

EXECUTIVE NOTE

The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007

Background

The above instrument is made in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972 and section 26A of the Wildlife and Countryside Act 1981. The instrument is subject to affirmative resolution procedure.

The overall effect of the instrument is to further transpose Council Directive 92/43/EEC (“the Habitats Directive”) by amending the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Regulations”), which originally transposed the Directive (a copy of the Habitats Directive is provided at Annex A). This is necessary in the light of the judgement of the European Court of Justice (“the ECJ”) in cases C-6/04 and C-131/05. A number of consequential and related changes are made to other legislation (in particular to analogous provisions in the Wildlife and Countryside Act 1981 (c.69) and section 10 of the Conservation of Seals Act 1979 (c.30)) in order to maintain general consistency and coherence in the application of species protection measures.

The ruling in case C-6/04 found certain aspects of the 1994 Regulations to be inconsistent with a strict interpretation of the obligations arising under the Habitats Directive. For example, the ECJ held that certain statutory defences allowed for in the 1994 Regulations did not accord fully with the derogation requirements set out in Article 16 of the Directive. The ECJ ruling also clarified the extent to which certain requirements of the Directive (for example in relation to land-use plans) should be applied. As a result, it is apparent that the obligations which arise under European law are broader in their effect than had previously been understood to be the case.

In case C-131/05, the ECJ held that the UK had failed to transpose the Habitats Directive in full by omitting to extend controls on the possession of, and trade in, each of the protected species listed in Annex IV to the Directive. These controls are currently limited to those Annex IV species which are ordinarily found in Great Britain. Again, in the light of the ECJ ruling, the effect of the Directive can be seen to extend beyond the limits of current transposition arrangements.

In both instances, the UK Government has undertaken to rectify the matters specifically identified in the ECJ rulings. These amending regulations give effect to that undertaking in and as regards Scotland.

Policy Objectives

The policy aim is to satisfy the requirement to transpose the Habitats Directive accurately and in full, taking into account the requirements identified in the relevant ECJ rulings.

The relevant changes to the 1994 Regulations (and, where relevant, other statutes) take the form of new provisions, amendments to existing provisions and deletions of existing provisions (either in whole or in part). In conjunction with this, European Protected Species (“EPS”) (being those species listed in Annex IV which are ordinarily found in Great Britain) are being removed from Schedules 5 and 8 of the Wildlife and Countryside Act 1981.

The instrument will have the following effects:

IN RELATION TO SPECIES

- Enhanced monitoring of the effects of exploitation for species of Community interest (particularly species belonging to Annex V of the Directive).
- Removal of the existing “incidental result” defence for offences against animals which are EPS and changes to those offences.
- Removal of the existing Animal Health Act 1981 and Agriculture (Scotland) Act 1948 defences.
- Initiation of monitoring for the incidental capture and killing of animals which are EPS.
- Extension of the offence in the 1994 Regulations of keeping and selling specimens to all of the species listed in Annex IV of the Habitats Directive (except where those specimens were lawfully taken before 1994 in the EC or were lawfully taken outside the EC). Previously, only those Annex IV species found in Great Britain were protected
- Removal of the defence for keeping and selling EPS specimens which have been lawfully taken or killed. EPS specimens may be kept where they were lawfully taken in the EC before 1994 or were lawfully taken outside the EC. There is no defence available in relation to the sale of such specimens. Special provision, by means of licence, will be made for specimens already in circulation. A transitional period has been allowed for in the amending regulations
- Extension of the offence of using indiscriminate means of taking or killing animals listed in Schedule 3 of the 1994 Regulations.
- Introduction of the offence of breach of licence conditions for licences granted under regulation 44 of the 1994 Regulations.
- Technical amendment of section 10 of the Conservation of Seals Act 1970 to clarify the application of obligations arising under the Habitats Directive.

IN RELATION TO EUROPEAN SITES

Water abstraction

Part IV of the 1994 Regulations is amended to include specific reference to the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (“CAR”). This relates to responsibilities exercised by the Scottish Environment Protection Agency (SEPA) and clarifies powers to grant and vary authorisations for water abstraction and

other controlled activities under CAR in accordance with the requirements of the Habitats Directive

Development plans

Insertion of a new Part IVA into the 1994 Regulations which requires appropriate assessment of land use plans when such plans are likely to have a significant effect on a European site or sites. Land use plans comprise structure plans and local plans as provided for in Part II of the Town and Country Planning (Scotland) Act 1997. Further appropriate amendments to this definition will be made in due course to take account of the new types of plans provided for under the Planning etc. (Scotland) Bill.

CONSULTATION

A draft of the instrument was the subject of public consultation, having been contained in the consultation paper *The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2006*, published by the Scottish Executive in June 2006. This consultation paper set out the Scottish Executive's proposals for implementing the changes required by the ECJ judgement of October 2005 and was distributed widely to a diverse range of organisations and individuals. 55 responses were received, largely from NGOs, public bodies, trade organisations and private individuals.

FINANCIAL EFFECTS

The principal purpose of the amendments is to clarify the precise state of the law in relation to the obligations arising under the Habitats Directive. As a consequence, it is not expected that the amendments will give rise, overall, to significant new demands on the public, private or voluntary sectors or impose unreasonable new demands on individuals.

Certain administrative processes, however, will require revision in light of the amendments. This in turn may require affected parties to make adjustments to their own internal procedures. For example, those activities which are currently covered by statutory defences may in future require to be explicitly licensed and time will need to be built into the relevant processes to allow for this. Similarly, local authorities will need to ensure that local plans and structure plans are assessed in a manner which is fully compliant with the Habitats Directive. Interim guidance in this connection has already been issued to all planning authorities in Scotland.

A draft partial Regulatory Impact Assessment (RIA) was included as part of the consultation. This draft RIA concluded that there would be no extra costs to businesses, however some responses to the consultation felt that there would be increased costs to some operators. The RIA is attached at Annex B.

Scottish Executive Environment and Rural Affairs Department

December 2006

Office for Official Publications of the European Communities
COUNCIL DIRECTIVE 92/43/EEC

of 21 May 1992

on the conservation of natural habitats and of wild fauna and flora

(OJ L 206, 22.7.1992, p. 7)

Amended by:

Official Journal

No page date

► **M1** Council Directive 97/62/EC of 27 October 1997 L 305 42 8.11.1997

► **M2** Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003

L 284 1 31.10.2003

Amended by:

► **A1** Act of Accession of Austria, Sweden and Finland C 241 21 29.8.1994
(adapted by Council Decision 95/1/EC, Euratom, ECSC) L 11 1.1.1995

► **A2** Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded

L 236 33 23.9.2003

Corrected by:

► **C1** Corrigendum, OJ L 176, 20.7.1993, p. 29 (92/43/EEC)

▼ **B**

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;

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;

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(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.

(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).

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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;

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);

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(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 seven following biogeographical regions:

Alpine, Atlantic, Boreal, Continental, Macaronesian, Mediterranean and Pannonian.

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.

► C1 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 1992L0043 — EN — 01.05.2004 — 004.001 — 4

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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 ► C1 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 bio-diversity 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,

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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 ►A2 seven ◀ 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 ►C1 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 1992L0043 — EN — 01.05.2004 — 004.001 — 6

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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.

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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 ► C1 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.
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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.

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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 breeding 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.

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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 ►C1 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.

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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.

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.

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(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).

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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 (1).

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 (*Posidonion oceanicae*)

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*)

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

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(1) ‘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. 01/11 brev.

1) adopted by the Habitats Committee on 24 April 2002 after written consultation, European Commission, DG ENV.

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*
2320 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 seminatural
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 *Chenopodion 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*

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

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 clifftop 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 *Alysso-Sedion 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 withgrasses 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

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*)

6250 Mountain hay meadows

6530 * Fennoscandian wooded meadows

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* beechforests

9120 Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion robori-petraeae* or *Ilici-Fagion*)

9130 *Asperulo-Fagetum* beechforests

9140 Medio-European subalpine beechwoods with *Acer* and *Rumex arifolius*

9150 Medio-European limestone beechforests 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 (*Ulmion 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*)

91T0 Central European lichen Scots pine forests

91U0 Sarmatic steppe pine forest

91V0 Dacian Beechforests (*Symphyto-Fagion*)

92. Mediterranean deciduous forests

9210 * Apennine beechforests with *Taxus* and *Ilex*

9220 * Apennine beechforests with *Abies alba* and beechforests 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 beechforests 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

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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*)

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 schreibersi

Myotis bechsteini

Myotis blythii

Myotis capaccinii

Myotis dasycneme

Myotis emarginatus

Myotis myotis

Pteropodidae

Rousettus aegyptiacus

RODENTIA

Sciuridae

* *Marmota marmota latirostris*

* *Pteromys volans* (*Sciuropterus ruscicus*)

Spermophilus citellus (*Citellus citellus*)

* *Spermophilus suslicus* (*Citellus suslicus*)

Castoridae

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

Microtidae

Microtus cabrerai

* *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 eversmannii

* *Mustela lutreola*

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 tatrica*

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
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*)
 * *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
 Proteidae
 * *Proteus anguinus*
 Plethodontidae
Hydromantes (*Speleomantes*) *ambrosii*
Hydromantes (*Speleomantes*) *flavus*
Hydromantes (*Speleomantes*) *genei*

Hydromantes (Speleomantes) imperialis
Hydromantes (Speleomantes) strinatii
Hydromantes (Speleomantes) supramontes

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 freshwater) (V) (except the Finnish populations)

Coregonidae

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

Umbridae

Umbra krameri (o)

CYPRINIFORMES

Cyprinidae

Alburnus albidus (o) (*Alburnus vulturius*)

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 lusitanicum (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)
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)
Zingel spp. ((o) except *Zingel asper* and *Zingel zingel* (V))
Gobiidae
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)

Macroplea 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
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 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

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 sabatia* De Not.
 * *Campanula serrata* (Kit.) Hendrych
Campanula zoysii 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 lateriflora (L.) Fenzl.
Moehringia tommasinii Marches.

Moehringia villosa (Wulfen) Fenzl
Petrocoptis grandiflora Rothm.
Petrocoptis montsicciana O. Bolos & Rivas Mart.
Petrocoptis pseudoviscosa Fernandez 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 pyrenaeus* 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 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 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 vinentina (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
Diplotaxis ibicensis (Pau) Gomez-Campo
* *Diplotaxis siettiana* Maire
Diplotaxis vicentina (P. Cout.) Rothm.
Draba cacuminum Elis Ekman
Draba cinerea Adams
Erucastrum palustre (Pirona) Vis.
* *Erysimum pienanicum* (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 Valdes & 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 Fernandez-Gonzalez & 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 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 styriaca* Martinovsky
* *Stipa veneta* Moraldo
* *Stipa zaleskii* Wilensky
Trisetum subalpestre (Hartman) Neuman
Grossulariaceae
* *Ribes sardoum* Martelli
Hippuridaceae
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 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. Rodriguez
 Lentibulariaceae
 * *Pinguicula crystallina* Sm.
Pinguicula nevadensis (Lindb.) Casper
 Liliaceae
Allium grosii Font Quer
 * *Androcymbium rechingeri* Greuter
 * *Asphodelus bento-rainhae* P. Silva
 * *Chionodoxa lochiai* Meikle in Kew Bull.
Colchicum arenarium Waldst. et Kit.
Hyacinthoides vicentina (Hoffmanns. & Link) Rothm.
 * *Muscari gussonei* (Parl.) Tod.
Scilla litardierei Breist.
 * *Scilla morrisii* Meikle
Tulipa cypria Stapf
 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
 Orchidaceae
Anacamptis urvilleana Sommier et Caruana Gatto
Calypso bulbosa L.
 * *Cephalanthera cucullata* Boiss. & Heldr.
Cypripedium calceolus L.
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 Salzmann ex Reuter in DC.
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

* *Pyrus magyarica* Terpo

Sorbus teodorii Liljefors

Rubiaceae

Galium cracoviense Ehrend.

* *Galium litorale* Guss.

* *Galium sudeticum* Tausch

* *Galium viridiflorum* Boiss. & Reuter

Salicaceae

Salix salvifolia Brot. subsp. *australis* Franco

Santalaceae

Thesium ebracteatum Hayne

Saxifragaceae

Saxifraga berica (Beguinet) 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. Valdes & Cabezudo
Odontites granatensis Boiss.
 * *Pedicularis sudetica* Willd.
Rhinanthus oesilensis (Ronninger & 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 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 & Fernandez Galvan
 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 ► C1 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 ruscicus*)

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)

Microtidae

Microtus cabrerai

Microtus oeconomus arenicola

Microtus oeconomus mehelyi

Microtus tatricus

Zapodidae

Sicista betulina

Sicista subtilis

Hystriidae

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; 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

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
Gallotia atlantica
Gallotia galloti
Gallotia galloti insulanagae
Gallotia simonyi
Gallotia stehlini
Lacerta agilis
Lacerta bedriagae
Lacerta bonnali (Lacerta monticola)
Lacerta mnticola
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 kitaibelli
Chalcides bedriagai
Chalcides ocellatus

Chalcides sexlineatus
Chalcides simonyi (*Chalcides occidentalis*)
Chalcides viridianus
Ophiomorus punctatissimus
Gekkonidae
Cyrtopodion kotschyi
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 population)
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
 Proteidae
Proteus anguinus
 Plethodontidae
Hydromantes (*Speleomantes*) *ambrosii*
Hydromantes (*Speleomantes*) *flavus*
Hydromantes (*Speleomantes*) *genei*
Hydromantes (*Speleomantes*) *imperialis*
Hydromantes (*Speleomantes*) *strinatii* (*Hydromantes* (*Speleomantes*) *italicus*)
Hydromantes (*Speleomantes*) *supramontes*
 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
Zingel asper
Gymnocephalus baloni

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
Melanagria arge
Nymphalis vaualbum
Papilio alexanor
Papilio hospiton
Parnassius apollo
Parnassius mnemosyne
Phyllometra culminaria
Plebicula golgus
Polymixis rufocincta isolata
Polyommatus eroides
Proserpinus proserpina
Xylomoia strix
Zerynthia polyxena
Mantodea
Apteromantis aptera
Odonata
Aeshna viridis
Cordulegaster heros

Cordulegaster trinacriae
Gomphus graslinii
Leucorrhina albifrons
Leucorrhina caudalis
Leucorrhina pectoralis
Lindenia tetraphylla
Macromia splendens
Ophiogomphus cecilia
Oxygastra curtisii
Stylurus flavipes
Sympecma braueri
Orthoptera
Baetica ustulata
Brachytripes megacephalus
Isophya costata
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 feruginea
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) (1) plus those mentioned below:

PTERIDOPHYTA

Aspleniaceae
Asplenium hemionitis L.

ANGIOSPERMAE

Agavaceae
Dracaena draco (L.) L.
(1) Except bryophytes in Annex II (b).
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 europeum (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
Viola delphinantha Boiss.

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, 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 tatraica*)

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 freshwater)

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 Ten

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

Regulatory Impact Assessment

Introduction

1. The Conservation (Natural Habitats, &c.) (Amendment) (Scotland) Regulations 2007 (“the 2007 Amending Regulations”) will amend the Conservation (Natural Habitats, & c.) Regulations 1994 (“the 1994 Regulations”), the Wildlife and Countryside Act 1981 and the Conservation of Seals Act 1970. The amendments will provide further clarity in the way in which Council Directive 92/43/EEC (“the Habitats Directive”) is transposed in Scotland in a number of respects.

Background

2. The Habitats Directive was adopted in 1992 with the purpose of establishing common levels of conservation throughout the European Community for habitats and species perceived to be under threat. Central to the Directive's objectives is the establishment of an ecologically coherent network of sites known as Natura 2000. The principal instrument for transposing the Habitats Directive in Great Britain and adjacent territorial waters is the 1994 Regulations.

3. In October 2005 the European Court of Justice (ECJ) ruled that the United Kingdom had failed to transpose the Habitats Directive correctly in a number of respects (Case C-6/04, Commission v United Kingdom). The ruling for Case C-6/04 can be viewed at:

<http://europa.eu.int/eurlex/lex/LexUriServ/LexUriServ.do?uri=CELEX:62004J0006:EN:HTML>

4. In a later case (Case C-131/05, Commission v United Kingdom, November 2005) the ECJ ruled that Articles 12(2) and 13(1)(b) of the Habitats Directive were not correctly transposed since the 1994 Regulations only prohibited the keeping, transport and sale or exchange, and offering for sale or exchange, of Annex IV species native to Great Britain, as opposed to all Annex IV species.

The ruling for Case C-131/05 can be viewed at:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&Submit=Rechercher&alldocs=all docs&docj=docj&docop=docop&docor=docor&docjo=docjo&numaff=C131/05&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100>

5. These amending regulations make changes to the Conservation (Natural Habitats, & c.) Regulations 1994, the Wildlife and Countryside Act 1981 and the Conservation of Seals Act 1970 in response to these ECJ judgments.

6. In summary the Conservation (Natural Habitats, &c.) Amendments (Scotland) Regulations 2007 will:

- Protect non-native species of animals (i.e. those which are on Annex IV(a) to the Habitats Directive) and plants (i.e. those which are on Annex IV(b) to the Directive) from trade and make it unlawful to possess and trade in (subject to certain exceptions) specimens of Annex IV species taken or killed on or after 10th June 1994.

- Remove all but two of the defences in regulation 40.
- Extend the current prohibitions on the use of indiscriminate means of capture and killing of species listed in Schedule 3 of the 1994 Regulations, (regulation 41 of the 1994 Regulations) to include all methods of indiscriminate capture and killing, not just those methods specifically listed.
- Impose a specific statutory duty to make arrangements for surveillance and monitoring.
- Clarify the requirement to carry out appropriate assessment of new water abstraction consents (and review of such consents) when such consents are likely to have a significant effect on a European site or sites.
- Clarify the requirement to carry out appropriate assessment of land use plans when such plans are likely to have a significant effect on a European site or sites. Land use plans comprise structure plans and local plans as provided for in Part II of the Town and Country Planning (Scotland) Act 1997.
- Make technical amendments to the Conservation of Seals Act 1970 to remove a perceived element of legal uncertainty.

Rationale for government intervention

7. Scottish Ministers are required by Section 57(2) of the Scotland Act to comply with community law. The European Court of Justice has made clear that there are a number of deficiencies in the current UK transposition of the Habitats Directive. These weaknesses now require to be rectified. In these circumstances a “do nothing” option is not available.

Costs and Benefits

i) Costs, Sectors and groups affected

a. Powers to prevent, discourage and rectify damage to protected species

8. Some business sectors (principally taxidermists, other animal traders, zoos and other animal collections) may be affected by the proposed stricter possession and sale controls concerning species listed in Annex IV to the Habitats Directive.

Estimated costs to government for EPS licensing of taxidermy specimens and similar

Set Up	Annual
£9000	£225 - £450

9. It is estimated that the average cost for taxidermy licensing will be £45 per licence, and that 200 owners of specimens may apply for a licence. It is intended that these licences will be for a lengthy period, and that they will not need to be renewed in the foreseeable future. Thereafter a small number of licences may be issued per annum for miscellaneous purposes. There are currently no charges for licence applications.

10. Other business sectors (principally forestry and agriculture), may also be affected by the removal of the “incidental result” defence as currently provided for in regulations 40(3)(c) and 43(4) of the 1994 Regulations. However, the extent to which extra costs will be incurred by these business sectors is unclear. This is because the requirement to survey sites for the

presence of EPS has existed since the 1994 Regulations came into force (and this requirement was further clarified by the Nature Conservation (Scotland) Act 2004). Forestry Commission Scotland has estimated annual costs, to the forestry industry, of implementing best practice across Scotland, to be about £700K per annum.

11. Similarly, householders may be affected by the removal of the so-called “dwelling house” defence relating to bats that is set out in regulation 40(2) and (4). Any prohibited action would now require a licence under regulation 44. This is instead of the less onerous responsibility of notifying the appropriate nature conservation body of the proposed action and giving them an opportunity to advise, where the bat in question is located outside the living areas in a dwelling house. There will be no charges to the public for applying for such a licence.

EPS licensing for disturbance of bats in dwelling houses, costs to government

Set Up	Annual
£0.00	£9500

Based on 100 licences issued per annum. Licensing unit already in place therefore no set up costs foreseen.

12. Some business sectors are concerned that the loss of the incidental results defence may lead to an increase in the administrative costs associated with any increased requirements for licensing. In considering this, it should be kept in mind that Section 43(4) of the 1994 Regulations already makes it an offence to disturb a European Protected Species where it was foreseen that this disturbance would occur. The 2007 Amending Regulations better clarify the existing obligations.

13. The proposed technical amendments to the Conservation of Seals Act 1970 is expected to have no impact on current practice.

b. Appropriate Assessment of Development Plans

14. The ECJ ruling has led to a clarification of the duty of planning authorities to undertake appropriate assessments of development plans to determine the implications for European sites where these are likely to have a significant effect on such sites. An SE/SNH workshop was provided for local authorities in order to discuss the ECJ ruling and clarify the implications. Local authorities did not raise any significant concerns following the consultation. There may be some initial costs associated with the adoption of appropriate assessment of development plans although these are expected to be relatively minor.

c. Transposition of Article 6(3) and (4) of the Habitats Directive with regard to water abstraction plans and projects

15. This clarifies the responsibility of SEPA as a competent authority when considering new applications (and reviewing existing consents) under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (“CAR”). Some water users voiced concerns on this matter in the consultation but the proposed amendments merely make the responsibility of SEPA in this regard explicit in part IV of the regulations (rather than relying on the “general duty” imposed by regulation 3(4)).

d. Surveillance and Monitoring

16. Transposition of this aspect of the ECJ ruling is not expected to have a significant financial impact on any sector. Whilst a formal obligation does not at present exist, significant monitoring is already undertaken by SNH in conjunction with the Forestry Commission Scotland, SEPA and others.

(ii) Benefits

17. Although the 1994 Regulations are already protecting habitats and species in the UK, a more transparent transposition of the Habitats Directive in Scotland would ensure clarity and better understanding of the legislation.

18. The 2007 Amending Regulations will clearly inform responsible planning authorities of their duty to undertake an appropriate assessment for land use plans. This will ensure that the land use planning system takes full account of the existence of protected sites.

19. The Regulations will make improvements to the species protection regime, by protecting certain species which are not native to Great Britain through a prohibition on keeping, transporting and selling them.

Direct Costs to the Scottish Executive and its Agencies

20. The proposed changes should not result in any significant additional cost to Government or its Agencies over and above those costs already quoted. The proposals formalise current arrangements concerning surveillance and monitoring.

21. It is acknowledged that removing the species protection regime's defences may potentially lead to an increased demand for EPS licences. It is estimated that a licence costs the Scottish Executive £95.00 to administer. In 2005, 57 EPS licences were issued which cost an estimated £5,415. Each of these licence applications is also sent to SNH for their ecological advice, and it is estimated that they spend a similar amount on assessment and processing. The majority of licences are obtained for development purposes affecting great crested newts and bats.

Small Firms Impact Test

22. The only costs that may impact on small businesses could be those associated with an increased requirement to apply for licences, where a firm is involved in a trade in taxidermy specimens or derivatives of protected species, or in instances where the firm is involved in conducting activities impacting on EPS and a formal derogation from the requirements of the Directive by means of a licence is required.

Competition Assessment

23. No economic sector will be affected by the proposals more than at present.

Enforcement, sanctions and monitoring

24. The 1994 Regulations require two types of enforcement;

- i) for plans and projects,
- ii) for the offences relating to habitats and species.

25. For the former, as is the situation at present, the enforcement and monitoring activity will take place through the consenting regimes currently operated by competent authorities.

26. Habitats and species offences will continue to be primarily enforced by the police. Scottish Natural Heritage will continue to monitor activities, including those licensed, to ensure compliance with the amended regulations. They will continue to work in partnership with the UK's enforcement agencies to take forward prosecutions.

Monitoring of Annex V Species

27. SNH already devotes considerable resources on monitoring sites, as well as wider monitoring of habitats and species. It is expected that the increased requirements for monitoring will not greatly add to SNH's work in this area.