

Council Directive 92/43/EEC of 21 May 1992 on the
conservation of natural habitats and of wild fauna and flora

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,

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- 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 re-introducing 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 [^{X1}are to carry out the] task;
- e the supervisory measures used and the results obtained.

Editorial Information

- X1** Substituted by [Corrigendum to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora \(Official Journal of the European Communities No L 206 of 22 July 1992\)](#).