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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (“the principal Regulations”), which make provision for implementing Council Directive [92/43/EEC](#) (the “Habitats Directive”) on the conservation of natural habitats and of wild fauna and flora as amended by the Act of Accession to the European Union of Austria, Finland and Sweden (O.J. No. C241, 29.8.94) and by Council Directive [97/62/EC](#). The Regulations also amend the definition of a “wild bird” in the Wildlife (Northern Ireland) Order 1985 to implement Article 6 of Council Directive [79/409/EEC](#) (the “Wild Birds Directive”) on the conservation of wild birds.

Regulation 2 of the principal Regulations is amended to provide a new definition of “the Habitats Directive” so as to give effect to amendments made to the Directive by the Act of Accession to the European Union of Austria, Finland and Sweden and by Council Directive [97/62/EC](#). Council Directive [97/62/EC](#) effectively updates Annexes I and II to the “Habitats Directive” by adding new natural habitat types and species. The only new habitat type or species relevant to Northern Ireland is the habitat type “turloughs”, which were formerly only listed in respect of Ireland.

A further category of sites is added to the meaning of “European site” in regulation 9 of the principal Regulations. This further category of sites comprises those sites in Northern Ireland that are included in the list of candidate sites proposed by the Department and transmitted to the Commission under regulation 6 of the principal Regulations. Consequential amendments are also made to regulation 10 of the principal Regulations.

Regulation 34(2) of the principal Regulations is amended to make it an offence to trade in animals belonging to a protected species that originates in other Member States as well as animals belonging to protected species native to Northern Ireland. A similar amendment is made to regulation 38(2) in relation to the offence of trading in wild plants.

An amendment to the definition of “wild bird” is made to Article 2 of the Wildlife (Northern Ireland) Order 1985. The effect of this amendment will be similar to the amendments made to regulations 34(2) and 38(2) of the principal Regulations i.e. the provisions prohibiting trade in wild birds are now extended to all wild birds of the Member States, as defined by Article 1 of the “Wild Birds Directive”, not just those species native to Northern Ireland.

The Regulations also make other minor and consequential amendments.

Copies of the relevant Directives may be obtained from the Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD.