied to the taking, capture or killing of species listed in Annex IV (a), Member States shall prohibit the use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species, and in particular:

- (a) use of the means of capture and killing listed in Annex VI (a);
- (b) any form of capture and killing from the modes of transport referred to in Annex VI (b).

Article 16

1. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):

- (a) in the interest of protecting wild fauna and flora and conserving natural habitats;
- (b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;
- (c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (d) for the purpose of research and education, of repopulating and reintroducing these species and for the breedings operations necessary for these purposes, including the artificial propagation of plants;
- (e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species listed in Annex IV in limited numbers specified by the competent national authorities.

2. Member States shall forward to the Commission every two years a report in accordance with the format established by the Committee on the derogations applied under paragraph 1. The Commission shall give its opinion on these derogations within a maximum time limit of 12 months following receipt of the report and shall give an account to the Committee.

3. The reports shall specify:

(a) the species which are subject to the derogations and the reason for the derogation, including the nature of the risk, with, if appropriate, a reference to alternatives rejected and scientific data used;

(b) the means, devices or methods authorized for the capture or killing of animal species and the reasons for their use;

(c) the circumstances of when and where such derogations are granted;

(d) the authority empowered to declare and check that the required conditions obtain and to decide what means, devices or methods may be used, within what limits and by what agencies, and which persons are to carry out the task;

(e) the supervisory measures used and the results obtained.

Information

Article 17

1. Every six years from the date of expiry of the period laid down in Article 23, Member States shall draw up a report on the implementation of the measures taken under this Directive. This report shall include in particular information concerning the conservation measures referred to in Article 6 (1) as well as evaluation of the impact of those measures on the conservation status of the natural habitat types of Annex I and the species in Annex II and the main results of the surveillance referred to in Article 11. The report, in accordance with the format established by the committee, shall be forwarded to the Commission and made accessible to the public.

2. The Commission shall prepare a composite report based on the reports referred to in paragraph 1. This report shall include an appropriate evaluation of the progress achieved and, in particular, of the contribution of Natura 2000 to the achievement of the objectives set out in Article 3. A draft of the part of the report covering the information supplied by a Member State shall be forwarded to the Member State in question for verification. After submission to the committee, the final version of the report shall be published by the Commission, not later than two years after receipt of the reports referred to in paragraph 1, and shall be forwarded to

the Member States, the European Parliament, the Council and the Economic and Social Committee.

3. Member States may mark areas designated under this Directive by means of Community notices designed for that purpose by the committee.

Research

Article 18

1. Member States and the Commission shall encourage the necessary research and scientific work having regard to the objectives set out in Article 2 and the obligation referred to in Article 11. They shall exchange information for the purposes of proper coordination of research carried out at Member State and at Community level.

2. Particular attention shall be paid to scientific work necessary for the implementation of Articles 4 and 10, and transboundary cooperative research between Member States shall be encouraged.

Procedure for amending the Annexes

Article 19

Such amendments as are necessary for adapting Annexes I, II, III, V and VI to technical and scientific progress shall be adopted by the Council acting by qualified majority on a proposal from the Commission.

Such amendments as are necessary for adapting Annex IV to technical and scientific progress shall be adopted by the Council acting unanimously on a proposal from the Commission.

Committee

Article 20

The Commission shall be assisted by a committee.

Article 21

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC⁽¹⁾ shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

⁽¹⁾ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

2. The Committee shall adopt its rules of procedure.

Supplementary provisions

Article 22

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

(a) study the desirability of re-introducing species in Annex IV that are native to their territory where this might contribute to their conservation, provided that an investigation, also taking into account experience in other Member States or elsewhere, has established that such re-introduction contributes effectively to re-establishing these species at a favourable conservation status and that it takes place only after proper consultation of the public concerned;

(b) ensure that the deliberate introduction into the wild of any species which is not native to their territory is regulated so as not to prejudice natural habitats within their natural range or the wild native fauna and flora and, if they consider it necessary, prohibit such introduction. The results of the assessment undertaken shall be forwarded to the committee for information;

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

Final provisions

Article 23

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. When Member States adopt such measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3. Member States shall communicate to the Commission the main provisions of national law which they adopt in the field covered by this Directive.

Article 24

This Directive is addressed to the Member States.

ANNEX I

**NATURAL HABITAT TYPES OF COMMUNITY INTEREST
WHOSE CONSERVATION REQUIRES THE DESIGNATION OF
SPECIAL AREAS OF CONSERVATION**

Interpretation

Guidance on the interpretation of habitat types is given in the “Interpretation Manual of European Union Habitats” as approved by the committee set up under Article 20 (“Habitats Committee”) and published by the European Commission^(*).

The code corresponds to the NATURA 2000 code.

The sign “*” indicates priority habitat types.

1. COASTAL AND HALOPHYTIC HABITATS

11. Open sea and tidal areas

- 1110 Sandbanks which are slightly covered by sea water all the time
- 1120 * *Posidonia* beds (*Posidonia oceanica*)
- 1130 Estuaries
- 1140 Mudflats and sandflats not covered by seawater at low tide
- 1150 * Coastal lagoons
- 1160 Large shallow inlets and bays
- 1170 Reefs
- 1180 Submarine structures made by leaking gases

12. Sea cliffs and shingle or stony beaches

- 1210 Annual vegetation of drift lines
- 1220 Perennial vegetation of stony banks
- 1230 Vegetated sea cliffs of the Atlantic and Baltic Coasts
- 1240 Vegetated sea cliffs of the Mediterranean coasts with endemic *Limonium* spp.
- 1250 Vegetated sea cliffs with endemic flora of the Macaronesian coasts

13. Atlantic and continental salt marshes and salt meadows

- 1310 *Salicornia* and other annuals colonizing mud and sand
- 1320 *Spartina* swards (*Spartinion maritimae*)
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

^(*)“Interpretation Manual of European Union Habitats”, version EUR 15/2 adopted by the Habitats Committee on 4 October 1999 and “Amendments to the “Interpretation Manual of European Union Habitats” with a view to EU enlargement” (Hab. 01/11b-rev. 1) adopted by the Habitats Committee on 24 April 2002 after written consultation, European Commission, Directorate General for Environment.

1340 * Inland salt meadows

14. Mediterranean and thermo-Atlantic salt marshes and salt meadows

1410 Mediterranean salt meadows (*Juncetalia maritimi*)

1420 Mediterranean and thermo-Atlantic halophilous scrubs
(*Sarcocornetea fruticosi*)

1430 Halo-nitrophilous scrubs (*Pegano-Salsoletea*)

15. Salt and gypsum inland steppes

1510 * Mediterranean salt steppes (*Limonietalia*)

1520 * Iberian gypsum vegetation (*Gypsophiletalia*)

1530 * Pannonic salt steppes and salt marshes

16. Boreal Baltic archipelago, coastal and landupheaval areas

1610 Baltic esker islands with sandy, rocky and shingle beach vegetation
and sublittoral vegetation

1620 Boreal Baltic islets and small islands

1630 * Boreal Baltic coastal meadows

1640 Boreal Baltic sandy beaches with perennial vegetation

1650 Boreal Baltic narrow inlets

2. COASTAL SAND DUNES AND INLAND DUNES

21. Sea dunes of the Atlantic, North Sea and Baltic coasts

2110 Embryonic shifting dunes

2120 Shifting dunes along the shoreline with *Ammophila arenaria* (“white
dunes”)

2130 * Fixed coastal dunes with herbaceous vegetation (“grey dunes”)

2140 * Decalcified fixed dunes with *Empetrum nigrum*

2150 * Atlantic decalcified fixed dunes (*Calluno-Ulicetea*)

2160 Dunes with *Hippophaë rhamnoides*

2170 Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*)

2180 Wooded dunes of the Atlantic, Continental and Boreal region

2190 Humid dune slacks

21A0 Machairs (* in Ireland)

22. Sea dunes of the Mediterranean coast

2210 Crucianellion maritimae fixed beach dunes

2220 Dunes with *Euphorbia terracina*

2230 Malcolmietalia dune grasslands

2240 Brachypodietalia dune grasslands with annuals

2250 * Coastal dunes with *Juniperus* spp.

2260 Cisto-Lavenduletalia dune sclerophyllous scrubs

2270 * Wooded dunes with *Pinus pinea* and/or *Pinus pinaster*

23. Inland dunes, old and decalcified

2310 Dry sand heaths with *Calluna* and *Genista*

2320 Dry sand heaths with *Calluna* and *Empetrum nigrum*

2330 Inland dunes with open *Corynephorus* and *Agrostis* grasslands

2340 * Pannonic inland dunes

3. FRESHWATER HABITATS

31. Standing water

3110 Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)

3120 Oligotrophic waters containing very few minerals generally on sandy soils of the West Mediterranean, with *Isoetes* spp.

3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*

3140 Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.

3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* — type vegetation

3160 Natural dystrophic lakes and ponds

3170 * Mediterranean temporary ponds

3180 * Turloughs

3190 Lakes of gypsum karst

31A0 * Transylvanian hot-spring lotus beds

32. Running water—sections of water courses with natural or semi-natural dynamics (minor, average and major beds) where the water quality shows no significant deterioration

3210 Fennoscandian natural rivers

3220 Alpine rivers and the herbaceous vegetation along their banks

3230 Alpine rivers and their ligneous vegetation with *Myricaria germanica*

3240 Alpine rivers and their ligneous vegetation with *Salix elaeagnos*

3250 Constantly flowing Mediterranean rivers with *Glaucium flavum*

3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

3270 Rivers with muddy banks with *Chenopodium rubri* p.p. and *Bidention* p.p. vegetation

3280 Constantly flowing Mediterranean rivers with *Paspalo-Agrostidion* species and hanging curtains of *Salix* and *Populus alba*

3290 Intermittently flowing Mediterranean rivers of the *Paspalo-Agrostidion*

32A0 Tufa cascades of karstic rivers in the Dinaric Alps

4. TEMPERATE HEATH AND SCRUB

- 4010 Northern Atlantic wet heaths with *Erica tetralix*
- 4020 * Temperate Atlantic wet heaths with *Erica ciliaris* and *Erica tetralix*
- 4030 European dry heaths
- 4040 * Dry Atlantic coastal heaths with *Erica vagans*
- 4050 * Endemic macaronesian heaths
- 4060 Alpine and Boreal heaths
- 4070 * Bushes with *Pinus mugo* and *Rhododendron hirsutum* (*Mugo-Rhododendretum hirsuti*)
- 4080 Sub-Arctic *Salix* spp. Scrub
- 4090 Endemic oro-Mediterranean heaths with gorse
- 40A0 * Subcontinental peri-Pannonic scrub
- 40B0 Rhodope *Potentilla fruticosa* thickets
- 40C0 * Ponto-Sarmatic deciduous thickets

5. SCLEROPHYLLOUS SCRUB (MATORRAL)

51. Sub-Mediterranean and temperate scrub

- 5110 Stable xerothermophilous formations with *Buxus sempervirens* on rock slopes (*Berberidion* p.p.)
- 5120 Mountain *Cytisus purgans* formations
- 5130 *Juniperus communis* formations on heaths or calcareous grasslands
- 5140 * *Cistus palhinhae* formations on maritime wet heaths

52. Mediterranean arborescent matorral

- 5210 Arborescent matorral with *Juniperus* spp.
- 5220 * Arborescent matorral with *Zyziphus*
- 5230 * Arborescent matorral with *Laurus nobilis*

53. Thermo-Mediterranean and pre-steppe brush

- 5310 *Laurus nobilis* thickets
- 5320 Low formations of *Euphorbia* close to cliffs
- 5330 Thermo-Mediterranean and pre-desert scrub

54. Phrygana

- 5410 West Mediterranean cliff-top phryganas (*Astragalo-Plantaginetum subulatae*)
- 5420 *Sarcopoterium spinosum* phryganas
- 5430 Endemic phryganas of the *Euphorbio-Verbascion*

6. NATURAL AND SEMI-NATURAL GRASSLAND FORMATIONS

61. Natural grasslands

- 6110 * Rupicolous calcareous or basophilic grasslands of the *Alyssosedion albi*
- 6120 * Xeric sand calcareous grasslands
- 6130 Calaminarian grasslands of the *Violetalia calaminariae*
- 6140 Siliceous Pyrenean *Festuca eskia* grasslands
- 6150 Siliceous alpine and boreal grasslands
- 6160 Oro-Iberian *Festuca indigesta* grasslands
- 6170 Alpine and subalpine calcareous grasslands
- 6180 Macaronesian mesophile grasslands
- 6190 Rupicolous pannonic grasslands (*Stipo-Festucetalia pallentis*)

62. Semi-natural dry grasslands and scrubland facies

- 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites)
- 6220 * Pseudo-steppe with grasses and annuals of the *Thero-Brachypodietea*
- 6230 * Species-rich *Nardus* grasslands, on silicious substrates in mountain areas (and submountain areas in Continental Europe)
- 6240 * Sub-Pannonic steppic grasslands
- 6250 * Pannonic loess steppic grasslands
- 6260 * Pannonic sand steppes
- 6270 * Fennoscandian lowland species-rich dry to mesic grasslands
- 6280 * Nordic alvar and precambrian calcareous flatrocks
- 62A0 Eastern sub-Mediterranean dry grasslands (*Scorzoneratalia villosae*)
- 62B0 * Serpentinophilous grassland of Cyprus
- 62C0 * Ponto-Sarmatic steppes
- 62D0 Oro-Moesian acidophilous grasslands

63. Sclerophyllous grazed forests (dehesas)

- 6310 Dehesas with evergreen *Quercus* spp.

64. Semi-natural tall-herb humid meadows

- 6410 *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- 6420 Mediterranean tall humid grasslands of the *Molinio-Holoschoenion*
- 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
- 6440 Alluvial meadows of river valleys of the *Cnidion dubii*
- 6450 Northern boreal alluvial meadows
- 6460 Peat grasslands of Troodos

65. Mesophile grasslands

- 6510 Lowland hay meadows (*Alopecurus pratensis*, *Sanguisorba officinalis*)
- 6520 Mountain hay meadows
- 6530 * Fennoscandian wooded meadows
- 6540 Sub-Mediterranean grasslands of the *Molinio-Hordeion secalini*

7. RAISED BOGS AND MIRES AND FENS

71. Sphagnum acid bogs

- 7110 * Active raised bogs
- 7120 Degraded raised bogs still capable of natural regeneration
- 7130 Blanket bogs (* if active bog)
- 7140 Transition mires and quaking bogs
- 7150 Depressions on peat substrates of the *Rhynchosporion*
- 7160 Fennoscandian mineral-rich springs and springfens

72. Calcareous fens

- 7210 * Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*
- 7220 * Petrifying springs with tufa formation (*Cratoneurion*)
- 7230 Alkaline fens
- 7240 * Alpine pioneer formations of the *Caricion bicoloris-atrofuscae*

73. Boreal mires

- 7310 * Aapa mires
- 7320 * Palsa mires

8. ROCKY HABITATS AND CAVES

81. Scree

- 8110 Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)
- 8120 Calcareous and calcshist screes of the montane to alpine levels (*Thlaspietea rotundifolii*)
- 8130 Western Mediterranean and thermophilous scree
- 8140 Eastern Mediterranean screes
- 8150 Medio-European upland siliceous screes
- 8160 * Medio-European calcareous scree of hill and montane levels

82. Rocky slopes with chasmophytic vegetation

- 8210 Calcareous rocky slopes with chasmophytic vegetation
- 8220 Siliceous rocky slopes with chasmophytic vegetation

- 8230 Siliceous rock with pioneer vegetation of the *Sedo-Scleranthion* or of the *Sedo albi-Veronicion dillenii*
 8240 * Limestone pavements

83. Other rocky habitats

- 8310 Caves not open to the public
 8320 Fields of lava and natural excavations
 8330 Submerged or partially submerged sea caves
 8340 Permanent glaciers

9. FORESTS

(Sub)natural woodland vegetation comprising native species forming forests of tall trees, with typical undergrowth, and meeting the following criteria: rare or residual, and/or hosting species of Community interest

90. Forests of Boreal Europe

- 9010 * Western Taïga
 9020 * Fennoscandian hemiboreal natural old broad-leaved deciduous forests (*Quercus*, *Tilia*, *Acer*, *Fraxinus* or *Ulmus*) rich in epiphytes
 9030 * Natural forests of primary succession stages of landupheaval coast
 9040 Nordic subalpine/subarctic forests with *Betula pubescens* ssp. *czerepanovii*
 9050 Fennoscandian herb-rich forests with *Picea abies*
 9060 Coniferous forests on, or connected to, glaciofluvial eskers
 9070 Fennoscandian wooded pastures
 9080 * Fennoscandian deciduous swamp woods

91. Forests of Temperate Europe

- 9110 *Luzulo-Fagetum* beech forests
 9120 Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion roboripetraeae* or *Ilici-Fagenion*)
 9130 *Asperulo-Fagetum* beech forests
 9140 Medio-European subalpine beech woods with *Acer* and *Rumex arifolius*
 9150 Medio-European limestone beech forests of the *Cephalanthero-Fagion*
 9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinion betuli*
 9170 *Galio-Carpinetum* oak-hornbeam forests
 9180 * *Tilio-Acerion* forests of slopes, screes and ravines
 9190 Old acidophilous oak woods with *Quercus robur* on sandy plains
 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
 91B0 Thermophilous *Fraxinus angustifolia* woods
 91C0 * Caledonian forest
 91D0 * Bog woodland

- 91E0 * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)
- 91F0 Riparian mixed forests of *Quercus robur*, *Ulmus laevis* and *Ulmus minor*, *Fraxinus excelsior* or *Fraxinus angustifolia*, along the great rivers (*Ulmenion minoris*)
- 91G0 * Pannonic woods with *Quercus petraea* and *Carpinus betulus*
- 91H0 * Pannonian woods with *Quercus pubescens*
- 91I0 * Euro-Siberian steppic woods with *Quercus* spp.
- 91J0 * *Taxus baccata* woods of the British Isles
- 91K0 Illyrian *Fagus sylvatica* forests (*Aremonio-Fagion*)
- 91L0 Illyrian oak-hornbeam forests (*Erythronio-Carpinion*)
- 91M0 Pannonian-Balkan turkey oak –sessile oak forests
- 91N0 * Pannonic inland sand dune thicket (*Junipero-Populetum albae*)
- 91P0 Holy Cross fir forest (*Abietetum polonicum*)
- 91Q0 Western Carpathian calcicolous *Pinus sylvestris* forests
- 91R0 Dinaric dolomite Scots pine forests (*Genisto januensis-Pinetum*)
- 91S0 * Western Pontic beech forests
- 91T0 Central European lichen Scots pine forests
- 91U0 Sarmatic steppe pine forest
- 91V0 Dacian Beech forests (*Symphyto-Fagion*)
- 91W0 Moesian beech forests
- 91X0 * Dobrogean beech forests
- 91Y0 Dacian oak & hornbeam forests
- 91Z0 Moesian silver lime woods
- 91AA * Eastern white oak woods
- 91BA Moesian silver fir forests
- 91CA Rhodopide and Balkan Range Scots pine forests

92. Mediterranean deciduous forests

- 9210 * Apennine beech forests with *Taxus* and *Ilex*
- 9220 * Apennine beech forests with *Abies alba* and beech forests with *Abies nebrodensis*
- 9230 Galicio-Portuguese oak woods with *Quercus robur* and *Quercus pyrenaica*
- 9240 *Quercus faginea* and *Quercus canariensis* Iberian woods
- 9250 *Quercus trojana* woods
- 9260 *Castanea sativa* woods
- 9270 Hellenic beech forests with *Abies borisii-regis*
- 9280 *Quercus frainetto* woods
- 9290 *Cupressus* forests (*Acero-Cupression*)
- 92A0 *Salix alba* and *Populus alba* galleries
- 92B0 Riparian formations on intermittent Mediterranean water courses with *Rhododendron ponticum*, *Salix* and others
- 92C0 *Platanus orientalis* and *Liquidambar orientalis* woods (*Platanion orientalis*)
- 92D0 Southern riparian galleries and thickets (*Nerio-Tamaricetea* and *Securinegion tinctoriae*)

93. Mediterranean sclerophyllous forests

- 9310 Aegean *Quercus brachyphylla* woods
- 9320 *Olea* and *Ceratonia* forests
- 9330 *Quercus suber* forests
- 9340 *Quercus ilex* and *Quercus rotundifolia* forests
- 9350 *Quercus macrolepis* forests
- 9360 * Macaronesian laurel forests (*Laurus*, *Ocotea*)
- 9370 * Palm groves of Phoenix
- 9380 Forests of *Ilex aquifolium*
- 9390 * Scrub and low forest vegetation with *Quercus alnifolia*
- 93A0 Woodlands with *Quercus infectoria* (*Anagyro foetidae-Quercetum infectoriae*)

94. Temperate mountainous coniferous forests

- 9410 Acidophilous *Picea* forests of the montane to alpine levels (*Vaccinio-Piceetea*)
- 9420 Alpine *Larix decidua* and/or *Pinus cembra* forests
- 9430 Subalpine and montane *Pinus uncinata* forests (* if on gypsum or limestone)

95. Mediterranean and Macaronesian mountainous coniferous forests

- 9510 * Southern Apennine *Abies alba* forests
- 9520 *Abies pinsapo* forests
- 9530 * (Sub-) Mediterranean pine forests with endemic black pines
- 9540 Mediterranean pine forests with endemic Mesogean pines
- 9550 Canarian endemic pine forests
- 9560 * Endemic forests with *Juniperus* spp.
- 9570 * *Tetraclinis articulata* forests
- 9580 * Mediterranean *Taxus baccata* woods
- 9590 * *Cedrus brevifolia* forests (*Cedrosetum brevifoliae*)
- 95A0 High oro-Mediterranean pine forests

*ANNEX II***ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST WHOSE CONSERVATION REQUIRES THE DESIGNATION OF SPECIAL AREAS OF CONSERVATION****Interpretation**

- (a) Annex II follows on from Annex I for the establishment of a consistent network of special areas of conservation.
- (b) The species listed in this Annex are indicated:

- by the name of the species or subspecies, or
- by all the species belonging to a higher taxon or to a designated part of that taxon.

The abbreviation “spp.” after the name of a family or genus designates all the species belonging to that family or genus.

(c) Symbols

An asterisk (*) before the name of a species indicates that it is a priority species.

Most species listed in this Annex are also listed in Annex IV. Where a species appears in this Annex but does not appear in either Annex IV or Annex V, the species name is followed by the symbol (o); where a species which appears in this Annex also appears in Annex V but does not appear in Annex IV, its name is followed by the symbol (V).

(a) **ANIMALS**

VERTEBRATES

MAMMALS

INSECTIVORA

Talpidae

Galemys pyrenaicus

CHIROPTERA

Rhinolophidae

Rhinolophus blasii

Rhinolophus euryale

Rhinolophus ferrumequinum

Rhinolophus hipposideros

Rhinolophus mehelyi

Vespertilionidae

Barbastella barbastellus

Miniopterus schreibersii

Myotis bechsteinii

Myotis blythii

Myotis capaccinii

Myotis dasycneme

Myotis emarginatus

Myotis myotis

Pteropodidae

Rousettus aegyptiacus

RODENTIA

Gliridae

Myomimus roachi

Sciuridae

- * *Marmota marmota latirostris*
- * *Pteromys volans* (*Sciuropterus russicus*)
- Spermophilus citellus* (*Citellus citellus*)
- * *Spermophilus suslicus* (*Citellus suslicus*)

Castoridae

Castor fiber (except the Estonian, Latvian, Lithuanian, Finnish and Swedish populations)

Cricetidae

Mesocricetus newtoni

Microtidae

- Dinaromys bogdanovi*
- Microtus cabrerae*
- * *Microtus oeconomus arenicola*
- * *Microtus oeconomus mehelyi*
- Microtus tatricus*

Zapodidae

Sicista subtilis

CARNIVORA

Canidae

- * *Alopex lagopus*
- * *Canis lupus* (except the Estonian population; Greek populations: only south of the 39th parallel; Spanish populations: only those south of the Duero; Latvian, Lithuanian and Finnish populations).

Ursidae

- * *Ursus arctos* (except the Estonian, Finnish, and Swedish populations)

Mustelidae

- * *Gulo gulo*
- Lutra lutra*
- Mustela eversmanii*

* *Mustela lutreola*
Vormela peregusna

Felidae

Lynx lynx (except the Estonian, Latvian and Finnish populations)
* *Lynx pardinus*

Phocidae

Halichoerus grypus (V)
* *Monachus monachus*
Phoca hispida bottnica (V)
* *Phoca hispida saimensis*
Phoca vitulina (V)

ARTIODACTYLA

Cervidae

* *Cervus elaphus corsicanus*
Rangifer tarandus fennicus (o)

Bovidae

* *Bison bonasus*
Capra aegagrus (natural populations)
* *Capra pyrenaica pyrenaica*
Ovis gmelini musimon (*Ovis ammon musimon*) (natural populations
— Corsica and Sardinia)
Ovis orientalis ophion (*Ovis gmelini ophion*)
* *Rupicapra pyrenaica ornata* (*Rupicapra rupicapra ornata*)
Rupicapra rupicapra balcanica
* *Rupicapra rupicapra tatrca*

CETACEA

Phocoena phocoena
Tursiops truncatus

REPTILES

CHELONIA (TESTUDINES)

Testudinidae

Testudo graeca
Testudo hermanni
Testudo marginata

Cheloniidae

* *Caretta caretta*
* *Chelonia mydas*

Emydidae

- Emys orbicularis*
- Mauremys caspica*
- Mauremys leprosa*

SAURIA

Lacertidae

- Dinarolacerta mosorensis*
- Lacerta bonnali* (*Lacerta monticola*)
- Lacerta monticola*
- Lacerta schreiberi*
- Gallotia galloti insulanagae*
- * *Gallotia simonyi*
- Podarcis lilfordi*
- Podarcis pityusensis*

Scincidae

- Chalcides simonyi* (*Chalcides occidentalis*)

Gekkonidae

- Phyllodactylus europaeus*

OPHIDIA (SERPENTES)

Colubridae

- * *Coluber cypriensis*
- Elaphe quatuorlineata*
- Elaphe situla*
- * *Natrix natrix cypriaca*

Viperidae

- * *Macrovipera schweizeri* (*Vipera lebetina schweizeri*)
- Vipera ursinii* (except *Vipera ursinii rakosiensis* and *Vipera ursinii macrops*)
- * *Vipera ursinii macrops*
- * *Vipera ursinii rakosiensis*

AMPHIBIANS

CAUDATA

Salamandridae

- Chioglossa lusitanica*
- Mertensiella luschani* (*Salamandra luschani*)
- * *Salamandra aurorae* (*Salamandra atra aurorae*)
- Salamandrina terdigitata*

Triturus carnifex (*Triturus cristatus carnifex*)
Triturus cristatus (*Triturus cristatus cristatus*)
Triturus dobrogicus (*Triturus cristatus dobrogicus*)
Triturus karelinii (*Triturus cristatus karelinii*)
Triturus montandoni
Triturus vulgaris ampelensis

Proteidae

* *Proteus anguinus*

Plethodontidae

Hydromantes (*Speleomantes*) *ambrosii*
Hydromantes (*Speleomantes*) *flavus*
Hydromantes (*Speleomantes*) *genei*
Hydromantes (*Speleomantes*) *imperialis*
Hydromantes (*Speleomantes*) *strinatii*
Hydromantes (*Speleomantes*) *supramontis*

ANURA

Discoglossidae

* *Alytes muletensis*
Bombina bombina
Bombina variegata
Discoglossus galganoi (including *Discoglossus* “*jeanneae*”)
Discoglossus montalentii
Discoglossus sardus

Ranidae

Rana latastei

Pelobatidae

* *Pelobates fuscus insubricus*

FISH

PETROMYZONIFORMES

Petromyzonidae

Eudontomyzon spp. (o)
Lampetra fluviatilis (V) (except the Finnish and Swedish populations)
Lampetra planeri (o) (except the Estonian, Finnish, and Swedish populations)
Lethenteron zanandreaei (V)
Petromyzon marinus (o) (except the Swedish populations)

ACIPENSERIFORMES

Acipenseridae

* *Acipenser naccarii*

* *Acipenser sturio*

CLUPEIFORMES

Clupeidae

Alosa spp. (V)

SALMONIFORMES

Salmonidae

Hucho hucho (natural populations) (V)

Salmo macrostigma (o)

Salmo marmoratus (o)

Salmo salar (only in fresh water) (V) (except the Finnish populations)

Salmothymus obtusirostris (o)

Coregonidae

* *Coregonus oxyrhynchus* (anadromous populations in certain sectors of the North Sea)

Umbridae

Umbra krameri (o)

CYPRINIFORMES

Cyprinidae

Alburnus albidus (o) (*Alburnus vulturius*)

Aulopyge huegelii (o)

Anaocypris hispanica

Aspius aspius (V) (except the Finnish populations)

Barbus comiza (V)

Barbus meridionalis (V)

Barbus plebejus (V)

Chalcalburnus chalcoides (o)

Chondrostoma genei (o)

Chondrostoma knerii (o)

Chondrostoma lusitanicum (o)

Chondrostoma phoxinus (o)

Chondrostoma polylepis (o) (including *C. willkommi*)

Chondrostoma soetta (o)

Chondrostoma toxostoma (o)

Gobio albipinnatus (o)

Gobio kessleri (o)

Gobio uranoscopus (o)

Iberocypris palaciosi (o)
* *Ladigesocypris ghigii* (o)
Leuciscus lucumonis (o)
Leuciscus souffia (o)
Pelecus cultratus (V)
Phoxinellus spp. (o)
* *Phoxinus percnurus*
Rhodeus sericeus amarus (o)
Rutilus pigus (V)
Rutilus rubilio (o)
Rutilus arcasii (o)
Rutilus macrolepidotus (o)
Rutilus lemmingii (o)
Rutilus frisii meidingeri (V)
Rutilus alburnoides (o)
Scardinius graecus (o)
Squalius microlepis (o)
Squalius svallize (o)

Cobitidae

Cobitis elongata (o)
Cobitis taenia (o) (except the Finnish populations)
Cobitis trichonica (o)
Misgurnus fossilis (o)
Sabanejewia aurata (o)
Sabanejewia larvata (o) (*Cobitis larvata* and *Cobitis conspersa*)

SILURIFORMES

Siluridae

Silurus aristotelis (V)

ATHERINIFORMES

Cyprinodontidae

Aphanius iberus (o)
Aphanius fasciatus (o)
* *Valencia hispanica*
* *Valencia letourneuxi* (*Valencia hispanica*)

PERCIFORMES

Percidae

Gymnocephalus baloni
Gymnocephalus schraetzer (V)
* *Romanichthys valsanicola*
Zingel spp. ((o) except *Zingel asper* and *Zingel zingel* (V))

Gobiidae

- Knipowitschia croatica* (o)
- Knipowitschia (Padogobius) panizzae* (o)
- Padogobius nigricans* (o)
- Pomatoschistus canestrini* (o)

SCORPAENIFORMES

Cottidae

- Cottus gobio* (o) (except the Finnish populations)
- Cottus petiti* (o)

INVERTEBRATES

ARTHROPODS

CRUSTACEA

Decapoda

- Austropotamobius pallipes* (V)
- * *Austropotamobius torrentium* (V)

Isopoda

- * *Armadillidium ghardalamensis*

INSECTA

Coleoptera

- Agathidium pulchellum* (o)
- Bolbelasmus unicornis*
- Boros schneideri* (o)
- Buprestis splendens*
- Carabus hampei*
- Carabus hungaricus*
- * *Carabus menetriesi pacholei*
- * *Carabus olympiae*
- Carabus variolosus*
- Carabus zawadzskii*
- Cerambyx cerdo*
- Corticaria planula* (o)
- Cucujus cinnaberinus*
- Dorcadion fulvum cervae*
- Duvalius gebhardti*
- Duvalius hungaricus*
- Dytiscus latissimus*
- Graphoderus bilineatus*
- Leptodirus hochenwarti*
- Limoniscus violaceus* (o)

Lucanus cervus (o)
Macrolea pubipennis (o)
Mesosa myops (o)
Morimus funereus (o)
* *Osmoderma eremita*
Oxyporus mannerheimii (o)
Pilemia tigrina
* *Phryganophilus ruficollis*
Probaticus subrugosus
Propomacrus cypriacus
* *Pseudogaurotina excellens*
Pseudoseriscius cameroni
Pytho kolwensis
Rhysodes sulcatus (o)
* *Rosalia alpina*
Stephanopachys linearis (o)
Stephanopachys substriatus (o)
Xyletinus tremulicola (o)

Hemiptera

Aradus angularis (o)

Lepidoptera

Agriades glandon aquilo (o)
Arytrura musculus
* *Callimorpha (Euplagia, Panaxia) quadripunctaria* (o)
Catopta thrips
Chondrosoma fiduciarium
Clossiana improba (o)
Coenonympha oedippus
Colias myrmidone
Cucullia mixta
Dioszeghyana schmidtii
Erannis ankeraria
Erebia calcaria
Erebia christi
Erebia medusa polaris (o)
Eriogaster catax
Euphydryas (Eurodryas, Hypodryas) aurinia (o)
Glyphipterix loricatella
Gortyna borelii lunata
Graellsia isabellae (V)
Hesperia comma catena (o)
Hypodryas maturna
Leptidea morsei
Lignyoptera fumidaria
Lycaena dispar
Lycaena helle

Maculinea nausithous
Maculinea teleius
Melanargia arge
* *Nymphalis vaualbum*
Papilio hospiton
Phyllometra culminaria
Plebicula golgus
Polymixis rufocincta isolata
Polyommatus eroides
Protorebia afra dalmata
Pseudophilotes bavius
Xestia borealis (o)
Xestia brunneopicta (o)
* *Xylomoia strix*

Mantodea

Apteromantis aptera

Odonata

Coenagrion hylas (o)
Coenagrion mercuriale (o)
Coenagrion ornatum (o)
Cordulegaster heros
Cordulegaster trinacriae
Gomphus graslinii
Leucorrhinia pectoralis
Lindenia tetraphylla
Macromia splendens
Ophiogomphus cecilia
Oxygastra curtisii

Orthoptera

Baetica ustulata
Brachytrupes megacephalus
Isophya costata
Isophya harzi
Isophya stysi
Myrmecophilus baronii
Odontopodisma rubripes
Paracaloptenus caloptenoides
Pholidoptera transsylvanica
Stenobothrus (Stenobothrodes) eurasius

ARACHNIDA

Pseudoscorpiones

Anthrenochernes stellae (o)

MOLLUSCS

GASTROPODA

Anisus vorticulus
Caseolus calculus
Caseolus commixta
Caseolus sphaerula
Chilostoma banaticum
Discula leacockiana
Discula tabellata
Discus guerinianus
Elona quimperiana
Geomalacus maculosus
Geomitra moniziana
Gibbula nivosa
* *Helicopsis striata austriaca* (o)
Hygromia kovacsi
Idiomela (Helix) subplicata
Lampedusa imitatrix
* *Lampedusa melitensis*
Leiostyla abbreviata
Leiostyla cassida
Leiostyla corneocostata
Leiostyla gibba
Leiostyla lamellosa
* *Paladilhia hungarica*
Sadleriana pannonica
Theodoxus transversalis
Vertigo angustior (o)
Vertigo genesii (o)
Vertigo geyeri (o)
Vertigo moulinsiana (o)

BIVALVIA

Unionoida

Margaritifera durrovensis (Margaritifera margaritifera) (V)
Margaritifera margaritifera (V)
Unio crassus

Dreissenidae

Congeria kusceri

(b) PLANTS

PTERIDOPHYTA

ASPLENIACEAE

Asplenium jahandiezii (Litard.) Rouy
Asplenium adulterinum Milde

BLECHNACEAE

Woodwardia radicans (L.) Sm.

DICKSONIACEAE

Culcita macrocarpa C. Presl

DRYOPTERIDACEAE

Diplazium sibiricum (Turcz. ex Kunze) Kurata
* *Dryopteris corleyi* Fraser-Jenk.
Dryopteris fragans (L.) Schott

HYMENOPHYLLACEAE

Trichomanes speciosum Willd.

ISOETACEAE

Isoetes boryana Durieu
Isoetes malinverniana Ces. & De Not.

MARSILEACEAE

Marsilea batardae Launert
Marsilea quadrifolia L.
Marsilea strigosa Willd.

OPHIOGLOSSACEAE

Botrychium simplex Hitchc.
Ophioglossum polyphyllum A. Braun

GYMNOSPERMAE**PINACEAE**

* *Abies nebrodensis* (Lojac.) Mattei

ANGIOSPERMAE**ALISMATACEAE**

* *Alisma wahlenbergii* (Holmberg) Juz.
Caldesia parnassifolia (L.) Parl.
Luronium natans (L.) Raf.

AMARYLLIDACEAE

Leucojum nicaeense Ard.
Narcissus asturiensis (Jordan) Pugsley
Narcissus calcicola Mendonça
Narcissus cyclamineus DC.
Narcissus fernandesii G. Pedro
Narcissus humilis (Cav.) Traub
* *Narcissus nevadensis* Pugsley
Narcissus pseudonarcissus L. subsp. *nobilis* (Haw.) A. Fernandes
Narcissus scaberulus Henriq.
Narcissus triandrus L. subsp. *capax* (Salisb.) D. A. Webb.
Narcissus viridiflorus Schousboe

ASCLEPIADACEAE

Vincetoxicum pannonicum (Borhidi) Holub

BORAGINACEAE

* *Anchusa crispa* Viv.
Echium russicum J.F.Gemlin
* *Lithodora nitida* (H. Ern) R. Fernandes
Myosotis lusitanica Schuster
Myosotis rehsteineri Wartm.
Myosotis retusifolia R. Afonso
Omphalodes kuzinskyanae Willk.
* *Omphalodes littoralis* Lehm.
* *Onosma tornensis* Javorka
Solenanthus albanicus (Degen & al.) Degen & Baldacci
* *Symphytum cycladense* Pawl.

CAMPANULACEAE

Adenophora lilifolia (L.) Ledeb.
Asyneuma giganteum (Boiss.) Bornm.
* *Campanula bohemica* Hruby
* *Campanula gelida* Kovanda
Campanula romanica S. vul.
* *Campanula sabatia* De Not.
* *Campanula serrata* (Kit.) Hendrych
Campanula zoyisii Wulfen
Jasione crispa (Pourret) Samp. subsp. *serpentinica* Pinto da Silva
Jasione lusitanica A. DC.

CARYOPHYLLACEAE

- Arenaria ciliata* L. subsp. *pseudofrigida* Ostenf. & O.C. Dahl
Arenaria humifusa Wahlenberg
 * *Arenaria nevadensis* Boiss. & Reuter
Arenaria provincialis Chater & Halliday
 * *Cerastium alsinifolium* Tausch
Cerastium dinaricum G. Beck & Szysz.
Dianthus arenarius L. subsp. *arenarius*
 * *Dianthus arenarius* subsp. *bohemicus* (Novak) O.Schwarz
Dianthus cintranus Boiss. & Reuter subsp. *Cintranus* Boiss. & Reuter
 * *Dianthus diutinus* Kit.
 * *Dianthus lumnitzeri* Wiesb.
Dianthus marizii (Samp.) Samp.
 * *Dianthus moravicus* Kovanda
 * *Dianthus nitidus* Waldst. et Kit.
Dianthus plumarius subsp. *regis-stephani* (Rapcs.) Baksay
Dianthus rupicola Biv.
 * *Gypsophila papillosa* P. Porta
Herniaria algarvica Chaudhri
 * *Herniaria latifolia* Lapeyr. subsp. *litardierei* Gamis
Herniaria lusitanica (Chaudhri) subsp. *Berlengiana* Chaudhri
Herniaria maritima Link
 * *Minuartia smejkalii* Dvorakova
Moehringia jankae Griseb. ex Janka
Moehringia lateriflora (L.) Fenzl.
Moehringia tommasinii Marches.
Moehringia villosa (Wulfen) Fenzl
Petrocoptis grandiflora Rothm.
Petrocoptis montsicciana O. Bolos & Rivas Mart.
Petrocoptis pseudoviscosa Fernández Casas
Silene furcata Rafin. subsp. *angustiflora* (Rupr.) Walters
 * *Silene hicesiae* Brullo & Signorello
Silene hifacensis Rouy ex Willk.
 * *Silene holzmanii* Heldr. ex Boiss.
Silene longicilia (Brot.) Otth.
Silene mariana Pau
 * *Silene orphanidis* Boiss
 * *Silene rothmaleri* Pinto da Silva
 * *Silene velutina* Pourret ex Loisel.

CHENOPODIACEAE

- * *Bassia (Kochia) saxicola* (Guss.) A. J. Scott
 * *Cremnophyton lanfrancoi* Brullo et Pavone
 * *Salicornia veneta* Pignatti & Lausi

CISTACEAE

- Cistus palhinhae* Ingram
Halimium verticillatum (Brot.) Sennen
Helianthemum alypoides Losa & Rivas Goday
Helianthemum caput-felis Boiss.
* *Tuberaria major* (Willk.) Pinto da Silva & Rozeira

COMPOSITAE

- * *Anthemis glaberrima* (Rech. f.) Greuter
Artemisia campestris L. subsp. *bottnica* A.N. Lundström ex Kindb.
* *Artemisia granatensis* Boiss.
* *Artemisia laciniata* Willd.
Artemisia oelandica (Besser) Komaror
* *Artemisia pancicii* (Janka) Ronn.
* *Aster pyrenaicus* Desf. ex DC
* *Aster sorrentinii* (Tod) Lojac.
Carlina onopordifolia Besser
* *Carduus myriacanthus* Salzm. ex DC.
* *Centaurea alba* L. subsp. *heldreichii* (Halacsy) Dostal
* *Centaurea alba* L. subsp. *princeps* (Boiss. & Heldr.) Gugler
* *Centaurea akamantis* T. Georgiadis & G. Chatzikyriakou
* *Centaurea attica* Nyman subsp. *megarensis* (Halacsy & Hayek) Dostal
* *Centaurea balearica* J. D. Rodriguez
* *Centaurea borjae* Valdes-Berm. & Rivas Goday
* *Centaurea citricolor* Font Quer
Centaurea corymbosa Pourret
Centaurea gadorensis G. Blanca
* *Centaurea horrida* Badaro
Centaurea immanuelis-loewii Degen
Centaurea jankae Brandza
* *Centaurea kalambakensis* Freyn & Sint.
Centaurea kartschiana Scop.
* *Centaurea lactiflora* Halacsy
Centaurea micrantha Hoffmanns. & Link subsp. *Herminii* (Rouy) Dostál
* *Centaurea niederi* Heldr.
* *Centaurea peucedanifolia* Boiss. & Orph.
* *Centaurea pinnata* Pau
Centaurea pontica Prodan & E. I. Nyárády
Centaurea pulvinata (G. Blanca) G. Blanca
Centaurea rothmalerana (Arènes) Dostál
Centaurea vicentina Mariz
Cirsium brachycephalum Juratzka
* *Crepis crocifolia* Boiss. & Heldr.

Crepis granatensis (Willk.) B. Blanca & M. Cueto
Crepis pusilla (Sommier) Merxmüller
Crepis tectorum L. subsp. *nigrescens*
Erigeron frigidus Boiss. ex DC.
* *Helichrysum melitense* (Pignatti) Brullo et al
Hymenostemma pseudanthemis (Kunze) Willd.
Hyoseris frutescens Brullo et Pavone
* *Jurinea cyanoides* (L.) Reichenb.
* *Jurinea fontqueri* Cuatrec.
* *Lamyropsis microcephala* (Moris) Dittrich & Greuter
Leontodon microcephalus (Boiss. ex DC.) Boiss.
Leontodon boryi Boiss.
* *Leontodon siculus* (Guss.) Finch & Sell
Leuzea longifolia Hoffmanns. & Link
Ligularia sibirica (L.) Cass.
* *Palaeocyanus crassifolius* (Bertoloni) Dostal
Santolina impressa Hoffmanns. & Link
Santolina semidentata Hoffmanns. & Link
Saussurea alpina subsp. *esthonica* (Baer ex Rupr) Kupffer
* *Senecio elodes* Boiss. ex DC.
Senecio jacobea L. subsp. *gotlandicus* (Neuman) Sterner
Senecio nevadensis Boiss. & Reuter
* *Serratula lycopifolia* (Vill.) A.Kern
Tephrosieris longifolia (Jacq.) Griseb et Schenk subsp. *moravica*

CONVOLVULACEAE

* *Convolvulus argyrothamnus* Greuter
* *Convolvulus fernandesii* Pinto da Silva & Teles

CRUCIFERAE

Alyssum pyrenaicum Lapeyr.
* *Arabis kennedyae* Meikle
Arabis sadina (Samp.) P. Cout.
Arabis scopoliana Boiss
* *Biscutella neustriaca* Bonnet
Biscutella vincentina (Samp.) Rothm.
Boleum asperum (Pers.) Desvaux
Brassica glabrescens Poldini
Brassica hilarionis Post
Brassica insularis Moris
* *Brassica macrocarpa* Guss.
Braya linearis Rouy
* *Cochlearia polonica* E. Fröhlich
* *Cochlearia tatrae* Borbas
* *Coincya rupestris* Rouy
* *Coronopus navasii* Pau

Crambe tataria Sebeok
**Degenia velebitica* (Degen) Hayek
Diploaxis ibicensis (Pau) Gómez-Campo
* *Diploaxis siettiana* Maire
Diploaxis vicentina (P. Cout.) Rothm.
Draba cacuminum Elis Ekman
Draba cinerea Adams
Draba dorneri Heuffel.
Erucastrum palustre (Pirona) Vis.
* *Erysimum pieninicum* (Zapal.) Pawl.
* *Iberis arbuscula* Runemark
Iberis procumbens Lange subsp. *microcarpa* Franco & Pinto da Silva
* *Jonopsidium acaule* (Desf.) Reichenb.
Jonopsidium savianum (Caruel) Ball ex Arcang.
Rhynchosinapis erucastrum (L.) Dandy ex Clapham subsp. *cintrana* (Coutinho) Franco & P. Silva (*Coincya cintrana* (P. Cout.) Pinto da Silva)
Sisymbrium cavanillesianum Valdés & Castroviejo
Sisymbrium supinum L.
Thlaspi jankae A.Kern.

CYPERACEAE

Carex holostoma Drejer
* *Carex panormitana* Guss.
Eleocharis carniolica Koch

DIOSCOREACEAE

* *Borderea chouardii* (Gaussen) Heslot

DROSERACEAE

Aldrovanda vesiculosa L.

ELATINACEAE

Elatine gussonei (Sommier) Brullo et al

ERICACEAE

Rhododendron luteum Sweet

EUPHORBIACEAE

* *Euphorbia margalidiana* Kuhbier & Lewejohann
Euphorbia transtagana Boiss.

GENTIANACEAE

- * *Centaurium rigualii* Esteve
- * *Centaurium somedanum* Lainz
- Gentiana ligustica* R. de Vilm. & Chopinet
- Gentianella anglica* (Pugsley) E. F. Warburg
- * *Gentianella bohemica* Skalicky

GERANIACEAE

- * *Erodium astragaloides* Boiss. & Reuter
- Erodium paularense* Fernández-González & Izco
- * *Erodium rupicola* Boiss.

GLOBULARIACEAE

- * *Globularia stygia* Orph. ex Boiss.

GRAMINEAE

- Arctagrostis latifolia* (R. Br.) Griseb.
- Arctophila fulva* (Trin.) N. J. Anderson
- Avenula hackelii* (Henriq.) Holub
- Bromus grossus* Desf. ex DC.
- Calamagrostis chalybaea* (Laest.) Fries
- Cinna latifolia* (Trev.) Griseb.
- Coleanthus subtilis* (Tratt.) Seidl
- Festuca brigantina* (Markgr.-Dannenb.) Markgr.-Dannenb.
- Festuca duriotagana* Franco & R. Afonso
- Festuca elegans* Boiss.
- Festuca henriquesii* Hack.
- Festuca summilusitana* Franco & R. Afonso
- Gaudinia hispanica* Stace & Tutin
- Holcus setiglumis* Boiss. & Reuter subsp. *duriensis* Pinto da Silva
- Micropyropsis tuberosa* Romero — Zarco & Cabezudo
- Poa granitica* Br.-Bl. subsp. *disparilis* (E. I. Nyárády) E. I. Nyárády
- * *Poa riphaea* (Ascher et Graebner) Fritsch
- Pseudarrhenatherum pallens* (Link) J. Holub
- Puccinellia phryganodes* (Trin.) Scribner + Merr.
- Puccinellia pungens* (Pau) Paunero
- * *Stipa austroitalica* Martinovsky
- * *Stipa bavarica* Martinovsky & H. Scholz
- Stipa danubialis* Dihoru & Roman
- * *Stipa styriaca* Martinovsky
- * *Stipa veneta* Moraldo
- * *Stipa zalesskii* Wilensky
- Trisetum subalpestre* (Hartman) Neuman

GROSSULARIACEAE

* *Ribes sardoum* Martelli

HIPURIDACEAE

Hippuris tetraphylla L. Fil.

HYPERICACEAE

* *Hypericum aciferum* (Greuter) N.K.B. Robson

IRIDACEAE

Crocus cyprius Boiss. et Kotschy

Crocus hartmannianus Holmboe

Gladiolus palustris Gaud.

Iris aphylla L. subsp. *hungarica* Hegi

Iris humilis Georgi subsp. *arenaria* (Waldst. et Kit.) A. et D.Löve

JUNCACEAE

Juncus valvatus Link

Luzula arctica Blytt

LABIATAE

Dracocephalum austriacum L.

* *Micromeria taygetea* P. H. Davis

Nepeta dirphya (Boiss.) Heldr. ex Halacsy

* *Nepeta sphaciotica* P. H. Davis

Origanum dictamnus L.

Phlomis brevibracteata Turrit

Phlomis cypria Post

Salvia veneris Hedge

Sideritis cypria Post

Sideritis incana subsp. *glauca* (Cav.) Malagarriga

Sideritis javalambrensis Pau

Sideritis serrata Cav. ex Lag.

Teucrium lepicephalum Pau

Teucrium turredanum Losa & Rivas Goday

* *Thymus camphoratus* Hoffmanns. & Link

Thymus carnosus Boiss.

* *Thymus lotocephalus* G. López & R. Morales (*Thymus cephalotos* L.)

LEGUMINOSAE

Anthyllis hystrix Cardona, Contandr. & E. Sierra
* *Astragalus algarbiensis* Coss. ex Bunge
* *Astragalus aquilanus* Anzalone
Astragalus centralpinus Braun-Blanquet
* *Astragalus macrocarpus* DC. subsp. *lefkarensis*
* *Astragalus maritimus* Moris
Astragalus peterfii Jáv.
Astragalus tremolsianus Pau
* *Astragalus verrucosus* Moris
* *Cytisus aeolicus* Guss. ex Lindl.
Genista dorycnifolia Font Quer
Genista holopetala (Fleischm. ex Koch) Baldacci
Melilotus segetalis (Brot.) Ser. subsp. *fallax* Franco
* *Ononis hackelii* Lange
Trifolium saxatile All.
* *Vicia bifoliolata* J.D. Rodríguez

LENTIBULARIACEAE

* *Pinguicula crystallina* Sm.
Pinguicula nevadensis (Lindb.) Casper

LILIACEAE

Allium grosii Font Quer
* *Androcymbium rechingeri* Greuter
* *Asphodelus bento-rainhae* P. Silva
* *Chionodoxa lochiaae* Meikle in Kew Bull.
Colchicum arenarium Waldst. et Kit.
Hyacinthoides vicentina (Hoffmans. & Link) Rothm.
* *Muscari gussonei* (Parl.) Tod.
Scilla litardierei Breist.
* *Scilla morrisii* Meikle
Tulipa cypria Stapf
Tulipa hungarica Borbas

LINACEAE

* *Linum dolomiticum* Borbas
* *Linum muelleri* Moris (*Linum maritimum muelleri*)

LYTHRACEAE

* *Lythrum flexuosum* Lag.

MALVACEAE

Kosteletzkya pentacarpos (L.) Ledeb.

NAJADACEAE

Najas flexilis (Willd.) Rostk. & W.L. Schmidt

Najas tenuissima (A. Braun) Magnus

OLEACEAE

Syringa josikaea Jacq. Fil. ex Reichenb.

ORCHIDACEAE

Anacamptis urvilleana Sommier et Caruana Gatto

Calypso bulbosa L.

* *Cephalanthera cucullata* Boiss. & Heldr.

Cypripedium calceolus L.

Dactylorhiza kalopissii E.Nelson

Gymnigritella runei Teppner & Klein

Himantoglossum adriaticum Baumann

Himantoglossum caprinum (Bieb.) V.Koch

Liparis loeselii (L.) Rich.

* *Ophrys kotschyi* H.Fleischm. et Soo

* *Ophrys lunulata* Parl.

Ophrys melitensis (Salkowski) J et P Devillers-Terschuren

Platanthera obtusata (Pursh) subsp. *oligantha* (Turez.) Hulten

OROBANCHACEAE

Orobanche densiflora Salzm. ex Reut.

PAEONIACEAE

Paeonia cambessedesii (Willk.) Willk.

Paeonia clusii F.C. Stern subsp. *rhodia* (Stearn) Tzanoudakis

Paeonia officinalis L. subsp. *banatica* (Rachel) Soo

Paeonia parnassica Tzanoudakis

PALMAE

Phoenix theophrasti Greuter

PAPAVERACEAE

Corydalis gotlandica Lidén

Papaver laestadianum (Nordh.) Nordh.

Papaver radicum Rottb. subsp. *hyperboreum* Nordh.

PLANTAGINACEAE

Plantago algarbiensis Sampaio (*Plantago bracteosa* (Willk.) G. Sampaio)

Plantago almogravensis Franco

PLUMBAGINACEAE

Armeria berlengensis Daveau

* *Armeria helodes* Martini & Pold

Armeria neglecta Girard

Armeria pseudarmeria (Murray) Mansfeld

* *Armeria rouyana* Daveau

Armeria soleirolii (Duby) Godron

Armeria velutina Welw. ex Boiss. & Reuter

Limonium dodartii (Girard) O. Kuntze subsp. *lusitanicum* (Daveau) Franco

* *Limonium insulare* (Beg. & Landi) Arrig. & Diana

Limonium lanceolatum (Hoffmans. & Link) Franco

Limonium multiflorum Erben

* *Limonium pseudolaetum* Arrig. & Diana

* *Limonium strictissimum* (Salzmann) Arrig.

POLYGONACEAE

Persicaria foliosa (H. Lindb.) Kitag.

Polygonum praelongum Coode & Cullen

Rumex rupestris Le Gall

PRIMULACEAE

Androsace mathildae Levier

Androsace pyrenaica Lam.

* *Cyclamen fatrense* Halda et Sojak

* *Primula apennina* Widmer

Primula carniolica Jacq.

Primula nutans Georgi

Primula palinuri Petagna

Primula scandinavica Bruun

Soldanella villosa Darracq.

RANUNCULACEAE

* *Aconitum corsicum* Gayer (*Aconitum napellus* subsp. *corsicum*)

Aconitum firmum (Reichenb.) Neilr subsp. *moravicum* Skalicky

Adonis distorta Ten.

Aquilegia bertolonii Schott

Aquilegia kitaibelii Schott

- * *Aquilegia pyrenaica* D.C. subsp. *cazorlensis* (Heywood) Galiano
- * *Consolida samia* P.H. Davis
- * *Delphinium caseyi* B.L.Burt
- Pulsatilla grandis* Wenderoth *Pulsatilla patens* (L.) Miller
- * *Pulsatilla pratensis* (L.) Miller subsp. *hungarica* Soo
- * *Pulsatilla slavica* G.Reuss.
- * *Pulsatilla subslavica* Futak ex Goliasova
- Pulsatilla vulgaris* Hill. subsp. *gotlandica* (Johanss.) Zaemelis & Paegle
- Ranunculus kykkoensis* Meikle
- Ranunculus lapponicus* L.
- * *Ranunculus weyleri* Mares

RESEDACEAE

- * *Reseda decursiva* Forssk.

ROSACEAE

- Agrimonia pilosa* Ledebour
- Potentilla delphinensis* Gren. & Godron
- Potentilla emilii-popii* Nyárády
- * *Pyrus magyarica* Terpo
- Sorbus teodorii* Liljefors

RUBIACEAE

- Galium cracoviense* Ehrend.
- * *Galium litorale* Guss.
- Galium moldavicum* (Dobrescu) Franco
- * *Galium sudeticum* Tausch
- * *Galium viridiflorum* Boiss. & Reuter

SALICACEAE

- Salix salvifolia* Brot. subsp. *australis* Franco

SANTALACEAE

- Thesium ebracteatum* Hayne

SAXIFRAGACEAE

- Saxifraga berica* (Beguinot) D.A. Webb
- Saxifraga florulenta* Moretti
- Saxifraga hirculus* L.
- Saxifraga osloënsis* Knaben
- Saxifraga tombeanensis* Boiss. ex Engl.

SCROPHULARIACEAE

- Antirrhinum charidemi* Lange
Chaenorrhinum serpyllifolium (Lange) Lange subsp. *lusitanicum* R. Fernandes
* *Euphrasia genargentea* (Feoli) Diana
Euphrasia marchesettii Wettst. ex Marches.
Linaria algarviana Chav.
Linaria coutinhoi Valdés
Linaria loeselii Schweigger
* *Linaria ficalhoana* Rouy
Linaria flava (Poiret) Desf.
* *Linaria hellenica* Turrill
Linaria pseudolaxiflora Lojacono
* *Linaria ricardoi* Cout.
Linaria tonzigii Lona
* *Linaria tursica* B. Valdés & Cabezudo
Odontites granatensis Boiss.
* *Pedicularis sudetica* Willd.
Rhinanthus oesilensis (Ronniger & Saarsoo) Vassilcz
Tozzia carpathica Wol.
Verbascum litigiosum Samp.
Veronica micrantha Hoffmanns. & Link
* *Veronica oetaea* L.-A. Gustavsson

SOLANACEAE

- * *Atropa baetica* Willk.

THYMELAEACEAE

- * *Daphne arbuscula* Celak
Daphne petraea Leybold
* *Daphne rodriguezii* Texidor

ULMACEAE

- Zelkova abelicea* (Lam.) Boiss.

UMBELLIFERAE

- * *Angelica heterocarpa* Lloyd
Angelica palustris (Besser) Hoffm.
* *Apium bermejoi* Llorens
Apium repens (Jacq.) Lag.
Athamanta cortiana Ferrarini
* *Bupleurum capillare* Boiss. & Heldr.

* *Bupleurum kakiskalae* Greuter
Eryngium alpinum L.
* *Eryngium viviparum* Gay
* *Ferula sadleriana* Lebed.
Hladnikia pastinacifolia Reichenb.
* *Laserpitium longiradium* Boiss.
* *Naufraga balearica* Constans & Cannon
* *Oenanthe conioides* Lange
Petagnia saniculifolia Guss.
Rouya polygama (Desf.) Coincy
* *Seseli intricatum* Boiss.
Seseli leucospermum Waldst. et Kit
Thorella verticillatinundata (Thore) Briq.

VALERIANACEAE

Centranthus trinervis (Viv.) Beguinot

VIOLACEAE

Viola delphinantha Boiss.
* *Viola hispida* Lam.
Viola jaubertiana Mares & Vigineix
Viola rupestris F.W. Schmidt subsp. *relicta* Jalas

LOWER PLANTS

BRYOPHYTA

Bruchia vogesiaca Schwaegr. (o)
Bryhnia novae-angliae (Sull & Lesq.) Grout (o)
* *Bryoerythrophyllum campylocarpum* (C. Müll.) Crum.
(*Bryoerythrophyllum machadoanum* (Sergio) M. O. Hill) (o)
Buxbaumia viridis (Moug.) Moug. & Nestl. (o)
Cephalozia macounii (Aust.) Aust. (o)
Cynodontium suecicum (H. Arn. & C. Jens.) I. Hag. (o)
Dichelyma capillaceum (Dicks) Myr. (o)
Dicranum viride (Sull. & Lesq.) Lindb. (o)
Distichophyllum carinatum Dix. & Nich. (o)
Drepanocladus (Hamatocaulis) vernicosus (Mitt.) Warnst. (o)
Encalypta mutica (I. Hagen) (o)
Hamatocaulis lapponicus (Norrl.) Hedenäs (o)
Herzogiella turfacea (Lindb.) I. Wats. (o)
Hygrohypnum montanum (Lindb.) Broth. (o)
Jungermannia handelii (Schiffn.) Amak. (o)
Mannia triandra (Scop.) Grolle (o)
* *Marsupella profunda* Lindb. (o)
Meesia longiseta Hedw. (o)
Nothothylas orbicularis (Schwein.) Sull. (o)

Ochyraea tatrensis Vana (o)
Orthothecium lapponicum (Schimp.) C. Hartm. (o)
Orthotrichum rogeri Brid. (o)
Petalophyllum ralfsii (Wils.) Nees & Gott. (o)
Plagiomnium drummondii (Bruch & Schimp.) T. Kop. (o)
Riccia breidleri Jur. (o)
Riella helicophylla (Bory & Mont.) Mont. (o)
Scapania massolongi (K. Müll.) K. Müll. (o)
Sphagnum pylaisii Brid. (o)
Tayloria rudolphiana (Garov) B. & S. (o)
Tortella rigens (N. Alberts) (o)

SPECIES FOR MACARONESIA

PTERIDOPHYTA

HYMENOPHYLLACEAE

Hymenophyllum maderensis Gibby & Lovis

DRYOPTERIDACEAE

* *Polystichum drepanum* (Sw.) C. Presl.

ISOETACEAE

Isoetes azorica Durieu & Paiva ex Milde

MARSILEACEAE

* *Marsilea azorica* Launert & Paiva

ANGIOSPERMAE

ASCLEPIADACEAE

Caralluma burchardii N. E. Brown

* *Ceropegia chrysantha* Svent.

BORAGINACEAE

Echium candicans L. fil.

* *Echium gentianoides* Webb & Coincy

Myosotis azorica H. C. Watson

Myosotis maritima Hochst. in Seub.

CAMPANULACEAE

- * *Azorina vidalii* (H. C. Watson) Feer
- Musschia aurea* (L. f.) DC.
- * *Musschia wollastonii* Lowe

CAPRIFOLIACEAE

- * *Sambucus palmensis* Link

CARYOPHYLLACEAE

- Spergularia azorica* (Kindb.) Lebel

CELASTRACEAE

- Maytenus umbellata* (R. Br.) Mabb.

CHENOPODIACEAE

- Beta patula* Ait.

CISTACEAE

- Cistus chinamadensis* Banares & Romero
- * *Helianthemum bystropogophyllum* Svent.

COMPOSITAE

- Andryala crithmifolia* Ait.
- * *Argyranthemum lidii* Humphries
- Argyranthemum thalassophyllum* (Svent.) Hump.
- Argyranthemum winterii* (Svent.) Humphries
- * *Atractylis arbuscula* Svent. & Michaelis
- Atractylis preauxiana* Schultz.
- Calendula maderensis* DC.
- Cheirolophus duranii* (Burchard) Holub
- Cheirolophus ghomerytus* (Svent.) Holub
- Cheirolophus junonianus* (Svent.) Holub
- Cheirolophus massonianus* (Lowe) Hansen & Sund.
- Cirsium latifolium* Lowe
- Helichrysum gossypinum* Webb
- Helichrysum monogynum* Burt & Sund.
- Hypochoeris oligocephala* (Svent. & Bramw.) Lack
- * *Lactuca watsoniana* Trel.
- * *Onopordum nogalesii* Svent.
- * *Onopordum carduelinum* Bolle
- * *Pericallis hadrosoma* (Svent.) B. Nord.
- Phagnalon benettii* Lowe
- Stemmacantha cynaroides* (Chr. Son. in Buch) Ditt

Sventenia bupleuroides Font Quer
* *Tanacetum ptarmiciflorum* Webb & Berth

CONVOLVULACEAE

* *Convolvulus caput-medusae* Lowe
* *Convolvulus lopez-socasii* Svent.
* *Convolvulus massonii* A. Dietr.

CRASSULACEAE

Aeonium gomeraense Praeger
Aeonium saundersii Bolle
Aichryson dumosum (Lowe) Praeg.
Monanthes wildpretii Banares & Scholz
Sedum brissemoretii Raymond-Hamet

CRUCIFERAE

* *Crambe arborea* Webb ex Christ
Crambe laevigata DC. ex Christ
* *Crambe sventenii* R. Petters ex Bramwell & Sund.
* *Parolinia schizogynoides* Svent.
Sinapidendron rupestre (Ait.) Lowe

CYPERACEAE

Carex malato-belizii Raymond

DIPSACACEAE

Scabiosa nitens Roemer & J. A. Schultes

ERICACEAE

Erica scoparia L. subsp. *azorica* (Hochst.) D. A. Webb

EUPHORBIACEAE

* *Euphorbia handiensis* Burchard
Euphorbia lambii Svent.
Euphorbia stygiana H. C. Watson

GERANIACEAE

* *Geranium maderense* P. F. Yeo

GRAMINEAE

Deschampsia maderensis (Haeck. & Born.) Buschm.
Phalaris maderensis (Menezes) Menezes

GLOBULARIACEAE

* *Globularia ascanii* D. Bramwell & Kunkel
* *Globularia sarcophylla* Svent.

LABIATAE

* *Sideritis cystosiphon* Svent.
* *Sideritis discolor* (Webb ex de Noe) Bolle
Sideritis infernalis Bolle
Sideritis marmorea Bolle
Teucrium abutiloides L'Hér.
Teucrium betonicum L'Hér.

LEGUMINOSAE

* *Anagyris latifolia* Brouss. ex. Willd.
Anthyllis lemanniana Lowe
* *Dorycnium spectabile* Webb & Berthel
* *Lotus azoricus* P. W. Ball
Lotus callis-viridis D. Bramwell & D. H. Davis
* *Lotus kunkelii* (E. Chueca) D. Bramwell & al.
* *Teline rosmarinifolia* Webb & Berthel.
* *Teline salsoloides* Arco & Acebes.
Vicia dennesiana H. C. Watson

LILIACEAE

* *Androcymbium psammophilum* Svent.
Scilla maderensis Menezes
Semele maderensis Costa

LORANTHACEAE

Arceuthobium azoricum Wiens & Hawksw.

MYRICACEAE

* *Myrica rivas-martinezii* Santos.

OLEACEAE

Jasminum azoricum L.
Picconia azorica (Tutin) Knobl.

ORCHIDACEAE

Goodyera macrophylla Lowe

PITTOSPORACEAE

* *Pittosporum coriaceum* Dryand. ex. Ait.

PLANTAGINACEAE

Plantago malato-belizii Lawalree

PLUMBAGINACEAE

* *Limonium arborescens* (Brouss.) Kuntze

Limonium dendroides Svent.

* *Limonium spectabile* (Svent.) Kunkel & Sunding

* *Limonium sventenii* Santos & Fernández Galván

POLYGONACEAE

Rumex azoricus Rech. fil.

RHAMNACEAE

Frangula azorica Tutin

ROSACEAE

* *Bencomia brachystachya* Svent.

Bencomia sphaerocarpa Svent.

* *Chamaemeles coriacea* Lindl.

Dendriopoterium pulidoi Svent.

Marcetella maderensis (Born.) Svent.

Prunus lusitanica L. subsp. *azorica* (Mouillef.) Franco

Sorbus maderensis (Lowe) Dode

SANTALACEAE

Kunkeliella subsucculenta Kammer

SCROPHULARIACEAE

* *Euphrasia azorica* H.C. Watson

Euphrasia grandiflora Hochst. in Seub.

* *Isoplexis chalcantha* Svent. & O'Shanahan

Isoplexis isabelliana (Webb & Berthel.) Masferrer

Odontites holliana (Lowe) Benth.
Sibthorpia peregrina L.

SOLANACEAE

* *Solanum lidii* Sunding

UMBELLIFERAE

Ammi trifoliatum (H. C. Watson) Trelease
Bupleurum handiense (Bolle) Kunkel
Chaerophyllum azoricum Trelease
Ferula latipinna Santos
Melanoselinum decipiens (Schrader & Wendl.) Hoffm.
Monizia edulis Lowe
Oenanthe divaricata (R. Br.) Mabb.
Sanicula azorica Guthnick ex Seub.

VIOLACEAE

Viola paradoxa Lowe

LOWER PLANTS

BRYOPHYTA

* *Echinodium spinosum* (Mitt.) Jur. (o)
* *Thamnobryum fernandesii* Sergio (o).

ANNEX III

**CRITERIA FOR SELECTING SITES ELIGIBLE FOR
IDENTIFICATION AS SITES OF COMMUNITY IMPORTANCE
AND DESIGNATION AS SPECIAL AREAS OF CONSERVATION**

**STAGE 1: Assessment at national level of the relative
importance of sites for each natural habitat type in Annex I and
each species in Annex II (including priority natural habitat types
and priority species)**

A. *Site assessment criteria for a given natural habitat type in Annex I*

(a) Degree of representativity of the natural habitat type on the site.

(b) Area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within national territory.

(c) Degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities.

(d) Global assessment of the value of the site for conservation of the natural habitat type concerned.

B. Site assessment criteria for a given species in Annex II

(a) Size and density of the population of the species present on the site in relation to the populations present within national territory.

(b) Degree of conservation of the features of the habitat which are important for the species concerned and restoration possibilities.

(c) Degree of isolation of the population present on the site in relation to the natural range of the species.

(d) Global assessment of the value of the site for conservation of the species concerned.

C. On the basis of these criteria, Member States will classify the sites which they propose on the national list as sites eligible for identification as sites of Community importance according to their relative value for the conservation of each natural habitat type in Annex I or each species in Annex II.

D. That list will show the sites containing the priority natural habitat types and priority species selected by the Member States on the basis of the criteria in A and B above.

STAGE 2: Assessment of the Community importance of the sites included on the national lists

1. All the sites identified by the Member States in Stage 1 which contain priority natural habitat types and/or species will be considered as sites of Community importance.

2. The assessment of the Community importance of other sites on Member States' lists, i.e. their contribution to maintaining or re-establishing, at a favourable conservation status, a natural habitat in Annex I or a species in Annex II and/or to the coherence of Natura 2000 will take account of the following criteria:

(a) relative value of the site at national level;

(b) geographical situation of the site in relation to migration routes of species in Annex II and whether it belongs to a continuous ecosystem situated on both sides of one or more internal Community frontiers;

- (c) total area of the site;
- (d) number of natural habitat types in Annex I and species in Annex II present on the site;
- (e) global ecological value of the site for the biogeographical regions concerned and/or for the whole of the territory referred to in Article 2, as regards both the characteristic or unique aspect of its features and the way they are combined.

ANNEX IV

**ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST IN
NEED OF STRICT PROTECTION**

The species listed in this Annex are indicated:

- by the name of species or subspecies, or
- by the body of species belonging to a higher taxon or to a designated part of that taxon.

The abbreviation “spp.” after the name of a family or genus designates all the species belonging to that family or genus.

(a) ANIMALS

VERTEBRATES

MAMMALS

INSECTIVORA

Erinaceidae

Erinaceus algirus

Soricidae

Crocidura canariensis
Crocidura sicula

Talpidae

Galemys pyrenaicus

MICROCHIROPTERA

All species

MEGACHIROPTERA

Pteropodidae

Rousettus aegyptiacus

RODENTIA

Gliridae

All species except *Glis glis* and *Eliomys quercinus*

Sciuridae

Marmota marmota latirostris

Pteromys volans (*Sciuropterus russicus*)

Spermophilus citellus (*Citellus citellus*)

Spermophilus suslicus (*Citellus suslicus*)

Sciurus anomalus

Castoridae

Castor fiber (except the Estonian, Latvian, Lithuanian, Polish, Finnish and Swedish, populations)

Cricetidae

Cricetus cricetus (except the Hungarian populations)

Mesocricetus newtoni

Microtidae

Dinaromys bogdanovi

Microtus cabrerai

Microtus oeconomus arenicola

Microtus oeconomus mehelyi

Microtus tatricus

Zapodidae

Sicista betulina

Sicista subtilis

Hystricidae

Hystrix cristata

CARNIVORA

Canidae

Alopex lagopus

Canis lupus (except the Greek populations north of the 39th parallel; Estonian populations, Spanish populations north of the Duero; Bulgarian, Latvian, Lithuanian, Polish, Slovak populations and Finnish populations within the reindeer management area as defined

in paragraph 2 of the Finnish Act No 848/90 of 14 September 1990
on reindeer management)

Ursidae

Ursus arctos

Mustelidae

Lutra lutra

Mustela eversmanii

Mustela lutreola

Vormela peregusna

Felidae

Felis silvestris

Lynx lynx (except the Estonian population)

Lynx pardinus

Phocidae

Monachus monachus

Phoca hispida saimensis

ARTIODACTYLA

Cervidae

Cervus elaphus corsicanus

Bovidae

Bison bonasus

Capra aegagrus (natural populations)

Capra pyrenaica pyrenaica

Ovis gmelini musimon (*Ovis ammon musimon*) (natural populations
— Corsica and Sardinia)

Ovis orientalis ophion (*Ovis gmelini ophion*)

Rupicapra pyrenaica ornata (*Rupicapra rupicapra ornata*)

Rupicapra rupicapra balcanica

Rupicapra rupicapra tatica

CETACEA

All species

REPTILES

TESTUDINATA

Testudinidae

Testudo graeca

Testudo hermanni

Testudo marginata

Cheloniidae

Caretta caretta

Chelonia mydas

Lepidochelys kempii

Eretmochelys imbricata

Dermochelyidae

Dermochelys coriacea

Emydidae

Emys orbicularis

Mauremys caspica

Mauremys leprosa

SAURIA

Lacertidae

Algyroides fitzingeri

Algyroides marchi

Algyroides moreoticus

Algyroides nigropunctatus

Dalmatolacerta oxycephala

Dinarolacerta mosorensis

Gallotia atlantica

Gallotia galloti

Gallotia galloti insulanagae

Gallotia simonyi

Gallotia stehlini

Lacerta agilis

Lacerta bedriagae

Lacerta bonnali (*Lacerta monticola*)

Lacerta monticola

Lacerta danfordi

Lacerta dugesi

Lacerta graeca

Lacerta horvathi

Lacerta schreiberi

Lacerta trilineata

Lacerta viridis

Lacerta vivipara pannonica

Ophisops elegans

Podarcis erhardii

Podarcis filfolensis

Podarcis hispanica atrata

Podarcis lilfordi

Podarcis melisellensis

Podarcis milensis
Podarcis muralis
Podarcis peloponnesiaca
Podarcis pityusensis
Podarcis sicula
Podarcis taurica
Podarcis tiliguerta
Podarcis wagleriana

Scincidae

Ablepharus kitaibelii
Chalcides bedriagai
Chalcides ocellatus
Chalcides sexlineatus
Chalcides simonyi (*Chalcides occidentalis*)
Chalcides viridianus
Ophiomorus punctatissimus
Gekkonidae
Cyrtopodion kotschy
Phyllodactylus europaeus
Tarentola angustimentalis
Tarentola boettgeri
Tarentola delalandii
Tarentola gomerensis

Agamidae

Stellio stellio

Chamaeleontidae

Chamaeleo chamaeleon

Anguidae

Ophisaurus apodus

OPHIDIA

Colubridae
Coluber caspius
Coluber cypriensis
Coluber hippocrepis
Coluber jugularis
Coluber laurenti
Coluber najadum
Coluber nummifer
Coluber viridiflavus
Coronella austriaca
Eirenis modesta
Elaphe longissima
Elaphe quatuorlineata

Elaphe situla
Natrix natrix cetti
Natrix natrix corsa
Natrix natrix cypriaca
Natrix tessellata
Telescopus falax

Viperidae

Vipera ammodytes
Macrovipera schweizeri (*Vipera lebetina schweizeri*)
Vipera seoanni (except Spanish populations)
Vipera ursinii
Vipera xanthina

Boidae

Eryx jaculus

AMPHIBIANS

CAUDATA

Salamandridae

Chioglossa lusitanica
Euproctus asper
Euproctus montanus
Euproctus platycephalus
Mertensiella luschani (*Salamandra luschani*)
Salamandra atra
Salamandra aurorae
Salamandra lanzai
Salamandrina terdigitata
Triturus carnifex (*Triturus cristatus carnifex*)
Triturus cristatus (*Triturus cristatus cristatus*)
Triturus italicus
Triturus karelinii (*Triturus cristatus karelinii*)
Triturus marmoratus
Triturus montandoni
Triturus vulgaris ampelensis

Proteidae

Proteus anguinus

Plethodontidae

Hydromantes (*Speleomantes*) *ambrosii*
Hydromantes (*Speleomantes*) *flavus*
Hydromantes (*Speleomantes*) *genei*
Hydromantes (*Speleomantes*) *imperialis*
Hydromantes (*Speleomantes*) *strinatii* (*Hydromantes*)

(Speleomantes) italicus
Hydromantes (Speleomantes) supramontis

ANURA

Discoglossidae
Alytes cisternasii
Alytes muletensis
Alytes obstetricans
Bombina bombina
Bombina variegata
Discoglossus galganoi (including *Discoglossus "jeanneae"*)
Discoglossus montalentii
Discoglossus pictus
Discoglossus sardus

Ranidae

Rana arvalis
Rana dalmatina
Rana graeca
Rana iberica
Rana italica
Rana latastei
Rana lessonae
Pelobatidae
Pelobates cultripes
Pelobates fuscus
Pelobates syriacus

Bufonidae

Bufo calamita
Bufo viridis
Hylidae
Hyla arborea
Hyla meridionalis
Hyla sarda

FISH**ACIPENSERIFORMES****Acipenseridae**

Acipenser naccarii
Acipenser sturio

SALMONIFORMES**Coregonidae**

Coregonus oxyrhynchus (anadromous populations in certain sectors of the North Sea, except the Finnish populations)

CYPRINIFORMES

Cyprinidae

Anaocypris hispanica

Phoxinus phoxinus

ATHERINIFORMES

Cyprinodontidae

Valencia hispanica

PERCIFORMES

Percidae

Gymnocephalus baloni

Romanichthys valsanicola

Zingel asper

INVERTEBRATES

ARTHROPODS

CRUSTACEA

Isopoda

Armadillidium ghardalamensis

INSECTA

Coleoptera

Bolbelasmus unicornis

Buprestis splendens

Carabus hampei

Carabus hungaricus

Carabus olympiae

Carabus variolosus

Carabus zawadzskii

Cerambyx cerdo

Cucujus cinnaberinus

Dorcadion fulvum cervae

Duvalius gebhardti

Duvalius hungaricus

Dytiscus latissimus

Graphoderus bilineatus

Leptodirus hochenwarti

Pilemia tigrina

Osmoderma eremita
Phryganophilus ruficollis
Probaticus subrugosus
Propomacrus cypriacus
Pseudogaurotina excellens
Pseudoseriscius cameroni
Pytho kolwensis
Rosalia alpina
Lepidoptera
Apatura metis
Arytrura musculus
Catopta thrips
Chondrosoma fiduciarium
Coenonympha hero
Coenonympha oedippus
Colias myrmidone
Cucullia mixta
Dioszeghyana schmidtii
Erannis ankeraria
Erebia calcaria
Erebia christi
Erebia sudetica
Eriogaster catax
Fabriciana elisa
Glyphipterix loricatella
Gortyna borelii lunata
Hypodryas maturna
Hyles hippophaes
Leptidea morsei
Lignyoptera fumidaria
Lopinga achine
Lycaena dispar
Lycaena helle
Maculinea arion
Maculinea nausithous
Maculinea teleius
Melanargia arge
Nymphalis vaualbum
Papilio alexanor
Papilio hospiton
Parnassius apollo
Parnassius mnemosyne
Phyllometra culminaria
Plebicula golgus
Polymixis rufocincta isolata
Polyommatus eroides
Proserpinus Proserpina
Proterebia afra dalmata

Pseudophilotes bavius
Xylomoia strix
Zerynthia polyxena

Mantodea

Apteromantis aptera

Odonata

Aeshna viridis
Cordulegaster heros
Cordulegaster trinacriae
Gomphus graslinii
Leucorrhinia albifrons
Leucorrhinia caudalis
Leucorrhinia pectoralis
Lindenia tetraphylla
Macromia splendens
Ophiogomphus cecilia
Oxygastra curtisii
Stylurus flavipes
Sympecma braueri

Orthoptera

Baetica ustulata
Brachytrupes megacephalus
Isophya costata
Isophya harzi
Isophya stysi
Myrmecophilus baronii
Odontopodisma rubripes
Paracaloptenus caloptenoides
Pholidoptera transsylvanica
Saga pedo
Stenobothrus (Stenobothrodes) eurasius

ARACHNIDA

Araneae

Macrothele calpeiana

MOLLUSCS

GASTROPODA

Anisus vorticulus
Caseolus calculus
Caseolus commixta
Caseolus sphaerula
Chilostoma banaticum

Discula leacockiana
Discula tabellata
Discula testudinalis
Discula turricula
Discus defloratus
Discus guerinianus
Elona quimperiana
Geomalacus maculosus
Geomitra moniziana
Gibbula nivosa
Hygromia kovacsi
Idiomela (Helix) subplicata
Lampedusa imitatrix
Lampedusa melitensis
Leiostyla abbreviata
Leiostyla cassida
Leiostyla corneocostata
Leiostyla gibba
Leiostyla lamellosa
Paladilhia hungarica
Patella ferruginea
Sadleriana pannonica
Theodoxus prevostianus
Theodoxus transversalis

BIVALVIA

Anisomyaria

Lithophaga lithophaga
Pinna nobilis

Unionoida

Margaritifera auricularia
Unio crassus

Dreissenidae

Congeria kusceri

ECHINODERMATA

Echinoidea

Centrostephanus longispinus

(b) PLANTS

Annex IV (b) contains all the plant species listed in Annex II (b)^(*) plus those mentioned below:

^(*) Except bryophytes in Annex II (b).

PTERIDOPHYTA

ASPLENIACEAE

Asplenium hemionitis L.

ANGIOSPERMAE

AGAVACEAE

Dracaena draco (L.) L.

AMARYLLIDACEAE

Narcissus longispathus Pugsley
Narcissus triandrus L.

BERBERIDACEAE

Berberis maderensis Lowe

CAMPANULACEAE

Campanula morettiana Reichenb.
Physoplexis comosa (L.) Schur.

CARYOPHYLLACEAE

Moehringia fontqueri Pau

COMPOSITAE

Argyranthemum pinnatifidum (L.f.) Lowe subsp. *succulentum*
(Lowe) C. J. Humphries
Helichrysum sibthorpii Rouy
Picris willkommii (Schultz Bip.) Nyman
Santolina elegans Boiss. ex DC.
Senecio caespitosus Brot.
Senecio lagascanus DC. subsp. *lusitanicus* (P. Cout.) Pinto da Silva
Wagenitzia lancifolia (Sieber ex Sprengel) Dostal

CRUCIFERAE

Murbeckiella sousae Rothm.

EUPHORBIACEAE

Euphorbia nevadensis Boiss. & Reuter

GESNERIACEAE

Jankaea heldreichii (Boiss.) Boiss.
Ramonda serbica Pancic

IRIDACEAE

Crocus etruscus Parl.
Iris boissieri Henriq.
Iris marisca Ricci & Colasante

LABIATAE

Rosmarinus tomentosus Huber-Morath & Maire
Teucrium charidemi Sandwith
Thymus capitellatus Hoffmanns. & Link
Thymus villosus L. subsp. *villosus* L.

LILIACEAE

Androcymbium europaeum (Lange) K. Richter
Bellevalia hackelli Freyn
Colchicum corsicum Baker
Colchicum cousturieri Greuter
Fritillaria conica Rix
Fritillaria drenovskii Degen & Stoy.
Fritillaria gussichiae (Degen & Doerfler) Rix
Fritillaria obliqua Ker-Gawl.
Fritillaria rhodocanakis Orph. ex Baker
Ornithogalum reverchonii Degen & Herv.-Bass.
Scilla beirana Samp.
Scilla odorata Link

ORCHIDACEAE

Ophrys argolica Fleischm.
Orchis scopulorum Simsmerh.
Spiranthes aestivalis (Poiret) L. C. M. Richard

PRIMULACEAE

Androsace cylindrica DC.
Primula glaucescens Moretti
Primula spectabilis Tratt.

RANUNCULACEAE

Aquilegia alpina L.

SAPOTACEAE

Sideroxylon marmulano Banks ex Lowe

SAXIFRAGACEAE

Saxifraga cintrana Kuzinsky ex Willk.

Saxifraga portosanctana Boiss.

Saxifraga presolanensis Engl.

Saxifraga valdensis DC.

Saxifraga vayredana Luizet

SCROPHULARIACEAE

Antirrhinum lopesianum Rothm.

Lindernia procumbens (Krocker) Philcox

SOLANACEAE

Mandragora officinarum L.

THYMELAEACEAE

Thymelaea broterana P. Cout.

UMBELLIFERAE

Bunium brevifolium Lowe

VIOLACEAE

Viola athis W. Becker

Viola cazorlensis Gandoger

ANNEX V

**ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST
WHOSE TAKING IN THE WILD AND EXPLOITATION MAY BE
SUBJECT TO MANAGEMENT MEASURES**

The species listed in this Annex are indicated:

- by the name of the species or subspecies, or
- by the body of species belonging to a higher taxon or to a designated part of that taxon.

The abbreviation “spp.” after the name of a family or genus designates all the species belonging to that family or genus.

(a) *ANIMALS*

VERTEBRATES

MAMMALS

RODENTIA

Castoridae

Castor fiber (Finnish, Swedish, Latvian, Lithuanian, Estonian and Polish populations)

Cricetidae

Cricetus cricetus (Hungarian populations)

CARNIVORA

Canidae

Canis aureus

Canis lupus (Spanish populations north of the Duero, Greek populations north of the 39th parallel, Finnish populations within the reindeer management area as defined in paragraph 2 of the Finnish Act No 848/90 of 14 September 1990 on reindeer management, Bulgarian, Latvian, Lithuanian, Estonian, Polish and Slovak populations)

Mustelidae

Martes martes

Mustela putorius

Felidae

Lynx lynx (Estonian population)

Phocidae

All species not mentioned in Annex IV

Viverridae

Genetta genetta

Herpestes ichneumon

DUPLICIDENTATA

Leporidae

Lepus timidus

ARTIODACTYLA

Bovidae

*Capra ibex**Capra pyrenaica (except Capra pyrenaica pyrenaica)**Rupicapra rupicapra (except Rupicapra rupicapra balcanica,**Rupicapra rupicapra ornata and Rupicapra rupicapra tatrica)***AMPHIBIANS**

ANURA

Ranidae

*Rana esculenta**Rana perezi**Rana ridibunda**Rana temporaria***FISH**

PETROMYZONIFORMES

Petromyzonidae

*Lampetra fluviatilis**Lethenteron zanandrai*

ACIPENSERIFORMES

Acipenseridae

All species not mentioned in Annex IV

CLUPEIFORMES

Clupeidae

Alosa spp.

SALMONIFORMES

Salmonidae

*Thymallus thymallus**Coregonus spp. (except Coregonus oxyrhynchus — anadromous populations in certain sectors of the North Sea)**Hucho hucho**Salmo salar (only in fresh water)*

CYPRINIFORMES

Cyprinidae

Aspius aspius
Barbus spp.
Pelecus cultratus
Rutilus friesii meidingeri
Rutilus pigus

SILURIFORMES

Siluridae

Silurus aristotelis

PERCIFORMES

Percidae

Gymnocephalus schraetzer
Zingel zingel

INVERTEBRATES

COELENTERATA

CNIDARIA

Corallium rubrum

MOLLUSCA

GASTROPODA — STYLOMMATOPHORA

Helix pomatia

BIVALVIA — UNIONOIDA

Margaritiferidae

Margaritifera margaritifera

Unionidae

Microcondylaea compressa
Unio elongatulus

ANNELIDA

HIRUDINOIDEA — ARHYNCHOBDELLAE

Hirudinidae
Hirudo medicinalis

ARTHROPODA

CRUSTACEA — DECAPODA

Astacidae

- Astacus astacus*
- Austropotamobius pallipes*
- Austropotamobius torrentium*

Scyllaridae

- Scyllarides latus*

INSECTA — LEPIDOPTERA

Saturniidae

- Graellsia isabellae*

(b) **PLANTS****ALGAE**

RHODOPHYTA

CORALLINACEAE

- Lithothamnium coralloides* Crouan frat.
- Phymatholithon calcareum* (Poll.) Adey & McKibbin

LICHENES

CLADONIACEAE

- Cladonia* L. subgenus *Cladina* (Nyl.) Vain.

BRYOPHYTA

MUSCI

LEUCOBRYACEAE

- Leucobryum glaucum* (Hedw.) AAngstr.

SPHAGNACEAE

- Sphagnum* L. spp. (except *Sphagnum pylaisii* Brid.)

PTERIDOPHYTA

- Lycopodium* spp.

ANGIOSPERMAE

AMARYLLIDACEAE

Galanthus nivalis L.
Narcissus bulbocodium L.
Narcissus juncifolius Lagasca

COMPOSITAE

Arnica montana L.
Artemisia eriantha Tem
Artemisia genipi Weber
Doronicum plantagineum L. subsp. *tournefortii* (Rouy) P. Cout.
Leuzea rhaponticoides Graells

CRUCIFERAE

Alyssum pintadasilvae Dudley.
Malcolmia lacera (L.) DC. subsp. *graccilima* (Samp.) Franco
Murbeckiella pinnatifida (Lam.) Rothm. subsp. *herminii* (Rivas-Martinez) Greuter & Burdet

GENTIANACEAE

Gentiana lutea L.

IRIDACEAE

Iris lusitanica Ker-Gawler

LABIATAE

Teucrium salviastrum Schreber subsp. *salviastrum* Schreber

LEGUMINOSAE

Anthyllis lusitanica Cullen & Pinto da Silva
Dorycnium pentaphyllum Scop. subsp. *transmontana* Franco
Ulex densus Welw. ex Webb.

LILIACEAE

Lilium rubrum Lmk
Ruscus aculeatus L.

PLUMBAGINACEAE

Armeria sampaio (Bernis) Nieto Feliner

ROSACEAE

Rubus genevieri Boreau subsp. *herminii* (Samp.) P. Cout.

SCROPHULARIACEAE

Anarrhinum longipedicelatum R. Fernandes

Euphrasia mendonçae Samp.

Scrophularia grandiflora DC. subsp. *grandiflora* DC.

Scrophularia berminii Hoffmanns & Link

Scrophularia sublyrata Brot.

ANNEX VI

**PROHIBITED METHODS AND MEANS OF CAPTURE AND
KILLING AND MODES OF TRANSPORT**

(a) **Non-selective means**

MAMMALS

- Blind or mutilated animals used as live decoys
- Tape recorders
- Electrical and electronic 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 which are non-selective according to their principle or their conditions of use
- Traps which are non-selective according to their principle or their conditions of use

- 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

FISH

- Poison
- Explosives

(b) Modes of transport

- Aircraft
- Moving motor vehicles

SCHEDULE 6

Section 17V

**ANIMALS WHICH MAY NOT BE TAKEN OR KILLED IN
CERTAIN WAYS**

Common Name	Scientific Name
Barbel	Barbus barbus
Seal, Mediterranean Monk	Monachus monachus

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

SCHEDULE 7*Repealed*

SCHEDULE 8

**THIS SCHEDULE REPRODUCES THE TEXT OF DIRECTIVE
2009/147/EC OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL OF 30 NOVEMBER 2009 ON THE CONSERVATION OF
WILD BIRDS**

Section 2

**DIRECTIVE 2009/147/EC OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**of 30 November 2009
on the conservation of wild birds
(codified version)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in
particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

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

Acting in accordance with the procedure laid down in Article 251 of the
Treaty,

Whereas:

(1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of
wild birds has been substantially amended several times. In the interests of
clarity and rationality the said Directive should be codified.

(2) Decision No 1600/2002/EC of the European Parliament and of the
Council of 22 July 2002 laying down the Sixth Community Environment
Action Programme calls for specific action for biodiversity, including to
protect birds and their habitats.

(3) A large number of species of wild birds naturally occurring in the
European territory of the Member States are declining in number, very
rapidly in some cases. This decline represents a serious threat to the
conservation of the natural environment, particularly because of the
biological balances threatened thereby.

(4) The species of wild birds naturally occurring in the European territory of the Member States are mainly migratory species. Such species constitute a common heritage and effective bird protection is typically a trans-frontier environment problem entailing common responsibilities.

(5) The conservation of the species of wild birds naturally occurring in the European territory of the Member States is necessary in order to attain the Community's objectives regarding the improvement of living conditions and sustainable development.

(6) The measures to be taken must apply to the various factors which may affect the numbers of birds, namely the repercussions of man's activities and in particular the destruction and pollution of their habitats, capture and killing by man and the trade resulting from such practices; the stringency of such measures should be adapted to the particular situation of the various species within the framework of a conservation policy.

(7) Conservation is aimed at the long-term protection and management of natural resources as an integral part of the heritage of the peoples of Europe. It makes it possible to control natural resources and governs their use on the basis of the measures necessary for the maintenance and adjustment of the natural balances between species as far as is reasonably possible.

(8) The preservation, maintenance or restoration of a sufficient diversity and area of habitats is essential to the conservation of all species of birds. Certain species of birds should be the subject of special conservation measures concerning their habitats in order to ensure their survival and reproduction in their area of distribution. Such measures must also take account of migratory species and be coordinated with a view to setting up a coherent whole.

(9) In order to prevent commercial interests from exerting a possible harmful pressure on exploitation levels, it is necessary to impose a general ban on marketing and to restrict all derogation to those species whose biological status so permits, account being taken of the specific conditions obtaining in the different regions.

(10) Because of their high population level, geographical distribution and reproductive rate in the Community as a whole, certain species may be hunted, which constitutes acceptable exploitation where certain limits are established and respected, as such hunting must be compatible with maintenance of the population of these species at a satisfactory level.

(11) The various means, devices or methods of large-scale or non-selective capture or killing and hunting with certain forms of transport must be banned because of the excessive pressure which they exert or may exert on the numbers of the species concerned.

(12) 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.

(13) The conservation of birds and, in particular, migratory birds still presents problems which call for scientific research. Such research will also make it possible to assess the effectiveness of the measures taken.

(14) Care should be taken in consultation with the Commission to see that the introduction of any species of wild bird not naturally occurring in the European territory of the Member States does not cause harm to local flora and fauna.

(15) The Commission will every three years prepare and transmit to the Member States a composite report based on information submitted by the Member States on the application of national provisions introduced pursuant to this Directive.

(16) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

(17) In particular, the Commission should be empowered to amend certain Annexes in the light of scientific and technical progress. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(18) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the directives set out in Annex VI, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation. 2. It shall apply to birds, their eggs, nests and habitats.

Article 2

Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking

account of economic and recreational requirements, or to adapt the population of these species to that level.

Article 3

1. In the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.

2. The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:

- (a) creation of protected areas;
- (b) upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;
- (c) re-establishment of destroyed biotopes;
- (d) creation of biotopes.

Article 4

1. The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.

In this connection, account shall be taken of:

- (a) species in danger of extinction;
- (b) species vulnerable to specific changes in their habitat;
- (c) species considered rare because of small populations or restricted local distribution;
- (d) other species requiring particular attention for reasons of the specific nature of their habitat.

Trends and variations in population levels shall be taken into account as a background for evaluations.

Member States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species in the geographical sea and land area where this Directive applies.

2. Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

3. Member States shall send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that the areas provided for in paragraphs 1 and 2 form a coherent whole which meets the protection requirements of these species in the geographical sea and land area where this Directive applies.

4. In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.

Article 5

Without prejudice to Articles 7 and 9, Member States shall take the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, prohibiting in particular:

- (a) deliberate killing or capture by any method;
- (b) deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- (c) taking their eggs in the wild and keeping these eggs even if empty;
- (d) deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;
- (e) keeping birds of species the hunting and capture of which is prohibited.

Article 6

1. Without prejudice to paragraphs 2 and 3, Member States shall prohibit, for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds.

2. The activities referred to in paragraph 1 shall not be prohibited in respect of the species referred to in Annex III, Part A, provided that the birds have been legally killed or captured or otherwise legally acquired.

3. Member States may, for the species listed in Annex III, Part B, allow within their territory the activities referred to in paragraph 1, making provision for certain restrictions, provided that the birds have been legally killed or captured or otherwise legally acquired.

Member States wishing to grant such authorisation shall first of all consult the Commission with a view to examining jointly with the latter whether the marketing of specimens of such species would result or could reasonably be expected to result in the population levels, geographical distribution or reproductive rate of the species being endangered throughout the Community. Should this examination prove that the intended authorisation will, in the view of the Commission, result in any one of the aforementioned species being thus endangered or in the possibility of their being thus endangered, the Commission shall forward a reasoned recommendation to the Member State concerned stating its opposition to the marketing of the species in question. Should the Commission consider that no such risk exists, it shall inform the Member State concerned accordingly.

The Commission's recommendation shall be published in the *Official Journal of the European Union*.

Member States granting authorisation pursuant to this paragraph shall verify at regular intervals that the conditions governing the granting of such authorisation continue to be fulfilled.

Article 7

1. Owing to their population level, geographical distribution and reproductive rate throughout the Community, the species listed in Annex II may be hunted under national legislation. Member States shall ensure that the hunting of these species does not jeopardise conservation efforts in their distribution area.

2. The species referred to in Annex II, Part A may be hunted in the geographical sea and land area where this Directive applies.

3. The species referred to in Annex II, Part B may be hunted only in the Member States in respect of which they are indicated.

4. Member States shall ensure that the practice of hunting, including falconry if practised, as carried on in accordance with the national measures in force, complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible

as regards the population of these species, in particular migratory species, with the measures resulting from Article 2.

They shall see in particular that the species to which hunting laws apply are not hunted during the rearing season or during the various stages of reproduction.

In the case of migratory species, they shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds.

Member States shall send the Commission all relevant information on the practical application of their hunting regulations.

Article 8

1. In respect of the hunting, capture or killing of birds under this Directive, Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV, point (a).
2. Moreover, Member States shall prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV, point (b).

Article 9

1. Member States may derogate from the provisions of Articles 5 to 8, where there is no other satisfactory solution, for the following reasons:
 - (a)
 - in the interests of public health and safety,
 - in the interests of air safety,
 - to prevent serious damage to crops, livestock, forests, fisheries and water,
 - for the protection of flora and fauna;
 - (b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
 - (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.

2. The derogations referred to in paragraph 1 must specify:
- (a) the species which are subject to the derogations;
 - (b) the means, arrangements or methods authorised 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.
3. Each year the Member States shall send a report to the Commission on the implementation of paragraphs 1 and 2.
4. On the basis of the information available to it, and in particular the information communicated to it pursuant to paragraph 3, the Commission shall at all times ensure that the consequences of the derogations referred to in paragraph 1 are not incompatible with this Directive. It shall take appropriate steps to this end.

Article 10

1. Member States shall encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1. Particular attention shall be paid to research and work on the subjects listed in Annex V.
2. Member States shall send the Commission any information required to enable it to take appropriate measures for the coordination of the research and work referred to in paragraph 1.

Article 11

Member States shall see that any introduction of species of bird which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna. In this connection they shall consult the Commission.

Article 12

1. Member States shall forward to the Commission every three years, starting from 7 April 1981, a report on the implementation of national provisions taken under this Directive.

2. The Commission shall prepare every three years a composite report based on the information referred to in paragraph 1. 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 forwarded to the Member States.

Article 13

Application of the measures taken pursuant to this Directive may not lead to deterioration in the present situation as regards the conservation of the species of birds referred to in Article 1.

Article 14

Member States may introduce stricter protective measures than those provided for under this Directive.

Article 15

Such amendments as are necessary for adapting Annexes I and V to technical and scientific progress shall be adopted. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(2).

Article 16

1. The Commission shall be assisted by the Committee for Adaptation to Technical and Scientific Progress.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 17

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

Article 18

Directive 79/409/EEC, as amended by the acts listed in Annex VI, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex VI, Part B. References to the repealed Directive shall be construed

as references to this Directive and shall be read in accordance with the correlation table in Annex VII.

Article 19

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 20

This Directive is addressed to the Member States.

ANNEX I

GAVIIFORMES

Gaviidae

*Gavia stellata**Gavia arctica**Gavia immer*

PODICIPEDIFORMES

Podicipedidae

Podiceps auritus

PROCELLARIIFORMES

Procellariidae

*Pterodroma madeira**Pterodroma feae**Bulweria bulwerii**Calonectris diomedea**Puffinus puffinus mauretanicus* (*Puffinus mauretanicus*)*Puffinus yelkouan**Puffinus assimilis*

Hydrobatidae

*Pelagodroma marina**Hydrobates pelagicus**Oceanodroma leucorhoa**Oceanodroma castro*

PELECANIFORMES

Pelecanidae

*Pelecanus onocrotalus**Pelecanus crispus*

Phalacrocoracidae

*Phalacrocorax aristotelis desmarestii**Phalacrocorax pygmeus*

CICONIIFORMES

Ardeidae

*Botaurus stellaris**Ixobrychus minutus**Nycticorax nycticorax**Ardeola ralloides*

Egretta garzetta
Egretta alba (*Ardea alba*)
Ardea purpurea

Ciconiidae

Ciconia nigra
Ciconia ciconia

Threskiornithidae

Plegadis falcinellus
Platalea leucorodia

PHOENICOPTERIFORMES

Phoenicopteridae

Phoenicopterus ruber

ANSERIFORMES

Anatidae

Cygnus bewickii (*Cygnus columbianus bewickii*)
Cygnus cygnus
Anser albifrons flavirostris
Anser erythropus
Branta leucopsis
Branta ruficollis
Tadorna ferruginea
Marmaronetta angustirostris
Aythya nyroca
Polysticta stelleri
Mergus albellus (*Mergellus albellus*)
Oxyura leucocephala

FALCONIFORMES

Pandionidae

Pandion haliaetus

Accipitridae

Pernis apivorus
Elanus caeruleus
Milvus migrans
Milvus milvus
Haliaeetus albicilla
Gypaetus barbatus
Neophron percnopterus
Gyps fulvus
Aegypius monachus

Circaetus gallicus
Circus aeruginosus
Circus cyaneus
Circus macrourus
Circus pygargus
Accipiter gentilis arrigonii
Accipiter nisus granti
Accipiter brevipes
Buteo rufinus
Aquila pomarina
Aquila clanga
Aquila heliaca
Aquila adalberti
Aquila chrysaetos
Hieraaetus pennatus
Hieraaetus fasciatus

Falconidae

Falco naumanni
Falco vespertinus
Falco columbarius
Falco eleonora
Falco biarmicus
Falco cherrug
Falco rusticolus
Falco peregrinus

GALLIFORMES

Tetraonidae

Bonasa bonasia
Lagopus mutus pyrenaicus
Lagopus mutus helveticus
Tetrao tetrix tetrix
Tetrao urogallus

Phasianidae

Alectoris graeca
Alectoris barbara
Perdix perdix italica
Perdix perdix hispaniensis

GRUIFORMES

Turnicidae

Turnix sylvatica

Gruidae

Grus grus

Rallidae

Porzana porzana

Porzana parva

Porzana pusilla

Crex crex

Porphyrio porphyrio

Fulica cristata

Otididae

Tetrax tetrax

Chlamydotis undulata

Otis tarda

CHARADRIIFORMES

Recurvirostridae

Himantopus himantopus

Recurvirostra avosetta

Burhinidae

Burhinus oedicephalus

Glareolidae

Cursorius cursor

Glareola pratincola

Charadriidae

Charadrius alexandrinus

Charadrius morinellus (Eudromias morinellus)

Pluvialis apricaria

Hoplopterus spinosus

Scolopacidae

Calidris alpina schinzii

Philomachus pugnax

Gallinago media

Limosa lapponica

Numenius tenuirostris

Tringa glareola

Xenus cinereus (Tringa cinerea)

Phalaropus lobatus

Laridae

Larus melanocephalus

Larus genei

Larus audouinii

Larus minutus

Sternidae

Gelochelidon nilotica (Sterna nilotica)
Sterna caspia
Sterna sandvicensis
Sterna dougallii
Sterna hirundo
Sterna paradisaea
Sterna albifrons
Chlidonias hybridus
Chlidonias niger

Alcidae

Uria aalge ibericus

PTEROCLIFORMES

Pteroclididae

Pterocles orientalis
Pterocles alchata

COLUMBIFORMES

Columbidae

Columba palumbus azorica
Columba trocaz
Columba bollii
Columba junoniae

STRIGIFORMES

Strigidae

Bubo bubo
Nyctea scandiaca
Surnia ulula
Glaucidium passerinum
Strix nebulosa
Strix uralensis
Asio flammeus
Aegolius funereus

CAPRIMULGIFORMES

Caprimulgidae

Caprimulgus europaeus

APODIFORMES

Apodidae

Apus caffer

CORACIIFORMES

Alcedinidae

Alcedo atthis

Coraciidae

Coracias garrulus

PICIFORMES

Picidae

*Picus canus**Dryocopus martius**Dendrocopos major canariensis**Dendrocopos major thanneri**Dendrocopos syriacus**Dendrocopos medius**Dendrocopos leucotos**Picoides tridactylus*

PASSERIFORMES

Alaudidae

*Chersophilus duponti**Melanocorypha calandra**Calandrella brachydactyla**Galerida theklae**Lullula arborea*

Motacillidae

Anthus campestris

Troglodytidae

Troglodytes troglodytes fridariensis

Muscicapidae (Turdinae)

*Luscinia svecica**Saxicola dacotiae**Oenanthe leucura**Oenanthe cypriaca**Oenanthe pleschanka*

Muscicapidae (Sylviinae)

Acrocephalus melanopogon

Acrocephalus paludicola
Hippolais olivetorum
Sylvia sarda
Sylvia undata
Sylvia melanothorax
Sylvia rueppelli
Sylvia nisoria

Muscicapidae (Muscicapinae)

Ficedula parva
Ficedula semitorquata
Ficedula albicollis

Paridae

Parus ater cypriotes

Sittidae

Sitta krueperi
Sitta whiteheadi

Certhiidae

Certhia brachydactyla dorotheae

Laniidae

Lanius collurio
Lanius minor
Lanius nubicus

Corvidae

Pyrrhocorax pyrrhocorax

Fringillidae (Fringillinae)

Fringilla coelebs ombriosa
Fringilla teydea

Fringillidae (Carduelinae)

Loxia scotica
Bucanetes githagineus
Pyrrhula murina (Pyrrhula pyrrhula murina)

Emberizidae (Emberizinae)

Emberiza cineracea
Emberiza hortulana
Emberiza caesia

ANNEX II

PART A

ANSERIFORMES

Anatidae

Anser fabalis
Anser anser
Branta canadensis
Anas penelope
Anas strepera
Anas crecca
Anas platyrhynchos
Anas acuta
Anas querquedula
Anas clypeata
Aythya ferina
Aythya fuligula

GALLIFORMES

Tetraonidae

Lagopus lagopus scoticus et hibernicus
Lagopus mutus

Phasianidae

Alectoris graeca
Alectoris rufa
Perdix perdix
Phasianus colchicus

GRUIFORMES

Rallidae

Fulica atra

CHARADRIIFORMES

Scolopacidae

Lymnocyptes minimus
Gallinago gallinago
Scolopax rusticola

COLUMBIFORMES

Columbidae

Columba livia
Columba palumbus

PART B

ANSERIFORMES

Anatidae

Cygnus olor
Anser brachyrhynchus
Anser albifrons
Branta bernicla
Netta rufina
Aythya marila
Somateria mollissima
Clangula hyemalis
Melanitta nigra
Melanitta fusca
Bucephala clangula
Mergus serrator
Mergus merganser

GALLIFORMES

Meleagridae

Meleagris gallopavo

Tetraonidae

Bonasa bonasia
Lagopus lagopus lagopus
Tetrao tetrix
Tetrao urogallus

Phasianidae

Francolinus francolinus
Alectoris barbara
Alectoris chukar
Coturnix coturnix

GRUIFORMES

Rallidae

Rallus aquaticus
Gallinula chloropus

CHARADRIIFORMES

Haematopodidae

Haematopus ostralegus

Charadriidae

Pluvialis apricaria

Pluvialis squatarola

Vanellus vanellus

Scolopacidae

Calidris canutus

Philomachus pugnax

Limosa limosa

Limosa lapponica

Numenius phaeopus

Numenius arquata

Tringa erythropus

Tringa totanus

Tringa nebularia

Laridae

Larus ridibundus

Larus canus

Larus fuscus

Larus argentatus

Larus cachinnans

Larus marinus

COLUMBIFORMES

Columbidae

Columba oenas

Streptopelia decaocto

Streptopelia turtur

PASSERIFORMES

Alaudidae

Alauda arvensis

Muscicapidae

Turdus merula

Turdus pilaris

Turdus philomelos

Turdus iliacus

Turdus viscivorus

Sturnidae

Sturnus vulgaris

Corvidae

Garrulus glandarius

Pica pica

Corvus monedula

Corvus frugilegus
Corvus corone

	BE	BG	CZ	DK	DE	EE	GR	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
<i>Cygnus olor</i>																												
<i>Anser brachyrhynchus</i>										+																		+
<i>Anser albifrons</i>			+							+	+			+							+							+
<i>Branta bernicla</i>																												
<i>Nettion rufina</i>																												
<i>Aythya marila</i>																												
<i>Somateria mollissima</i>																												
<i>Clangula clangula</i>																												
<i>Melanitta nigra</i>																												
<i>Melanitta fusca</i>																												
<i>Bucephala clangula</i>																												

	BE	BG	CZ	DK	DE	EE	GR	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
<i>Mergus serrator</i>																												
<i>Mergus mergamser</i>																												
<i>Bonasa bonasia</i>																												
<i>Lagopus lagopus lagopus</i>																												
<i>Tetrax tetrax</i>																												
<i>Tetrax urogallus</i>																												
<i>Fringilla monticola</i>																												
<i>Alcedo barbara</i>																												
<i>Alcedo cyathina</i>																												
<i>Coracias coracias</i>																												
<i>Melospiza gallopavo</i>																												

	BE	BG	CZ	DK	DE	EE	GR	ES	FR	IE	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK
<i>Rallus aquaticus</i>																												
<i>Gallinula chloropus</i>																												
<i>Haematopus ostralegus</i>																												
<i>Phalaropus apricaria</i>																												
<i>Phalaropus squatarola</i>																												
<i>Tarebia vanellus</i>																												
<i>Calcarius canutus</i>																												
<i>Phalacrocorax pugnax</i>																												
<i>Limosa limosa</i>																												
<i>Limosa lapponica</i>																												
<i>Numerus phaeopus</i>																												
<i>Numerus arquata</i>																												

ANNEX III

PART A

ANSERIFORMES

Anatidae

Anas platyrhynchos

GALLIFORMES

Tetraonidae

Lagopus lagopus lagopus, scoticus et hibernicus

Phasianidae

Alectoris rufa

Alectoris barbara

Perdix perdix

Phasianus colchicus

COLUMBIFORMES

Columbidae

Columba palumbus

PART B

ANSERIFORMES

Anatidae

Anser albifrons albifrons

Anser anser

Anas penelope

Anas crecca

Anas acuta

Anas clypeata

Aythya ferina

Aythya fuligula

Aythya marila

Somateria mollissima

Melanitta nigra

GALLIFORMES

Tetraonidae

Lagopus mutus

Tetrao tetrix britannicus

Tetrao urogallus

GRUIFORMES

Rallidae

Fulica atra

CHARADRIIFORMES

Charadriidae

Pluvialis apricaria

Scolopacidae

Lymnocyptes minimus

Gallinago gallinago

Scolopax rusticola.

ANNEX IV

(a)

- Snares (with the exception of Finland and Sweden for the capture of *Lagopus lagopus lagopus* and *Lagopus mutus* north of latitude 58° N), limes, hooks, live birds which are blind or mutilated used as decoys, tape recorders, electrocuting devices,
- artificial light sources, mirrors, devices for illuminating targets, sighting devices for night shooting comprising an electronic image magnifier or image converter,
- explosives,
- nets, traps, poisoned or anaesthetic bait,
- semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition;

(b)

- aircraft, motor vehicles,
- boats driven at a speed exceeding five kilometres per hour. On the open sea, Member States may, for safety reasons, authorise the use of motor-boats with a maximum speed of 18 kilometres per hour. Member States shall inform the Commission of any authorisations granted.

ANNEX V

- (a) National lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution.
- (b) Listing and ecological description of areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds.
- (c) Listing of data on the population levels of migratory species as shown by ringing.
- (d) Assessing the influence of methods of taking wild birds on population levels.
- (e) Developing or refining ecological methods for preventing the type of damage caused by birds.
- (f) Determining the role of certain species as indicators of pollution.
- (g) Studying the adverse effect of chemical pollution on population levels of bird species.

ANNEX VI

PART A

REPEALED DIRECTIVE WITH LIST OF ITS SUCCESSIVE AMENDMENTS

(referred to in Article 18)

Council Directive 79/409/EEC
(OJ L 103, 25.4.1979, p. 1)

1979 Act of Accession, Annex I, point XIII.1.F
(OJ L 291, 19.11.1979, p. 111)

Council Directive 81/854/EEC
(OJ L 319, 7.11.1981, p. 3)

Commission Directive 85/411/EEC
(OJ L 233, 30.8.1985, p. 33)

1985 Act of Accession, Annex I, points X.1.(h) and X.6
(OJ L 302, 15.11.1985, p. 218)

Council Directive 86/122/EEC
(OJ L 100, 16.4.1986, p. 22)

Commission Directive 91/244/EEC
(OJ L 115, 8.5.1991, p. 41)

Council Directive 94/24/EC
(OJ L 164, 30.6.1994, p. 9)

1994 Act of Accession, Annex I, point VIII.E.1

(OJ C 241, 29.8.1994, p. 175)

Commission Directive 97/49/EC
(OJ L 223, 13.8.1997, p. 9)

Council Regulation (EC) No 807/2003
(OJ L 122, 16.5.2003, p. 36)

only Annex III, point 29

2003 Act of Accession, Annex II, point 16.C.1
(OJ L 236, 23.9.2003, p. 667)

Council Directive 2006/105/EC
(OJ L 363, 20.12.2006, p. 368)

only as regards the reference,
in Article 1, to Directive
79/409/EEC and point A.1 of the
Annex

Directive 2008/102/EC of the European
Parliament and of the Council
(OJ L 323, 3.12.2008, p. 31)

PART B

LST OF TIME LIMITS FOR TRANSPOSITION INTO NATIONAL LAW

(referred to in Article 18)

Directives	Time limit for transposition
79/409/EEC	7 April 1981
81/854/EEC	-
85/411/EEC	31 July 1986
86/122/EEC	-
91/244/EEC	31 July 1992
94/24/EC	29 September 1995
97/49/EC	30 September 1998
2006/105/EC	1 January 2007
2008/102/EC	-

ANNEX VII

CORRELATION TABLE

Directive 79/409/EEC	This Directive
Article 1(1) and (2)	Article 1(1) and (2)
Article 1(3)	—
Articles 2 to 5	Articles 2 to 5
Article 6(1), (2) and (3)	Article 6(1), (2) and (3)
Article 6(4)	—
Article 7(1), (2) and (3)	Article 7(1), (2) and (3)
Article 7(4), first sentence	Article 7(4), first subparagraph
Article 7(4), second sentence	Article 7(4), second subparagraph
Article 7(4), third sentence	Article 7(4), third subparagraph
Article 7(4), fourth sentence	Article 7(4), fourth subparagraph
Article 8	Article 8
Article 9(1)	Article 9(1)
Article 9(2), introductory wording	Article 9(2), introductory wording
Article 9(2), first indent	Article 9(2), point (a)
Article 9(2), second indent	Article 9(2), point (b)
Article 9(2), third indent	Article 9(2), point (c)
Article 9(2), fourth indent	Article 9(2), point (d)
Article 9(2), fifth indent	Article 9(2), point (e)
Article 9(3)	Article 9(3)
Article 9(4)	Article 9(4)
Article 10(1)	Article 10(1), first sentence
Article 10(2), first sentence	Article 10(1), second sentence
Article 10(2), second sentence	Article 10(2)
Articles 11 to 15	Articles 11 to 15
Article 16(1)	—
Article 17	Article 16
Article 18(1)	—
Article 18(2)	Article 17
—	Article 18
—	Article 19
Article 19	Article 20
Annex I	Annex I
Annex II/1	Annex II, Part A
Annex II/2	Annex II, Part B
Annex III/1	Annex III, Part A
Annex III/2	Annex III, Part B
Annex IV	Annex IV
Annex V	Annex V

—	Annex VI
—	Annex VII

SCHEDULE 9

section 3 (1)(bb)

WILD BIRDS WHICH RE-USE THEIR NESTS

Common Name	Scientific Name
Eagle Owl	<i>Bubo bubo</i>
Lesser Kestrel	<i>Falco naumanni</i>
Shag	<i>Phalacrocorax aristotelis desmarestii</i>

NOTE: The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

SCHEDULE 10

Sections 24A and 24B

Admission Fees.

1.(1) Subject to paragraph 2, the fee for admission to the Upper Rock Nature Reserve shall be as follows—

- (a) £5.00 per person entering by foot at Jews' Gate (Engineer Road and Lathbury Barracks), Willis's Road or Devil's Gap Battery, or any cable car station who otherwise have not paid a fee under subparagraph (1)(e) or (f);
- (b) £12.00 per person aged 12 years or over entering via Jews' Gate or Willis's Road;
- (c) £7.00 per person aged from 5 to 11 years inclusive entering via Jews' Gate or Willis's Road;
- (d) £7.00 per person for entry at Jews' Gate or Willis's Road in a taxi or as part of a tour group with a tour operator;
- (e) £12.00 per person aged 12 years and over for entry from any cable car station;
- (f) £7.00 per child aged from 5 to 11 years inclusive for entry from any cable car station;
- (g) £3.00 per person entering via O Hara's Battery (in addition to the relevant fee set out in (a) to (f) above).

(2) Subject to section 24A(2), the fees for admission to the tourist sites within the Upper Rock Nature Reserve shall be as follows—

- (a) £7.00 for each person aged 12 years and over who entered the Upper Rock Nature Reserve by foot at Jews' Gate, Willis's Road or Devil's Gap Battery (applicable to all tourist sites with the exception of lower St Michael's Cave and the World War II Tunnels);
- (b) £2.00 for each child aged from 5 to 11 years inclusive who entered the Upper Rock Nature Reserve by foot at Jews' Gate, Willis's Road or Devil's Gap Battery (applicable to all tourist sites with the exception of lower St Michael's Cave and the World War II Tunnels);
- (c) for entering lower St Michael's Cave—
 - (i) £25.00 per person;
 - (ii) £15.00 per person holding a valid Gibraltar identity card or MOD identity document;
- (d) for entering the World War II Tunnels—
 - (i) £8.00 per person aged 12 years and over;
 - (ii) £4.00 per child aged from 5 to 11 years inclusive;
 - (iii) £4.00 per person holding a valid Gibraltar identity card or MOD identity document;
 - (iv) £4.00 per person in a taxi or forming part of a tour group with a tour operator.

(3) Subject to section 24A(2), the fees in subparagraphs (1) and (2) are cumulative.

(4) The fees set out in subparagraphs (1)(b) and (c) shall be reduced by £3.00 where the person concerned has previously paid £3.00 for entry to the 100 Ton Gun on that same day.

2.(1) A person holding a valid Gibraltar identity card relating to that person may enter the Upper Rock Nature Reserve and all tourist sites within the Upper Rock Nature Reserve, with the exception of lower St Michael's Cave and the World War II Tunnels (the fees for which are set out in paragraphs 1(2)(c)(ii) and (d)(iii) respectively), without paying a fee on production of that card.

(2) A child aged under 5 years may enter the Upper Rock Nature Reserve and all tourist sites within the Upper Rock Nature Reserve without paying a fee.

(3) Passengers in a taxi engaged for a city service journey shall be exempted from payment of the fee in paragraph 1(1)(d) and shall for the purposes of paragraph 1(2) be deemed to have entered the Upper Rock Nature Reserve by foot at Jew's gate or Moorish Castle.

(4) In subparagraph (3) "city service journey" means a one-way fare which is either—

- (a) to or from a specific residence in the Upper Rock Nature Reserve for a resident or visitor to that residence; or
- (b) in respect of a public or private function occurring in the Upper Rock Nature Reserve which is not part of the general tourist attraction of the Upper Rock Nature Reserve and which does not involve a stop at or a visit to any part of the Upper Rock Nature Reserve except where the event is occurring.