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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 2 April 1979

on the conservation of wild birds

(79/409/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 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 Council declaration of 22 November 1973 on the programme of action of the European Communities on the environment ⁽⁴⁾ calls for specific action to protect birds, supplemented by the resolution of the Council of the European Communities and of the representatives of the Governments of the Member States meeting within the Council of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment ⁽⁵⁾;

Whereas a large number of species of wild birds naturally occurring in the European territory of the

Member States are declining in number, very rapidly in some cases; whereas this decline represents a serious threat to the conservation of the natural environment, particularly because of the biological balances threatened thereby;

Whereas the species of wild birds naturally occurring in the European territory of the Member States are mainly migratory species; whereas such species constitute a common heritage and whereas effective bird protection is typically a trans-frontier environment problem entailing common responsibilities;

Whereas the conditions of life for birds in Greenland are fundamentally different from those in the other regions of the European territory of the Member States on account of the general circumstances and in particular the climate, the low density of population and the exceptional size and geographical situation of the island;

Whereas therefore this Directive should not apply to Greenland;

Whereas the conservation of the species of wild birds naturally occurring in the European territory of the Member States is necessary to attain, within the operation of the common market, of the Community's objectives regarding the improvement of living conditions, a harmonious development of economic activities throughout the Community and a continuous and balanced expansion, but the necessary specific powers to act have not been provided for in the Treaty;

⁽¹⁾ OJ No C 24, 1. 2. 1977, p. 3; OJ No C 201, 23. 8. 1977, p. 2.

⁽²⁾ OJ No C 163, 11. 7. 1977, p. 28.

⁽³⁾ OJ No C 152, 29. 6. 1977, p. 3.

⁽⁴⁾ OJ No C 112, 20. 12. 1973, p. 40.

⁽⁵⁾ OJ No C 139, 13. 6. 1977, p. 1.

Whereas the measures to be taken must apply to the various factors which may affect the numbers of birds, namely the repercussions of man's activities and in particular the destruction and pollution of their habitats, capture and killing by man and the trade resulting from such practices; whereas the stringency of such measures should be adapted to the particular situation of the various species within the framework of a conservation policy;

Whereas conservation is aimed at the long-term protection and management of natural resources as an integral part of the heritage of the peoples of Europe; whereas it makes it possible to control natural resources and governs their use on the basis of the measures necessary for the maintenance and adjustment of the natural balances between species as far as is reasonably possible;

Whereas the preservation, maintenance or restoration of a sufficient diversity and area of habitats is essential to the conservation of all species of birds; whereas certain species of birds should be the subject of special conservation measures concerning their habitats in order to ensure their survival and reproduction in their area of distribution; whereas such measures must also take account of migratory species and be coordinated with a view to setting up a coherent whole;

Whereas, in order to prevent commercial interests from exerting a possible harmful pressure on exploitation levels it is necessary to impose a general ban on marketing and to restrict all derogation to those species whose biological status so permits, account being taken of the specific conditions obtaining in the different regions;

Whereas, because of their high population level, geographical distribution and reproductive rate in the Community as a whole, certain species may be hunted, which constitutes acceptable exploitation; where certain limits are established and respected, such hunting must be compatible with maintenance of the population of these species at a satisfactory level;

Whereas the various means, devices or methods of large-scale or non-selective capture or killing and hunting with certain forms of transport must be banned because of the excessive pressure which they exert or may exert on the numbers of the species concerned;

Whereas, because of the importance which may be attached to certain specific situations, provision should be made for the possibility of derogations on certain

conditions and subject to monitoring by the Commission;

Whereas the conservation of birds and, in particular, migratory birds still presents problems which call for scientific research; whereas such research will also make it possible to assess the effectiveness of the measures taken;

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

Whereas the Commission will every three years prepare and transmit to the Member States a composite report based on information submitted by the Member States on the application of national provisions introduced pursuant to this Directive;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation.
2. It shall apply to birds, their eggs, nests and habitats.
3. This Directive shall not apply to Greenland.

Article 2

Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.

Article 3

1. In the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.

2. The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:

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

Article 4

1. The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.

In this connection, account shall be taken of:

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

Trends and variations in population levels shall be taken into account as a background for evaluations.

Member States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where this Directive applies.

2. Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

3. Member States shall send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that the areas provided for in paragraphs 1 and 2 above form a coherent whole which meets the protection requirements of these species in the geographical sea and land area where this Directive applies.

4. In respect of the protection areas referred to in paragraphs 1 and 2 above, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.

Article 5

Without prejudice to Articles 7 and 9, Member States shall take the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, prohibiting in particular:

- (a) deliberate killing or capture by any method;
- (b) deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- (c) taking their eggs in the wild and keeping these eggs even if empty;
- (d) deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;
- (e) keeping birds of species the hunting and capture of which is prohibited.

Article 6

1. Without prejudice to the provisions of paragraphs 2 and 3, Member States shall prohibit, for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognizable parts or derivatives of such birds.

2. The activities referred to in paragraph 1 shall not be prohibited in respect of the species referred to in Annex III/1, provided that the birds have been legally killed or captured or otherwise legally acquired.

3. Member States may, for the species listed in Annex III/2, allow within their territory the activities referred

to in paragraph 1, making provision for certain restrictions, provided the birds have been legally killed or captured or otherwise legally acquired.

Member States wishing to grant such authorization shall first of all consult the Commission with a view to examining jointly with the latter whether the marketing of specimens of such species would result or could reasonably be expected to result in the population levels, geographical distribution or reproductive rate of the species being endangered throughout the Community. Should this examination prove that the intended authorization will, in the view of the Commission, result in any one of the aforementioned species being thus endangered or in the possibility of their being thus endangered, the Commission shall forward a reasoned recommendation to the Member State concerned stating its opposition to the marketing of the species in question. Should the Commission consider that no such risk exists, it will inform the Member State concerned accordingly.

The Commission's recommendation shall be published in the *Official Journal of the European Communities*.

Member States granting authorization pursuant to this paragraph shall verify at regular intervals that the conditions governing the granting of such authorization continue to be fulfilled.

4. The Commission shall carry out studies on the biological status of the species listed in Annex III/3 and on the effects of marketing on such status.

It shall submit, at the latest four months before the time limit referred to in Article 18 (1) of this Directive, a report and its proposals to the Committee referred to in Article 16, with a view to a decision on the entry of such species in Annex III/2.

Pending this decision, the Member States may apply existing national rules to such species without prejudice to paragraph 3 hereof.

Article 7

1. Owing to their population level, geographical distribution and reproductive rate throughout the Community, the species listed in Annex II may be hunted under national legislation. Member States shall ensure that the hunting of these species does not jeopardize conservation efforts in their distribution area.

2. The species referred to in Annex II/1 may be hunted in the geographical sea and land area where this Directive applies.

3. The species referred to in Annex II/2 may be hunted only in the Member States in respect of which they are indicated.

4. Member States shall ensure that the practice of hunting, including falconry if practised, as carried on in accordance with the national measures in force, complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible as regards the population of these species, in particular migratory species, with the measures resulting from Article 2. They shall see in particular that the species to which hunting laws apply are not hunted during the rearing season nor during the various stages of reproduction. In the case of migratory species, they shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds. Member States shall send the Commission all relevant information on the practical application of their hunting regulations.

Article 8

1. In respect of the hunting, capture or killing of birds under this Directive, Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV (a).

2. Moreover, Member States shall prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV (b).

Article 9

1. Member States may derogate from the provisions of Articles 5, 6, 7 and 8, where there is no other satisfactory solution, for the following reasons:

- (a) — in the interests of public health and safety,
 - in the interests of air safety,
 - to prevent serious damage to crops, livestock, forests, fisheries and water,
 - for the protection of flora and fauna;
- (b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
- (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.

2. The derogations must specify:
- the species which are subject to the derogations,
 - the means, arrangements or methods authorized for capture or killing,
 - the conditions of risk and the circumstances of time and place under which such derogations may be granted,
 - the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom,
 - the controls which will be carried out.
3. Each year the Member States shall send a report to the Commission on the implementation of this Article.
4. On the basis of the information available to it, and in particular the information communicated to it pursuant to paragraph 3, the Commission shall at all times ensure that the consequences of these derogations are not incompatible with this Directive. It shall take appropriate steps to this end.

Article 10

1. Member States shall encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1.
2. Particular attention shall be paid to research and work on the subjects listed in Annex V. Member States shall send the Commission any information required to enable it to take appropriate measures for the coordination of the research and work referred to in this Article.

Article 11

Member States shall see that any introduction of species of bird which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna. In this connection they shall consult the Commission.

Article 12

1. Member States shall forward to the Commission every three years, starting from the date of expiry of the time limit referred to in Article 18 (1), a report on the implementation of national provisions taken thereunder.

2. The Commission shall prepare every three years a composite report based on the information referred to in paragraph 1. That part of the draft report covering the information supplied by a Member State shall be forwarded to the authorities of the Member State in question for verification. The final version of the report shall be forwarded to the Member States.

Article 13

Application of the measures taken pursuant to this Directive may not lead to deterioration in the present situation as regards the conservation of species of birds referred to in Article 1.

Article 14

Member States may introduce stricter protective measures than those provided for under this Directive.

Article 15

Such amendments as are necessary for adapting Annexes I and V to this Directive to technical and scientific progress and the amendments referred to in the second paragraph of Article 6 (4) shall be adopted in accordance with the procedure laid down in Article 17.

Article 16

1. For the purposes of the amendments referred to in Article 15 of this Directive, a Committee for the Adaptation to Technical and Scientific Progress (hereinafter called 'the Committee'), consisting of representatives of the Member States and chaired by a representative of the Commission, is hereby set up.

2. The Committee shall draw up its rules of procedure.

Article 17

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by its chairman, either on his own initiative or at the request of the representative of a Member State.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit set by the chairman having regard to the urgency of the matter. It shall act by a majority of 41 votes, the votes of the Member States being weighted as provided in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged where they are in accordance with the opinion of the Committee.
- (b) Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit a proposal to the Council concerning the measures to be adopted. The Council shall act by a qualified majority.
- (c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 18

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

notification. They shall forthwith inform the Commission thereof.

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

Article 19

This Directive is addressed to the Member States.

Done at Luxembourg, 2 April 1979.

For the Council

The President

J. FRANÇOIS-PONCET

BILAG I — ANHANG I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|---|---------------------------|-------------------------------|--------------------------------------|------------------------------------|--|--------------------------------|
| 1. <i>Gavia immer</i> | Islom | Eistaucher | Great northern diver | Plongeon imbrin | Strolaga maggiore | Ijsduiker |
| 2. <i>Calonectris diomedea</i> | Kuhls skråpe | Gelbschnabelsturmtaucher | Cory's shearwater | Puffin cendré | Berta maggiore | Kuhls pijlstormvogel |
| 3. <i>Hydrobates pelagicus</i> | Lille stormsvale | Sturmschwalbe | Storm petrel | Pétrel tempête | Uccello delle tempeste | Stormvogeltje |
| 4. <i>Oceanodroma leucorhoa</i> | Stor stormsvale | Wellenläufer | Leach's petrel | Pétrel cul-blanc | Uccello delle tempeste codaforcuta | Vaal stormvogeltje |
| 5. <i>Phalacrocorax carbo sinensis</i> | Skarv (kontinental race) | Kormoran (kontinentale Rasse) | Cormorant (continental race) | Grand cormoran (race continentale) | Cormorano (razza continentale) | Aalscholver (continentaal ras) |
| 6. <i>Botaurus stellaris</i> | Rørdrum | Rohrdommel | Bittern | Butor étoilé | Tarabuso | Roerdomp |
| 7. <i>Nycticorax nycticorax</i> | Nathejre | Nachtreiher | Night heron | Héron bihoreau | Nitticora | Kwak |
| 8. <i>Ardeola ralloides</i> | Tophejre | Rallenreiher | Squacco heron | Héron crabier | Sgarza ciuffetto | Ralreiger |
| 9. <i>Egretta garzetta</i> | Silkehejre | Seidenreiher | Little egret | Aigrette garzette | Garzetta | Kleine zilverreiger |
| 10. <i>Egretta alba</i> | Sølvhejre | Silberreiher | Great white heron | Grande aigrette | Airone bianco maggiore | Grote zilverreiger |
| 11. <i>Ardea purpurea</i> | Purpurhejre | Purpurreiher | Purple heron | Héron pourpré | Airone rosso | Purperreiger |
| 12. <i>Ciconia nigra</i> | Sort stork | Schwarzstorch | Black stork | Cigogne noire | Cicogna nera | Zwarte ooievaar |
| 13. <i>Ciconia ciconia</i> | Hvid stork | Weißstorch | White stork | Cigogne blanche | Cicogna bianca | Ooievaar |
| 14. <i>Plegadis falcinellus</i> | Sort ibis | Sichler | Glossy ibis | Ibis falcinelle | Mignattaio | Zwarte ibis |
| 15. <i>Platalea leucorodia</i> | Skestork | Löffler | Spoonbill | Spatule blanche | Spatola | Lepelaar |
| 16. <i>Phoenicopterus ruber</i> | Flamingo | Flamingo | Greater flamingo | Flamant rose | Fenicottero | Flamingo |
| 17. <i>Cygnus colombianus bewickii</i> (<i>Cygnus bewickii</i>) | Pibesvane | Zwergschwan | Bewick's swan | Cygne de Bewick | Cigno minore | Kleine zwaan |
| 18. <i>Cygnus cygnus</i> | Sangsvane | Singschwan | Whooper swan | Cygne sauvage | Cigno selvatico | Wilde zwaan |
| 19. <i>Anser albifrons flavirostris</i> | Blisgås (grønlandsk race) | Bläßgans (Grönlandrasse) | White-fronted goose (Greenland race) | Oie rieuse (race de Groenland) | Oca lombardella (razza di Groenlandia) | Kolgans (Groenland-ras) |
| 20. <i>Branta leucopsis</i> | Bramgås | Nonnengans | Barnacle goose | Bernache nonnette | Oca facciabianca | Brandgans |
| 21. <i>Aythya nyroca</i> | Hvidøjet and | Moorente | White-eyed pochard | Canard nyocra | Moretta tabacata | Witoogeend |
| 22. <i>Oxyura leucicephala</i> | Hvidhovedet and | Weißkopf-Ruderente | White-headed duck | Erisimature à tête blanche | Gobbo rugginoso | Witkoopeend |

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|--|--------------|----------------|--------------------|--------------------------|-------------------------|-------------------|
| 23. <i>Pernis apivorus</i> | Hvepsevåge | Wespenbussard | Honey buzzard | Bondrée apivore | Falco pecchiaiolo | Wespendief |
| 24. <i>Milvus migrans</i> | Sort glente | Schwarzmilan | Black kite | Milan noir | Nibbio bruno | Zwarte wouw |
| 25. <i>Milvus milvus</i> | Rød glente | Rotmilan | Kite | Milan royal | Nibbio reale | Rode wouw |
| 26. <i>Haliaeetus albicilla</i> | Havørn | Seeadler | White-tailed eagle | Pygargue à queue blanche | Aquila di mare | Zeearend |
| 27. <i>Gypaetus barbatus</i> | Lammegrib | Bartgeier | Bearded vulture | Gypaète barbu | Avvoltoio degli agnelli | Lammergieter |
| 28. <i>Neophron percnopterus</i> | Ådselgrib | Schmutzgeier | Egyptian vulture | Percnoptère d'Égypte | Capovaccaio | Aasgieter |
| 29. <i>Gyps fulvus</i> | Gåsegrip | Gänsegeier | Griffon vulture | Vautour fauve | Grifone | Vale gier |
| 30. <i>Aegypius monachus</i> | Munkegrib | Mönchsgeier | Black vulture | Vautour moine | Avvoltoio | Monniksgier |
| 31. <i>Circus gallicus</i> | Slangeørn | Schlangenadler | Short-toed eagle | Circaète jean-le-blanc | Biancone | Slangenarend |
| 32. <i>Circus aeruginosus</i> | Rørhøg | Rohrweihe | Marsh harrier | Busard des roseaux | Falco di palude | Bruine kiekendief |
| 33. <i>Circus cyaneus</i> | Blå kærhøg | Kornweihe | Hen harrier | Busard saint-martin | Albanella reale | Blauwe kiekendief |
| 34. <i>Circus pygargus</i> | Hedehøg | Wiesenweihe | Montagu's harrier | Busard cendré | Albanella minore | Grauwe kiekendief |
| 35. <i>Aquila chrysaetus</i> | Kongeørn | Steinadler | Golden eagle | Aigle royal | Aquila reale | Steenarend |
| 36. <i>Hieraetus pennatus</i> | Dværgørn | Zwergadler | Booted eagle | Aigle botté | Aquila minore | Dwergarend |
| 37. <i>Hieraetus fasciatus</i> | Høgeørn | Habichtsadler | Bonelli's eagle | Aigle de Bonelli | Aquila del Bonelli | Havikarend |
| 38. <i>Pandion haliaetus</i> | Fiskeørn | Fischadler | Osprey | Balbuzard pêcheur | Falco pescatore | Visarend |
| 39. <i>Falco eleonora</i> | Eleonorafalk | Eleonorenfalke | Eleonora's falcon | Faucon d'Éléonore | Falco della regina | Eleonora's valk |
| 40. <i>Falco biarmicus</i> | Lannerfalk | Lanner | Lanner falcon | Faucon lanier | Lanario | Lannervalk |
| 41. <i>Falco peregrinus</i> | Vandrefalk | Wanderfalke | Peregrine | Faucon pèlerin | Falco pellegrino | Slechtrvalk |
| 42. <i>Porphyrio porphyrio</i> | Sultanhøne | Purpurhuhn | Purple gallinule | Poule sultane | Pollo sultano | Purperkoet |
| 43. <i>Grus grus</i> | Trane | Kranich | Crane | Grue cendrée | Gru | Kraanvogel |
| 44. <i>Tetrax tetrax (Otis tetrax)</i> | Dværgtrappe | Zwergtrappe | Little bustard | Outarde canepetière | Gallina prataiola | Kleine trap |
| 45. <i>Otis tarda</i> | Stortrappe | Großtrappe | Great bustard | Outarde barbue | Otarda | Grote trap |
| 46. <i>Himantopus himantopus</i> | Stylteløber | Stelzenläufer | Black-winged stilt | Échasse blanche | Cavaliere d'Italia | Steltkluit |
| 47. <i>Recurvirostra avosetta</i> | Klyde | Säbelschnäbler | Avocet | Avocette | Avocetta | Kluit |
| 48. <i>Burhinus oedichnemus</i> | Triel | Triel | Stone curlew | Œdicnème criard | Occhione | Grief |

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|---|-----------------------|---------------------|-------------------------|-------------------------|------------------------|--------------------|
| 49. <i>Glareola pratincola</i> | Braksvale | Brachschwalbe | Pratincole | Glaréole à collier | Pernice di mare | Vorkstaartplevier |
| 50. <i>Charadrius morinellus</i> (<i>Endromias morinellus</i>) | Pomeransfugl | Mornellregenpfeifer | Dotterel | Pluvier guignard | Piviere tortolino | Morinelplevier |
| 51. <i>Pluvialis apricaria</i> | Hjejele | Goldregenpfeifer | Golden plover | Pluvier doré | Piviere dorato | Goudplevier |
| 52. <i>Gallinago media</i> | Tredækker | Doppelschnepfe | Great snipe | Bécassine double | Crocolone | Poelsnip |
| 53. <i>Tringa glareola</i> | Tinksméd | Bruchwasserläufer | Wood-sandpiper | Chevalier sylvain | Piro-piro boschereccio | Bosruiter |
| 54. <i>Phalaropus lobatus</i> | Odinshane | Odinshühnchen | Red-necked phalarope | Phalarope à bec étroit | Falarope becco sottile | Grauwe franjepoot |
| 55. <i>Larus genei</i> | Tyndnæbbet måge | Dünnschnabelmöwe | Slender-billed gull | Goéland railleur | Gabbiano roseo | Dunbekmeeuw |
| 56. <i>Larus audouinii</i> | Adouinsmåge | Korallenmöwe | Audouin's gull | Goéland d'Audouin | Gabbiano corso | Audouins meeuw |
| 57. <i>Gelochelidon nilotica</i> | Sandterne | Lachseeschwalbe | Gull-billed tern | Sterne hansel | Sterna zampanere | Lachstern |
| 58. <i>Sterna sandvicensis</i> | Splitterne | Brandseeschwalbe | Sandwich tern | Sterne caugek | Beccapesci | Grote stern |
| 59. <i>Sterna dougallii</i> | Dougallsterne | Rosenseeschwalbe | Roseate tern | Sterne de Dougall | Sterna del Dougall | Dougalls stern |
| 60. <i>Sterna hirundo</i> | Fjordterne | Flußseeschwalbe | Common tern | Sterne Pierregarin | Sterna comune | Visdief |
| 61. <i>Sterna paradisaea</i> | Havterne | Küstenseeschwalbe | Arctic tern | Sterne arctique | Sterna codalunga | Noordse stern |
| 62. <i>Sterna albifrons</i> | Dværgterne | Zwergseeschwalbe | Little tern | Sterne naine | Fratricello | Dwergstern |
| 63. <i>Chelidonias niger</i> | Sortterne | Trauerseeschwalbe | Black tern | Guifette noire | Mignattino | Zwarte stern |
| 64. <i>Pterocles alchata</i> | Spidshalet sandhøne | Spießflughuhn | Pin-tailed sandgrouse | Ganga cata | Grandule | Witbuikezandhoen |
| 65. <i>Bubo bubo</i> | Stor hornugle | Uhu | Eagle owl | Hibou grand-duc | Gufo reale | Oehoe |
| 66. <i>Nyctea scandiaca</i> | Sneugle | Schnee-Eule | Snowy owl | Chouette harfang | Gufo delle nevi | Sneeuwuil |
| 67. <i>Asio flammeus</i> | Moschornugle | Sumpfohreule | Short-eared owl | Hibou brachyote | Gufo di palude | Velduil |
| 68. <i>Alcedo atthis</i> | Isfugl | Eisvogel | Kingfisher | Martin pêcheur d'Europe | Martin pescatore | Ijsvogel |
| 69. <i>Dryocopus martius</i> | Sortspætte | Schwarzspecht | Black woodpecker | Pic noir | Picchio nero | Zwarte specht |
| 70. <i>Dendrocopus leucotus</i> | Hvidrygget spætte | Weißrückenspecht | White-backed woodpecker | Pie à dos blanc | Picchio dorsobianco | Wirrugspecht |
| 71. <i>Luscinia svecica</i> | Blåhals | Blaukehlchen | Blue-throat | Gorge-bleue à miroir | Petrazurro | Blauwborst |
| 72. <i>Sylvia undata</i> | Provincesanger | Provencegrasmücke | Dartford warbler | Fauvette pitchou | Magnanina | Provence-grasmus |
| 73. <i>Sylvia nisoria</i> | Høgesanger | Sperbergrasmücke | Barred warbler | Fauvette épervière | Bigia padovana | Gestreepte grasmus |
| 74. <i>Sitta whiteheadi</i> | Korsikansk spætmejsje | Korsenkleiber | Corsican nuthatch | Sittelle corse | Picchio muratore corso | Zwartkopboomklever |

BILAG III/1 — ANHANG III/1 — ANNEXE III/1 — ALLEGATO III/1 — BIJLAGE III/1

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|--|-----------|-----------------------------|----------------------|---------------------|--------------------------|-----------------------|
| ANSERIFORMES | | | | | | |
| 1. Anser fabalis | Sædgås | Saatgans | Bean goose | Oie des moissons | Oca granaiola | Rietgans |
| 2. Anser anser | Grågås | Graugans | Greylag goose | Oie cendrée | Oca selvatica | Grauwe gans |
| 3. Branta canadensis | Kanadagås | Kanadagans | Canada goose | Bernache du Canada | Oca del Canada | Canadese gans |
| 4. Anas penelope | Pibeand | Pfeifente | Wigeon | Canard siffleur | Fischione | Smient |
| 5. Anas strepera | Knarand | Schnatterente | Gadwall | Canard chipeau | Canapiglia | Krakeend |
| 6. Anas crecca | Krikand | Krickente | Teal | Sarcelle d'hiver | Alzavola | Wintertaling |
| 7. Anas platyrhynchos | Gråand | Stockente | Mallard | Canard colvert | Germano reale | Wilde eend |
| 8. Anas acuta | Spidsand | Spießente | Pintail | Canard pilet | Codone | Pijlstaart |
| 9. Anas querquedula | Atingand | Knäkente | Garganey | Sarcelle d'été | Marzaiola | Zomertaling |
| 10. Anas clypeata | Skeand | Löffelente | Shoveler | Canard souchet | Mestolone | Slobeend |
| 11. Aythya ferina | Taffeland | Tafelente | Pochard | Fuligule milouin | Moriglione | Tafeleend |
| 12. Aythya fuligula | Troldand | Reiherente | Tufted duck | Fuligule morillon | Moretta | Kuifeend |
| GALLIFORMES | | | | | | |
| 13. Lagopus lagopus scoticus et hibernicus | Grouse | Schottisches Moorschneehuhn | Red grouse | Lagopède des saules | Pernice bianca di Scozia | Moerassneeuwhoen |
| 14. Lagopus mutus | Fjeldrype | Alpenschneehuhn | Ptarmigan | Lagopède des Alpes | Pernice bianca | Alpensneeuwhoen |
| 15. Alectoris graeca | Stenhøne | Steinhuhn | Rock partridge | Perdrix bartavelle | Coturnice | Europese steenpatrijs |
| 16. Alectoris rufa | Rødhøne | Rothuhn | Red-legged partridge | Perdrix rouge | Pernice rossa | Rode patrijs |
| 17. Perdix perdix | Agerhøne | Rebhuhn | Partridge | Perdrix grise | Starna | Patrijs |
| 18. Phasianus colchicus | Fasan | Fasan | Pheasant | Faisan de chasse | Fagiano | Fazant |
| GRUIFORMES | | | | | | |
| 19. Fulica atra | Blishøne | Bläßhuhn | Coot | Foulque macroule | Folaga | Meerkoet |

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|--------------------------------|-----------------|---------------|-------------|----------------------|--------------------|------------|
| CHARADRIIFORMES | | | | | | |
| 20. <i>Lymnocyptes minimus</i> | Enkeltbekkasin | Zwergschnepfe | Jack snipe | Bécassine sourde | Frullino | Bokje |
| 21. <i>Gallinago gallinago</i> | Dobbeltbekkasin | Bekassine | Snipe | Bécassine des marais | Beccaccino | Watersnip |
| 22. <i>Scolopax rusticola</i> | Skovsneppe | Waldschnepfe | Woodcock | Bécasse des bois | Beccaccia | Houtsnip |
| COLUMBIFORMES | | | | | | |
| 23. <i>Columba livia</i> | Klippedue | Felsentaube | Rock dove | Pigeon biset | Piccione selvatico | Rotsduif |
| 24. <i>Columba palumbus</i> | Ringdue | Ringeltaube | Wood pigeon | Pigeon ramier | Colombaccio | Houtduif |

BILAG II/2 — ANHANG II/2 — ANNEX II/2 — ALLEGATO II/2 — BIJLAGE II/2

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|--|---------------------|---------------------|------------------------|----------------------|---------------------|--------------------|
| 25. <i>Cygnus olor</i> | Knopsvane | Höckerschwan | Mute swan | Cygne muet | Cigno reale | Knobbelzwaan |
| 26. <i>Anser brachyrhynchus</i> | Kortnæbbet gås | Kurzschnabelgans | Pink-footed goose | Oie à bec court | Oca zamperose | Kleine rietgans |
| 27. <i>Anser albifrons</i> | Blisgås | Bläßgans | White-fronted goose | Oie rieuse | Oca lombardella | Kolgans |
| 28. <i>Branta bernicla</i> | Knortegås | Ringelgans | Brent goose | Bernache cravant | Oca colombaccio | Rotgans |
| 29. <i>Netta rufina</i> | Rødhovedet and | Kolbenente | Red-crested pochard | Nette rousse | Fistione turco | Krooneend |
| 30. <i>Aythya marila</i> | Bjergand | Bergente | Scaup | Fuligule milouinin | Moretta grigia | Toppereend |
| 31. <i>Somateria mollissima</i> | Ederfugl | Eiderente | Eider | Eider à duvet | Edredone | Eidereend |
| 32. <i>Clangula hyemalis</i> | Havlit | Eisente | Long-tailed duck | Harelde de Miquelon | Moretta codona | Ijseend |
| 33. <i>Melanitta nigra</i> | Sortand | Trauerente | Common scoter | Macreuse noire | Orchetto marino | Zwarte zeeëend |
| 34. <i>Melanitta fusca</i> | Fløjsand | Samtente | Velvet scoter | Macreuse brune | Orco marino | Grote zeeëend |
| 35. <i>Bucephala clangula</i> | Hvinand | Schellente | Golden-eye | Garrot à l'œil d'or | Quattrocchi | Brilduiker |
| 36. <i>Mergus serrator</i> | Toppet skallesluger | Mittelsäger | Red-breasted merganser | Harle huppé | Smergo minore | Middelste zaagbek |
| 37. <i>Mergus merganser</i> | Stor skallesluger | Gänsesäger | Goosander | Harle bièvre | Smergo maggiore | Grote zaagbek |
| 38. <i>Bonasia bonasia</i> (<i>Tetrastes bonasia</i>) | Hjerpe | Haselhuhn | Hazel hen | Gélinotte des bois | Francolino di monte | Hazelhoen |
| 39. <i>Tetrao tetrix</i> (<i>Lyrurus tetrix</i>) | Urfugl | Birkhuhn ♂ | Black grouse | Tétras lyre ♂ | Fagiano di monte | Korhoen |
| 40. <i>Tetrao urogallus</i> | Tjur | Auerhuhn ♂ | Capercaillie | Grand tétras ♂ | Gallo cedrone | Auerhoen |
| 41. <i>Alectotis barbara</i> | Berberhøne | Felsenhuhn | Barbary partridge | Perdrix de Barbarie | Pernice di Sardegna | Barbarijse patrijs |
| 42. <i>Coturnix coturnix</i> | Vagtel | Wachtel | Quail | Caille des blés | Quaglia | Kwartel |
| 43. <i>Meleagris gallopavo</i> | Vildkalkun | Wildtruthuhn | Wild turkey | Dindon/Dinde sauvage | Tacchino selvatico | Wilde kalkoen |
| 44. <i>Rallus aquaticus</i> | Vandrikse | Wasserralle | Water rail | Râle d'eau | Porciglione | Waterral |
| 45. <i>Gallinula chloropus</i> | Grønbenet rørhøne | Teichhuhn | Moorhen | Poule d'eau | Gallinella d'acqua | Waterhoen |
| 46. <i>Haematopus ostralegus</i> | Strandskade | Austernfischer | Oystercatcher | Huîtrier pie | Beccaccia di mare | Scholekster |
| 47. <i>Pluvialis apricaria</i> | Hjejele | Goldregenpfeifer | Golden plover | Pluvier doré | Piviere dorato | Goudplevier |
| 48. <i>Pluvialis squatarola</i> | Strandhjejele | Kiebitzregenpfeifer | Grey plover | Pluvier argenté | Pivieressa | Zilverplevier |

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|----------------------------------|--------------------|----------------------|---------------------------|----------------------|-------------------------------|--------------------|
| 49. <i>Vanellus vanellus</i> | Vibe | Kiebitz | Lapwing | Vanneau huppé | Pavoncella | Kievit |
| 50. <i>Calidris canutus</i> | Islandsk ryle | Knutt | Knot | Bécasseau maubèche | Piovanello maggiore | Kanoetstrandloper |
| 51. <i>Philomachus pugnax</i> | Brushane | Kampfläufer | Ruff ♂ Reeve ♀ | Chevalier combattant | Combattente | Kemphaan |
| 52. <i>Limosa limosa</i> | Stor kobbersneppe | Uferschnepfe | Black-tailed godwit | Barge à queue noir | Pittima reale | Grutto |
| 53. <i>Limosa lapponica</i> | Lille kobbersneppe | Pfuhlschnepfe | Bar-tailed godwit | Barge rousse | Pittima minore | Rosse grutto |
| 54. <i>Numenius phaeopus</i> | Lille regnspeve | Regenbrachvogel | Whimbrel | Courlis corlieu | Chiurlo piccolo | Regenwulp |
| 55. <i>Numenius arquata</i> | Stor regnspeve | Großer Brachvogel | Curlew | Courlis cendré | Chiurlo | Wulp |
| 56. <i>Tringa erythropus</i> | Sortklire | Dunkler Wasserläufer | Spotted redshank | Chevalier arlequin | Totano moro | Zwarte ruiter |
| 57. <i>Tringa totanus</i> | Rødben | Rotschenkel | Redshank | Chevalier gambette | Pettegola | Tureluur |
| 58. <i>Tringa nebularia</i> | Hvidklire | Grünschenkel | Greenshank | Chevalier aboyeur | Pantana | Groenpootruiter |
| 59. <i>Larus ridibundus</i> | Hættemåge | Lachmöwe | Black-headed gull | Mouette rieuse | Gabbiano comune | Kokmeeuw |
| 60. <i>Larus canus</i> | Stormmåge | Sturmmöwe | Common gull | Goéland cendré | Gavina | Stormmeeuw |
| 61. <i>Larus fuscus</i> | Slidemåge | Heringsmöwe | Lesser black-backed gull | Goéland brun | Gabbiano zafferano | Kleine mantelmeeuw |
| 62. <i>Larus argentatus</i> | Sølvmåge | Silbermöwe | Herring gull | Goéland argenté | Gabbiano reale | Zilvermeeuw |
| 63. <i>Larus marinus</i> | Svartbag | Mantelmöwe | Greater black-backed gull | Goéland marin | Mugnaiaccio | Mantelmeeuw |
| 64. <i>Columba oenas</i> | Huldue | Hohltaube | Stock dove | Pigeon columbien | Colombella | Holenduif |
| 65. <i>Streptopelia decaocto</i> | Tyrkerdue | Türkentaube | Collared turtle dove | Tourterelle turque | Tortora dal collare orientale | Turkse tortel |
| 66. <i>Streptopelia turtur</i> | Turteldue | Turteltaube | Turtle dove | Tourterelle des bois | Tortora | Tortelduif |
| 67. <i>Alauda arvensis</i> | Sanglærke | Feldlerche | Skyllark | Alouette des champs | Lodola | Veldleeuwerik |
| 68. <i>Turdus merula</i> | Solsort | Amsel | Blackbird | Merle noir | Merlo | Merel |
| 69. <i>Turdus pilaris</i> | Sjagger | Wacholderdrossel | Fieldfare | Grive litorne | Cesena | Kramsvogel |
| 70. <i>Turdus philomelos</i> | Sangdrossel | Singdrossel | Song-thrush | Grive musicienne | Tordo | Zanglijster |
| 71. <i>Turdus iliacus</i> | Vindrossel | Rotdrossel | Redwing | Grive mauvis | Tordo sassello | Koperwiek |
| 72. <i>Turdus viscivorus</i> | Misteldrossel | Misteldrossel | Mistle-thrush | Grive draine | Tordela | Grote lijster |

| | Belgique/ België | Danmark | Deutschland | France | Ireland | Italia | Luxembourg | Nederland | United Kingdom |
|---|---------------------|---------|-------------|--------|---------|--------|------------|-----------|-------------------|
| 25. <i>Cynus olor</i> | | | + | | | | | | |
| 26. <i>Anser brachyrhynchus</i> | + | + | | | + | | | | + |
| 27. <i>Anser albifrons</i> | + | + | + | + | + | | | + | + |
| 28. <i>Branta bernicla</i> | | + | + | | | | | | |
| 29. <i>Netta rufina</i> | | | | + | | | | | |
| 30. <i>Aythya marila</i> | + | + | + | + | + | | | + | + |
| 31. <i>Somateria mollissima</i> | | + | | + | + | | | | |
| 32. <i>Clangula hyemalis</i> | | + | | + | + | | | | + |
| 33. <i>Melanitta nigra</i> | | + | + | + | + | | | | + |
| 34. <i>Melanitta fusca</i> | | + | + | + | + | | | | + |
| 35. <i>Bucephala clangula</i> | | + | | + | + | | | | + |
| 36. <i>Mergus serrator</i> | | + | | | + | | | | |
| 37. <i>Mergus merganser</i> | | + | | | + | | | | |
| 38. <i>Bonasia bonasia</i> (<i>Tetrastes bonasia</i>) | | | | + | | | | | |
| 39. <i>Tetrao tetrix</i> (<i>Lyrurus tetrix</i>) | + | | +♂ | +♂ | | + | | | + |
| 40. <i>Tetrao urogallus</i> | | | +♂ | +♂ | | + | | | + |
| 41. <i>Alectoris barbara</i> | | | | | | + | | | |
| 42. <i>Coturnix coturnix</i> | | | | + | | + | | | |
| 43. <i>Melcagris gallopavo</i> | | | + | | | | | | |
| 44. <i>Rallus aquaticus</i> | | | | + | | + | | | |
| 45. <i>Gallinula chloropus</i> | + | | | + | | + | | | + |
| 46. <i>Haematopus ostralegus</i> | | + | | + | | | | | |
| 47. <i>Pluvialis apricaria</i> | + | + | | + | + | + | | + | + |
| 48. <i>Pluvialis squatarola</i> | | + | | + | | | | | + |
| 49. <i>Vanellus vanellus</i> | + | + | | + | + | + | | | |
| 50. <i>Calidris canutus</i> | | + | | + | | | | | |
| 51. <i>Philomachus pugnax</i> | | | | + | | + | | | |
| 52. <i>Limosa limosa</i> | | + | | + | | + | | | |
| 53. <i>Limosa lapponica</i> | | + | | + | | + | | | + |
| 54. <i>Numenius phaeopus</i> | | + | | + | | | | | + |
| 55. <i>Numenius arquata</i> | | + | | + | + | + | | | + |
| 56. <i>Tringa erythropus</i> | | + | | + | | | | | |
| 57. <i>Tringa totanus</i> | | + | | + | | + | | | + |
| 58. <i>Tringa nebularia</i> | | + | | + | | | | | |
| 59. <i>Larus ridibundus</i> | | + | + | | | | | | |
| 60. <i>Larus canus</i> | | + | + | | | | | | |
| 61. <i>Larus fuscus</i> | | + | + | | | | | | |
| 62. <i>Larus argentatus</i> | | + | + | | | | | | |

| | Belgique/ België | Danmark | Deutschland | France | Ireland | Italia | Luxembourg | Nederland | United Kingdom |
|---------------------------|---------------------|---------|-------------|--------|---------|--------|------------|-----------|-------------------|
| 63. Larus marinus | | + | + | | | | | | |
| 64. Columba oenas | | | | + | | | | | |
| 65. Streptopelia decaocto | | + | + | + | | | | | |
| 66. Streptopelia turtur | | | | + | | + | | | |
| 67. Alauda arvensis | | | | + | | + | | | |
| 68. Turdus merula | | | | + | | + | | | |
| 69. Turdus pilaris | | | | + | | + | | | |
| 70. Turdus philomelos | | | | + | | + | | | |
| 71. Turdus iliacus | | | | + | | + | | | |
| 72. Turdus viscivorus | | | | + | | | | | |

+ = Medlemsstater, som i overensstemmelse med artikel 7, stk. 3, kan give tilladelse til jagt på de anførte arter.

+ = Mitgliedstaaten, die nach Artikel 7 Absatz 3 die Bejagung der aufgeführten Arten zulassen können.

+ = Member States which under Article 7 (3) may authorize hunting of the species listed.

+ = États membres pouvant autoriser, conformément à l'article 7 paragraphe 3, la chasse des espèces énumérées.

+ = Stati membri che possono autorizzare, conformemente all'articolo 7, paragrafo 3, la caccia delle specie elencate.

+ = Lid-Staten die overeenkomstig artikel 7, lid 3, toestemming mogen geven tot het jagen op de genoemde soorten.

BILAG III/1 — ANHANG III/1 — ANNEXE III/1 — ALLEGATO III/1 — BIJLAGE III/1

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|---|------------|-----------------------------|----------------------|---------------------|--------------------------|--------------------|
| 1. <i>Anas platyrhynchos</i> | Gråand | Stockente | Mallard | Canard colvert | Germano reale | Wilde eend |
| 2. <i>Lagopus lagopus scoticus</i> et <i>hibernicus</i> | Grouse | Schottisches Moorschneehuhn | Red grouse | Lagopède des saules | Pernice bianca di Scozia | Moerassneeuwhoen |
| 3. <i>Alectoris rufa</i> | Rødhøne | Rothuhn | Red-legged partridge | Perdrix rouge | Pernice rossa | Rode patrijs |
| 4. <i>Alectoris barbara</i> | Berberhøne | Felsenhuhn | Barbary partridge | Perdrix de Barbarie | Pernice di Sardegna | Barbarijse patrijs |
| 5. <i>Perdix perdix</i> | Agerhøne | Rebhuhn | Partridge | Perdrix grise | Starna | Patrijs |
| 6. <i>Phasianus colchicus</i> | Fasan | Fasan | Pheasant | Faisan de chasse | Fagiano | Fazant |
| 7. <i>Columba palumbus</i> | Ringdue | Ringeltaube | Wood pigeon | Pigeon ramier | Colombaccio | Houtduif |

BILAG III/2 — ANHANG III/2 — ANNEXE III/2 — ALLEGATO III/2 — BIJLAGE III/2

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|---------------------------------|-----------|---------------|---------------|--------------------|----------------|-----------------|
| 8. <i>Anser anser</i> | Grågås | Graugans | Greylag goose | Oie cendrée | Oca selvatica | Grauwe gans |
| 9. <i>Anas penelope</i> | Pibeand | Pfeifente | Wigeon | Canard siffleur | Fischione | Smient |
| 10. <i>Anas crecca</i> | Krikand | Krickente | Teal | Sarcelle d'hiver | Alzavola | Wintertaling |
| 11. <i>Anas acuta</i> | Spidsand | Spießente | Pintail | Canard pilet | Codone | Pijlstaart |
| 12. <i>Aythya ferina</i> | Taffeland | Tafelente | Pochard | Fuligule milouin | Moriglione | Tafeleend |
| 13. <i>Aythya fuligula</i> | Troldand | Reiherente | Tufted duck | Fuligule morillon | Moretta | Kuifeend |
| 14. <i>Somateria mollissima</i> | Ederfugl | Eiderente | Eider | Eider à duvet | Edredone | Eidereend |
| 15. <i>Lagopus mutus</i> | Fjeldrype | Alpensneehuhn | Ptarmigan | Lagopède des Alpes | Pernice bianca | Alpensneeuwhoen |
| 16. <i>Tetrao urogallus</i> | Tjur | Auerhuhn | Capercaillie | Grand tétras | Gallo cedrone | Auerhoen |
| 17. <i>Fulica atra</i> | Blishøne | Bläshuhn | Coot | Foulque macroule | Folaga | Meerkoet |

BILAG III/3 — ANHANG III/3 — ANNEX III/3 — ALLEGATO III/3 — BIJLAGE III/3

| | Dansk | Deutsch | English | Français | Italiano | Nederlands |
|--|-----------------|------------------|---------------------|----------------------|------------------|----------------|
| 18. <i>Anser albifrons</i> | Blisgås | Bläßgans | White-fronted goose | Oie rieuse | Oca lombardella | Kolgans |
| 19. <i>Anas clypeata</i> | Skeand | Löffelente | Shoveler | Canard souchet | Mestolone | Slobeend |
| 20. <i>Aythya marila</i> | Bjergand | Bergente | Scaup | Fuligule milouinin | Moretta grigia | Toppereend |
| 21. <i>Melanitta nigra</i> | Sortand | Trauerente | Common scoter | Macreuse noire | Orchetto marino | Zwarte zeeëend |
| 22. <i>Tetrao tetrix</i> (<i>Lyrurus tetrix</i>) | Urfugl | Birkhuhn | Black grouse | Tétras lyre | Fagiano di monte | Korhoen |
| 23. <i>Pluvialis apricaria</i> | Hjejle | Goldregenpfeifer | Golden plover | Pluvier doré | Piviere dorato | Goudplevier |
| 24. <i>Lymnocyptes minimus</i> | Enkeltbekkasin | Zwergschnepfe | Jack snipe | Bécassine sourde | Frullino | Bokje |
| 25. <i>Gallinago gallinago</i> | Dobbeltbekkasin | Bekassine | Snipe | Bécassinne de marais | Beccaccino | Watersnip |
| 26. <i>Scolopax rusticola</i> | Skovsneppe | Waldschnepfe | Woodcock | Bécasse des bois | Beccaccia | Houtsnip |

ANNEX IV

- (a) — Snares, limes, hooks, live birds which are blind or mutilated used as decoys, tape recorders, electrocuting devices.
 - Artificial light sources, mirrors, devices for illuminating targets, sighting devices for night shooting comprising an electronic image magnifier or image converter.
 - Explosives.
 - Nets, traps, poisoned or anaesthetic bait.
 - Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.
- (b) — Aircraft, motor vehicles.
 - Boats driven at a speed exceeding five kilometres per hour. On the open sea, Member States may, for safety reasons, authorize the use of motor-boats with a maximum speed of 18 kilometres per hour. Member States shall inform the Commission of any authorizations granted.

ANNEX V

- (a) National lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution.
 - (b) Listing and ecological description of areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds.
 - (c) Listing of data on the population levels of migratory species as shown by ringing.
 - (d) Assessing the influence of methods of taking wild birds on population levels.
 - (e) Developing or refining ecological methods for preventing the type of damage caused by birds.
 - (f) Determining the role of certain species as indicators of pollution.
 - (g) Studying the adverse effect of chemical pollution on population levels of bird species.
-

COMMISSION

COMMISSION DECISION

of 20 March 1979

authorizing Member States to permit temporarily the marketing of forestry reproductive material not complying with the requirements of Council Directive 66/404/EEC

(79/410/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forestry reproductive material ⁽¹⁾, as last amended by Directive 75/445/EEC ⁽²⁾, and in particular Article 15 (1) thereof,

Having regard to the requests submitted by the nine Member States,

Whereas the production of reproductive material of the species set out in the Annex hereto is at present insufficient in all Member States so that their requirements for reproductive material conforming to the requirements of the above Directive cannot be met;

Whereas third countries are no longer in a position to supply sufficient reproductive material of the relevant species which can afford the same guarantees as Community reproductive material and which conforms to the requirements of the above Directive;

Whereas the Member States should therefore be authorized to allow, for a limited period, the marketing of reproductive material of the relevant species which satisfies less stringent requirements;

Whereas, for genetic reasons, the seed must be collected at places of origin within the natural range of the relevant species and the strictest possible guarantees must be given to ensure the identity of the seed;

Whereas each of the nine Member States should furthermore be authorized to approve for marketing in its own territory seed which satisfies less stringent requirements, together with plants produced therefrom, which have been approved for marketing under this Decision in another Member State; whereas such a measure is likely to permit intra-Community trade in the relevant reproductive material and to satisfy better the respective needs of the Member States involved;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are hereby authorized, on the terms set out in the Annex hereto and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed and the altitude at which it was collected, to approve for marketing within their own territory seed satisfying less stringent requirements.

2. Member States are further authorized to approve for marketing in their own territory seed approved for marketing under this Decision in another Member State.

3. Member States are further authorized to approve for marketing in their own territory plants produced from the abovementioned seed.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽²⁾ OJ No L 196, 26. 7. 1975, p. 14.

Article 2

1. The proof referred to in Article 1 (1) shall be deemed to be furnished where the seed is of the category 'source-identified reproductive material' as defined in the OECD scheme for the control of forest reproductive material moving in international trade.

2. Where the OECD scheme referred to in paragraph 1 is not used at the place of provenance of the seed, other official evidence shall be admissible.

3. Where official evidence cannot be provided in the case of the species *Larix leptolepis* and *Pinus strobus*, Member States may accept other non-official evidence.

Article 3

Authorizations granted under Article 1 (1), which concern the first marketing in the territory of different Member States, shall expire on 29 February 1980. Authorizations granted under Article 1 (1), which do

not concern the first marketing, and authorizations granted under Article 1 (2), shall expire on 31 December 1982.

Article 4

Member States shall, before 1 April 1980, notify the Commission of the quantities of seed satisfying less stringent requirements which are first marketed in their own territory under this Decision. The Commission shall inform the other Member States thereof.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 20 March 1979.

For the Commission

Finn GUNDELACH

Vice-President

BILAG — ANLAGE — ANNEX — ANNEXE — ALLEGATO — BIJLAGE

| Medlemsstat Mitgliedstaat Member State État membre Stato membro Lid-Staat | Abies alba Mill. | | Fagus silvatica L. | | Larix decidua Mill. | |
|--|------------------|---|--------------------|---|---------------------|---|
| | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | kg | Oprindelse Herkunft Provenance Provenienza Herkomst |
| B | | | 4 000 | R (alt. 900 m max) | 50 | CS, PL (alt. 900 m max) |
| D | 800 | DDR, CS, R, CH | 15 000 | DDR, CS, R, CH | 120 | CS |
| DK | 1 000 | R (Lapos-alt. 700-850 max) | 10 000 | CS (Kakasovce) R (Arad region) | | |
| F | 2 500 | F, R, CH | 5 000 | R, CS | 100 | PL, CS |
| GB | | | 6 150 | R | 200 | CS, PL |
| I | | | 1 000 | I | | |
| IRL | | | | | | |
| L | | | — | | — | |
| NL | 75 | R | — | | 50 | PL, CS |

| Medlemsstat Mitgliedstaat Member State État membre Stato membro Lid-Staat | Larix leptolepis (Sieb. & Zucc. Gord.) | | Picea abies Karst. | | Picea sitchensis Trautv. et Mey. | |
|--|--|---|--------------------|---|----------------------------------|---|
| | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | kg | Oprindelse Herkunft Provenance Provenienza Herkomst |
| B | 130 | J (Hokkaido) | 200 | PL (Carpathians) R, CS (alt. 900 m max) | 50 | USA (Washington) |
| D | — | | 130 | PL, CS, R, SU, H, DDR | 350 | USA (Washington) CDN (British Columbia) |
| DK | | | 250 | R (Moldovita, Toplita) | 125 | USA (Washington, Zone 012) |
| F | 250 | J | 600 | PL, R | 150 | USA (Washington) |
| GB | 100 | J | 250 | R, PL | 1 250 | CDN |
| I | 30 | J | | | | |
| IRL | 46 | J | | | | |
| L | — | | — | | — | |
| NL | 80 | J | 200 | PL, CS | 25 | |

| Medlemsstat Mitgliedstaat Member State État membre Stato membro Lid-Staat | Pinus nigra Arn. | | Pinus silvestris L. | | Pinus strobus L. | |
|--|------------------|---|---------------------|---|------------------|---|
| | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | kg | Oprindelse Herkunft Provenance Provenienza Herkomst |
| B | | | | | 50 | A, YU |
| D | 400 | YU | 100 | PL, SU | 100 | USA (Appalachians), A, DDR, CS |
| DK | 75 | YU (Slovakia) (300-500 max) | 250 | N (Sæverås), SU (Li) | 25 | USA (Minnesota, Chippewa National Forest) |
| F | 200 | YU | 400 | PL, SU | 100 | USA (Appalachians), CH |
| GB | | | | | | |
| I | | | | | 50 | USA (Appalachians) |
| IRL | | | | | | |
| L | — | | — | | — | |
| NL | 200 | YU | — | | 75 | CDN (Ontario), USA (Appalachians) |

| Medlemsstat Mitgliedstaat Member State État membre Stato membro Lid-Staat | Pseudotsuga taxifolia (Poir.) Britt. | | Quercus borealis Michx. | | Quercus pendunculata Ehrh. | |
|--|--------------------------------------|---|-------------------------|---|----------------------------|---|
| | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | kg | Oprindelse Herkunft Provenance Provenienza Herkomst |
| B | 500 | USA (Washington, West Cascades) (alt. 900 m max) | | | | |
| D | 6 000 | CDN (British Columbia) USA (Oregon, Washington) | 5 500 | CS, DDR, USA (Appalachians) | 20 000 | DDR, YU |
| DK | 150 | USA (Washington, Zones 211 and 403) | | | | |
| F | 4 000 | USA (Oregon, Washington) | | | 10 000 | F, R |
| GB | 300 | CDN, USA | 1 450 | PL, R, CS, EEC | 10 150 | R, PL |
| I | 500 | USA (Washington, Oregon, California) | | | 2 000 | I |
| IRL | 60 | USA (Washington) | | | | |
| L | — | | — | | — | |
| NL | — | | — | | — | |

| Medlemsstat Mitgliedstaat Member State État membre Stato membro Lid-Staat | Quercus sessiliflora Sal. | | Medlemsstat Mitgliedstaat Member State État membre Stato membro Lid-Staat | Quercus sessiliflora Sal. | |
|--|---------------------------|---|--|---------------------------|---|
| | kg | Oprindelse Herkunft Provenance Provenienza Herkomst | | kg | Oprindelse Herkunft Provenance Provenienza Herkomst |
| B | | | I | 3 000 | I |
| D | — | | IRL | | |
| DK | 15 000 | N (Agder, Arendal, Zone F) | L | — | |
| F | 15 000 | F, R | NL | — | |
| GB | 7 000 | R, PL | | | |

LEGEND

The Member States and the States of provenance are indicated in the order of the abbreviations of the international code used for motor vehicles.

1. *Member States*

| | | |
|-----|---|-----------------------------|
| B | = | Kingdom of Belgium |
| D | = | Federal Republic of Germany |
| DK | = | Kingdom of Denmark |
| F | = | French Republic |
| GB | = | United Kingdom |
| I | = | Italian Republic |
| IRL | = | Ireland |
| L | = | Grand Duchy of Luxembourg |
| NL | = | Kingdom of the Netherlands |

2. *States of provenance*

| | | |
|--------|---|---|
| A | = | Austria |
| CDN | = | Canada |
| CH | = | Switzerland |
| CS | = | Czechoslovakia |
| DDR | = | German Democratic Republic |
| H | = | Hungary |
| J | = | Japan |
| N | = | Norway |
| PL | = | Poland |
| PL(Ca) | = | Poland (Carpathians) |
| R | = | Romania |
| SU(Li) | = | Union of Soviet Socialist Republics (Lithuania) |
| SU | = | Union of Soviet Socialist Republics |
| USA | = | United States of America |
| YU | = | Yugoslavia |

COMMISSION DECISION

of 27 March 1979

extending for the second time Decision 75/356/ECSC authorizing the application of special tariff measures to the carriage by rail of iron ore from Lorraine and western France to Belgium, Luxembourg and the Saar

(Only the French and German texts are authentic)

(79/411/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 70 thereof,

Whereas the application of reduced rates to the carriage by rail of French iron ore to Belgium, Luxembourg and the Saar has been authorized and extended by a number of Decisions of the High Authority of the ECSC and of the Commission ⁽¹⁾, of which the most recent, dated 24 April 1975 and applicable until 31 December 1976, was extended to 31 December 1977 by the Commission Decision of 23 December 1977 ⁽²⁾;

Whereas, by letters dated 7 December 1978, 1 February 1979 and 15 February 1979, from the offices of the Permanent Representatives of France, Germany and

Luxembourg respectively to the European Communities, the French, German and Luxembourg Governments addressed a request to the Commission to extend the special tariff measures until 31 December 1980, with the same tariff reductions as those applied until 31 December 1977;

Whereas in their requests the governments concerned pointed out that:

- the circumstances which gave rise to previous authorizations granted by the Commission still prevail today,
- the situation as regards French iron ore has worsened because of the crisis affecting the Community iron and steel industry,
- the restructuring of the iron and steel industry in Lorraine, Belgium, Luxembourg and the Saar, which is not yet complete, will mean considerable reduction in the capacity of the French iron mines, which will cause serious industrial, economic and social problems,
- the competition facing French ore sales persists and has even been intensified, particularly by the general drop in third country ore prices, chiefly of Swedish phosphorous ore,
- an extension of the tariff measures concerned would avoid a drastic slump in the sales of Lorraine ore and would thus contribute towards a more orderly restructuring of mining capacity in order to adapt it to foreseeable long-term requirements;

Whereas the circumstances invoked by the governments concerned appear to be beyond question;

Whereas, in the context of the supply of Community raw materials, it is clearly of interest to the Community iron and steel industry that the French iron mines should continue to be worked, so that its sources of supply are, to a certain extent, guaranteed against the

⁽¹⁾ Lorraine — Saar:

Decision No 13-67 of 7 June 1967 (OJ No 116, 17. 6. 1967, p. 2249/67);

Decision 74/302/ECSC of 22 May 1974 (OJ No L 171, 27. 6. 1974, p. 2).

Lorraine — Belgium:

Decision 68/349/ECSC of 31 July 1968 (OJ No L 230, 19. 9. 1968, p. 8);

Decision 73/48/ECSC of 4 January 1973 (OJ No L 83, 30. 3. 1973, p. 36).

Lorraine — Luxembourg:

Decision 69/268/ECSC of 28 July 1969 (OJ No L 220, 1. 9. 1969, p. 5);

Decision 73/48/ECSC of 4 January 1973 (OJ No L 83, 30. 3. 1973, p. 36).

Western France to Belgium, Luxembourg and the Saar:

Decision 73/49/ECSC of 4 January 1973 (OJ No L 83, 30. 3. 1973, p. 38).

⁽²⁾ Decision 75/356/ECSC of 24 April 1975 (OJ No L 159, 21. 6. 1975, p. 17);

Decision 78/103/ECSC of 23 December 1977 (OJ No L 38, 8. 2. 1978, p. 20).

risks associated with imports from non-member countries;

Whereas the extension of the tariff measures in question helps to avoid disturbances in the employment market, which is particularly affected by the restructuring already carried out and the further measures planned;

Whereas under these circumstances the measures are not contrary to the principles of the ECSC Treaty, as they do not disturb the common market in ore production, nor do they distort competition between the purchasers of ore, since the latter can always obtain ore supplies on at least equal terms from non-member countries;

Whereas the Commission must reserve the right to review its Decision whenever the circumstances giving rise to it change or no longer apply,

HAS ADOPTED THIS DECISION :

Article 1

In Article 1 of Decision 75/356/ECSC the dates '31 December 1977' and '31 December 1976' are replaced by '31 December 1980' and '31 December 1977' respectively.

Article 2

This Decision is addressed to the Federal Republic of Germany, the French Republic and the Grand Duchy of Luxembourg.

Done at Brussels, 27 March 1979.

For the Commission

Richard BURKE

Member of the Commission

COMMISSION DECISION

of 27 March 1979

authorizing a specialization agreement concerning rolled steel products between Irish Steel Holdings Ltd and Société métallurgique et navale Dunkerque-Normandie SA

(Only the English and French texts are authentic)

(79/412/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 65 thereof,

Having regard to the applications submitted by the undertakings concerned — Irish Steel Holdings Ltd and Société métallurgique et navale Dunkerque-Normandie SA — on 5 and 13 December 1978 respectively,

Whereas :

I

1. The following steel producing undertakings covered by Article 80 of the Treaty:

- Irish Steel Holdings Ltd, Haulbowline, Cobh, County Cork, Ireland (hereinafter called 'ISH'), with an issued share capital of £ 5 785 005, and
- Société métallurgique et navale Dunkerque-Normandie SA, 16, boulevard Malesherbes, F-75008 Paris (hereinafter called 'SMNDN'), with a share capital of FF 196 620 600,

have applied to the Commission, pursuant to Article 65 (2) of the Treaty, for authorization of an agreement which they signed on 13 December 1978.

2. The agreement in question, which has been made subject to the prior condition that it receive the Commission's authorization under Article 65, contains the following principal elements:

- (a) ISH will exclude from the product range of a new rolling mill, intended to begin operation at Haulbowline Works from about mid-1980, certain types of light-rolled products, namely certain specified sizes of flats and angles (hereinafter called 'specified light sections').
- (b) SMNDN will, from the date of commencement of operation of ISH's new rolling mill, gradually

transfer to ISH's Haulbowline Works all of its orders for medium sections within the current range of its 450 mm rolling mill at its Mondeville Works, amounting to about 30 000 tonnes a year. SMNDN undertakes to sell, subject to market conditions, all of these medium sections on the French market on behalf of ISH, for which service SMNDN will receive a commission of 2.5% from ISH.

- (c) SMNDN's 450 mm rolling mill will thus lose an adequate load and SMNDN will proceed to close that mill.
- (d) At the same time, however, the level of steel production at SMNDN will be broadly maintained by increasing the output of other rolling mills at Mondeville Works by 26 500 tonnes a year of light sections and wire rods, including the specified light sections to be excluded from the product range of the new rolling mill at Haulbowline Works. ISH will sell the 26 500 tonnes, again subject to market conditions, on the Irish and UK markets on SMNDN's behalf, receiving in return a 2.5% commission from SMNDN.
- (e) SMNDN will use its best endeavours to secure for ISH orders in France for a further 30 000 tonnes a year in sizes outside the current range of the Mondeville 450 mm mill and of the other Mondeville rolling mills. For its part ISH will investigate within its areas of market influence ways by which sales of SMNDN products can be brought closer to the sales of ISH products in France expected to be secured by SMNDN.
- (f) Prior to the initial operation of the new rolling mill at Haulbowline and the closure of the 450 mm rolling mill at Mondeville, ISH and SMNDN will assist each other in developing sales of non-conflicting products within their respective areas of market influence.
- (g) The agreement will come into operation as soon as authorized under Article 65 of the Treaty, will remain in force for three years as from the commencement of operation of the new rolling mill

at Haulbowline and will continue indefinitely thereafter unless terminated by six months' advance notice given by either party.

II

3. The agreement submitted for authorization restricts normal competition between the undertakings concerned since they will:

- (i) renounce or abandon the production of particular products in favour of each other;
- (ii) nominate each other as main distributor for these and other products in their respective areas of market influence;
- (iii) assist each other to develop sales of the relevant products in their respective areas of market influence.

The agreement is therefore caught by the prohibition in Article 65 (1) of the Treaty.

III

4. However, Article 65 (2) empowers the Commission to authorize specialization agreements or joint-buying or joint-selling agreements, and agreements which are strictly analogous in nature and effect, if it finds that they satisfy the requirements specified.

5. The agreement concerned, relating to reciprocal undertakings by the parties not to make certain products, to appoint each other as main agents in certain areas and to promote the sales of each other's products in those markets of which they have a particularly good knowledge, is a specialization agreement. The agreement may therefore be authorized under Article 65 (2) of the Treaty, provided that it makes for a substantial improvement in production or distribution and that it is essential to achieve these results and is not more restrictive than is necessary for that purpose; in addition, the agreement must not be liable to give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing of a substantial part of the products in question within the common market, or to shield them against effective competition from other undertakings within the common market.

IV

6. On the question whether the agreement will make for a substantial improvement in the production or

distribution of the products concerned, it is necessary to consider:

- (a) the background to the agreement, which is related to the structural crisis in the steel industry; and
- (b) the benefits expected to arise from the proposed product specialization.

(a) Background (structural crisis)

7. ISH is the only steel producing undertaking in Ireland and is faced with the need to modernize its works if it is to remain competitive in the steel market. In order to be viable a modern mill for bars and sections including the medium sizes needs to have a capacity of at least 250 000 tonnes a year combined with a reasonably high and continuous rate of operation. In 1977, ISH notified to the Commission an investment project for replacing its old steelmaking and rolling facilities with modern plant, including a new combined bar and section mill, providing an increase in production potential for bars and sections from the existing 90 000 tonnes to a level of about 300 000 tonnes. In a reasoned opinion sent to ISH on 23 December 1977, under Article 54 of the Treaty, the Commission drew attention to its view that section mill capacities in the Community are likely to exceed demand in the medium term by a large margin and invited ISH to reconsider the scheme.

8. Subsequently a Working Party was set up comprising representatives of the Irish Government, ISH and the Commission, in which it was agreed that the project could be rendered more consistent with Community steel policy if the increase in capacity for sections proposed under the project could be reduced through cooperation with another Community producer. The agreement between ISH and SMNDN, in that it involves the closure of the 450 mm mill at Mondeville Works, with a capacity of about 60 000 tonnes, will have the effect of reducing the net increase in Community section mill capacity resulting from the implementation of the ISH investment scheme. In a further reasoned opinion dated 10 January 1979, under Article 54, the Commission has indicated to ISH that, having regard to the agreement between ISH and SMNDN (subject to its authorization under Article 65) and to a certain limitation in the increase in ISH finished product output between 1981 and 1985, the Commission considers the ISH project to be consistent with the Community's general objectives for the steel industry.

(b) Benefits from rationalization

V

9. Both ISH and SMNDN will obtain economies of scale as a result of the product specialization provided for under the agreement. In ISH's case, the elimination of the specified light sections from the product range of the new rolling mill, and their replacement by 30 000 tonnes a year of medium sections and up to 30 000 tonnes of other products within its reduced range, will enable the mill to have longer production runs for each roll change. In SMNDN's case its light bar and section mill (train à petits fers) and its wire rod mill will be more fully loaded by the 26 500 tonnes of light sections and wire rods and the further quantities of suitable products secured for the Mondeville mills by ISH. The SMNDN rolling mills, therefore, will likewise benefit from production rationalization in securing the cost economies which flow from longer production runs.

10. The efforts which each party will make in its own geographical area to secure business for its partner will be necessary to ensure the required additional loading of the mills with the products concerned. Each partner will need to apply its specialized market knowledge to secure this objective. Similarly the provision in the agreement for preliminary promotion by the partners of each other's interests in their respective areas of market influence is necessary in order to prepare the way in the market for the situation which will arise when the new ISH mill begins to roll and then builds up production leading to the closure of the 450 mm mill at SMNDN.

11. It is not yet possible to quantify precisely the cost benefits which will accrue to the undertakings concerned as a result of the product specialization proposed, but they will be considerable. In addition there should be some improvement in capacity utilization in Community section mills generally as a result of the closure of the 450 mm mill, giving certain cost savings.

12. It appears, therefore, that the agreement may make for 'substantial improvement' in production and distribution of the products concerned. The agreement is also essential in order to achieve that result and is not more restrictive than is necessary for that purpose. If they acted on their own and without the degree of cooperation specified, the undertakings could not achieve this improvement, or at least the same degree of improvement.

13. The agreement therefore satisfies the tests of Article 65 (2) (a) and (b).

14. On the question whether the agreement meets the tests of Article 65 (2) (c) the relevant points are set out in paragraphs 15 to 20 below.

15. The production by ISH and SMNDN of the relevant products in 1977 is shown in the following table:

| Product | (tonnes) | |
|-------------------|-----------------------|------------------------|
| | ISH | SMNDN |
| Bars and sections | 28 467 ⁽¹⁾ | 81 860 |
| Reinforcing bars | — | 151 023 ⁽²⁾ |
| Wire rods | — | 354 870 ⁽²⁾ |

⁽¹⁾ ISH production in 1977 was seriously affected by an extended strike. In the previous two years production had been about 50 000 tonnes a year.

⁽²⁾ SMNDN production figures include 50% of the output of Société des aciéries de Montereau (Montereau-Fault-Yonne), which is owned as to 50% by SMNDN and as to 50% by another steel producer.

16. ISH at present exports a few thousand tonnes to other Community countries. When its new mill is in operation, however, it will expect to sell more than half of its output in other Community countries, including a proportion (under the agreement) in France. In the Irish market, ISH, although the sole producer in Ireland, will not be in any specially privileged position regarding the relevant products. Imports into Ireland of products in ISH's existing range of bars and sections have consistently exceeded ISH's output of those products in recent years, although that output has been well below the capacity of the mill. The agreement will exclude competition from SMNDN for certain sizes, but ISH will still have to face competition from imports from all other sources over the whole range of its production.

17. SMNDN at present sells about half of its output of the relevant products in France, about 10% to other Community countries and the remainder to third countries. As a result of the agreement, the proportion which it sells to other Community countries will rise, i.e. allowing for its additional sales in Ireland and the United Kingdom. In France SMNDN is responsible for about 10% of French production of the relevant products and there is strong competition from imports.

18. Having regard to the situation described in paragraphs 16 and 17 above, and to the fact that there is considerable interpenetration of all the national markets of the Community in the relevant products, it is appropriate to regard the Community market taken as a whole as the relevant market.

19. So far as bars and sections are concerned, SMNDN represents a 0.5% share and ISH a 0.2% share of Community production. The ISH share may rise to say 1.5% of Community production when its new mill is in full operation. So far as wire rods and reinforcing bars are concerned, SMNDN represents 3.5 and 2% respectively of Community production. The partners are faced with the competition of more than 100 other Community producers of the light bars and sections and of reinforcing bars, some 30 other producers of medium sections and over 50 other producers of wire rods, including several much larger makers of the relevant products.

20. In these circumstances, the agreement is not liable to give the undertakings concerned the power to determine prices, or to control or restrict the production or marketing of a substantial part of the products concerned within the common market, or to shield them against effective competition from other undertakings within the common market. The agreement therefore satisfies the tests of Article 65 (2) (c).

VI

21. The Commission must ensure that all measures taken by the undertakings concerned under the agreement examined here are in conformity with the authorization given by this Decision and with the terms of the Treaty. To this end the undertakings concerned must be required to inform the Commission forthwith of all changes and additions to the agreement. It should be provided that such changes and additions may not be put into effect until the Commission has declared them to be admissible within the framework of this Decision or has authorized them under Article 65 (2) of the Treaty.

22. In view of the expected time span (1981 to 1985) in the full build-up of production on the ISH new mill and the need to allow a further period to obtain the full benefits from the rationalization, it is appropriate to grant an authorization for 10 years in the first instance.

23. The agreement for which authorization has been requested is in conformity with Article 65 (2) of the Treaty and may therefore be authorized,

HAS ADOPTED THIS DECISION:

Article 1

The agreement made on 13 December 1978 between Irish Steel Holdings Ltd, Haulbowline, Cobh, County Cork, Ireland, and Société métallurgique et navale Dunkerque-Normandie SA, 16, boulevard Malesherbes, F-75008 Paris, concerning rolled steel products, is hereby authorized.

Article 2

1. The undertakings concerned shall inform the Commission forthwith of any changes and additions made to the agreement.

2. Effect shall not be given to the changes referred to in paragraph 1 until the Commission has declared that they are in conformity with the authorization given by this Decision, or has authorized them under Article 65 (2) of the ECSC Treaty.

Article 3

This Decision shall enter into force upon its notification and shall expire on 31 March 1989.

Article 4

This Decision is addressed to the undertakings referred to in Article 1.

Done at Brussels, 27 March 1979.

For the Commission

Raymond VOUEL

Member of the Commission