

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1998 Nr. 51

A. TITEL

*Verdrag inzake het behoud van wilde dieren en planten en hun
natuurlijk leefmilieu in Europa, met Bijlagen;
Bern, 19 september 1979*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1979, 175.
Voor de ondertekeningen zie ook *Trb.* 1982, 28, *Trb.* 1994, 215,
Trb. 1995, 180, *Trb.* 1996, 77 en *Trb.* 1997, 43.

In overeenstemming met artikel 19, eerste lid, eerste alinea, is het Verdrag voorts nog ondertekend voor:

Tsjechië¹⁾ 8 oktober 1997

¹⁾ Onder de volgende voorbehouden:

“Reservation to the inclusion of the following species in Appendix II of the Convention; *Canis lupus*, *Ursus arctos*, *Bubo bubo*, *Buteo buteo*, *Buteo lagopus*, *Accipiter gentilis* and *Falco tinnunculus* with respect to the current proliferation of these species in the territory of the Czech Republic, with respect to the need for regulation of nutrition specialists and with respect to the current use of falconry. In the event of an emergency the regime corresponding to the species specified in Appendix II shall be applied to all the above mentioned wild fauna species.

Reservation to the inclusion of *Capra aegagrus* in Appendix II of the Convention with respect to the existence of breeding only in game-parks of genetically unsuitable animals of this species which is not indigenous to the Czech republic.

Reservation to the inclusion in Appendix IV of the Convention of semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition with respect to Act No. 23/1962 on gamekeeping as amended by later regulations and Ordinance No. 134/1996 on the Implementation of the Act on Gamekeeping, which permit the use of such weapons for hunting.”

C. VERTALING

Zie *Trb.* 1980, 60.

D. PARLEMENT

Zie *Trb.* 1982, 28, *Trb.* 1994, 215, *Trb.* 1995, 180, *Trb.* 1996, 77 en *Trb.* 1997, 43.

E. BEKRACHTIGING

Zie *Trb.* 1982, 28, *Trb.* 1988, 72, *Trb.* 1991, 101, *Trb.* 1994, 215¹⁾ *Trb.* 1996, 77 en *Trb.* 1997, 43.

¹⁾ De Regering van Malta heeft bij nota's van 17 februari 1997 en 25 maart 1997 de bij de bekrachtiging gemaakte voorbehouden gedeeltelijk ingetrokken.

De mededeling inzake de wijziging van het voorbehoud en het voorbehoud per 17 februari 1997, luiden als volgt:

Malta wishes to withdraw from two reservations it had made, when [ratifying] the Convention, namely the reservation re the shooting and taking of the *Streptopelia turtus* and *Coturnix coturnix*, and from its reservation re the means used for taking birds under Appendix IV.

Malta is in a position to withdraw its reservation re the *Fringilla coelebs* under Appendix III. Furthermore, Malta's withdrawal from the reservation regarding the use of nets for trapping, applies also to wild rabbits.

As from 17 February 1997, the reservation reads as follows:

"In pursuance of paragraph 1 of article 22 of the Convention on the Conservation of European Wildlife and Natural Habitats of 1979, the Republic of Malta reserves the right not to apply the provisions of the Convention in respect of the following, accordingly:

a) AVES - birds which can be trapped from the 1st of September to the 31st of January.

Appendix II

Carduelis chloris

Carduelis carduelis

Carduelis spinus

Carduelis cannabina

Serinus serinus

Coccothraustes coccothraustes".

F. TOETREDING

Zie *Trb.* 1988, 72, *Trb.* 1991, 101, *Trb.* 1994, 215 en *Trb.* 1996, 77.

G. INWERKINGTREDING

Zie *Trb.* 1982, 28 en *Trb.* 1994, 215.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1994, 215.

J. GEGEVENS

Zie *Trb.* 1979, 175, *Trb.* 1982, 28, *Trb.* 1988, 72, *Trb.* 1991, 101, *Trb.* 1992, 112, *Trb.* 1994, 215, *Trb.* 1995, 180, *Trb.* 1996, 77 en *Trb.* 1997, 43.

In overeenstemming met artikel 17, derde lid, van het Verdrag zijn de op 6 december 1996 door de Permanente Commissie aangenomen wijzigingen van de Bijlage I en Bijlage II bij het Verdrag op 7 maart 1997 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, gelden de wijzigingen alleen voor Nederland.

De Regering van Noorwegen heeft bij brief van 6 maart 1997, ontvangen door de depositaris van het Verdrag op 13 maart 1997, tegen de aangenomen wijziging van de Bijlagen van 6 december 1996 het volgende bezwaar met betrekking tot artikel 17c gemaakt en de volgende verklaring met betrekking tot de geografische dekking afgelegd:

“At its 16th meeting in Strasbourg, 2-6 December 1996, the Standing Committee of the Bern Convention adopted several amendments to the Appendices of the Convention. The decision implies including a number of species for Appendix I, i.e. strictly protected plant species, Appendix II, i.e. strictly protected fauna species, and III, i.e. protected fauna species.

Objection to amendments of the Convention according to Article 17c

On behalf on the Norwegian Government the Directorate for Nature Management would like to notify an objection to the inclusion of the plant species *Rheum rhaponticum L* in Appendix I of the Convention. The reason why Norway has come to this conclusion is that *Rheum rhaponticum L* has been introduced to Norway, and that its inclusion in Appendix I from our point of view, comes into conflict with the objectives of Article 11-2b of the Convention, which call for the strict control of non-native species. According to our present state of knowledge *Rheum rhaponticum L* has been used as an ornamental and medicinal plant, and is thought to originate from Middle Asia. Finally, however, we would like to inform you that our objection does not imply that Norway at present have any intentions of changing her management practice concerning this species.

Interpretation with regard to listing of marine species - geographical coverage.

Concerning the adopted list of marine species for the inclusion in Appendices II and III, Norway understands that these listings only apply to the geographical area of the Mediterranean Sea, as it is reflected in Article 1.1 of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean adopted in Barcelona on 16 February 1976 and amended on 15 June 1995. It reads:

‘Article 1

GEOGRAPHICAL COVERAGE

1. For the purposes of this Convention, the Mediterranean Sea Area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses.'

This interpretation is also reflected in a letter from the Bern Convention Secretariat of 5 March 1997. Norway therefore understands that the listing of these marine species in Appendix II and III has no consequences for populations or parts of populations appearing outside this area.

On this background we would like to emphasize the importance of a practice giving Parties the possibility of listing populations to the Convention."

Wijziging van de Bijlagen van 5 december 1997

Op 5 december 1997 heeft de Permanente Commissie wijzigingen aangenomen van Bijlage I, Bijlage II en Bijlage III bij het Verdrag.

De wijzigingen behoeven ingevolge artikel 19 van de Grondwet, juncto artikel 7, onderdeel f, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

In overeenstemming met artikel 17, derde lid, van het Verdrag zullen de wijzigingen van de Bijlagen op 6 maart 1998 in werking treden, tenzij eenderde van de Verdragsluitende Partijen bezwaren tegen de wijzigingen heeft kenbaar gemaakt.

De tekst van de wijzigingen luidt als volgt:

APPENDIX/ANNEXE I**STRICTLY PROTECTED FLORA SPECIES
ESPÈCES DE FLORE STRICTEMENT PROTÉGÉES**

New species added
Nouvelles espèces ajoutées

ANGIOSPERMAE**CYPERACEAE**

Carex secalina Willd. ex Wahlenb.

LABIATAE

Dracocephalum ruyschiana L.

ORCHIDACEAE

Ophrys oestrifera Bieb.

Ophrys taurica (Agg.) Nevski.

Orchis provincialis Balb.

 APPENDIX/ANNEXE II

 STRICTLY PROTECTED FAUNA SPECIES
 ESPÈCES DE FAUNE STRICTEMENT PROTÉGÉES

New species added
 Nouvelles espèces ajoutées

Fish/Poissons

ACIPENSERIFORMES

Acipenseridae

Acipenser sturio

PLEUROTREMATA

Cetorhinidae

Cetorhinus maximus (in Mediterranean)

ATHERINIFORMES

Cyprinodontidae

Valencia leutourneuxi

CHIMAERIFORMES

Chimaeridae

Mobula mobular (in Mediterranean)

Birds/Oiseaux

PROCELLARIFORMES

Procellariidae

Puffinus yelkouan

PELECANIFORMES

Phalacrocoridae

Phalacrocorax aristotelis (in Mediterranean)

APPENDIX/ANNEXE III

PROTECTED FAUNA SPECIES
ESPÈCES DE FAUNE PROTÉGÉESNew species added
Nouvelles espèces ajoutées**Sponges/Éponges**

PORIFERA

Hippospongia communis (in Mediterranean)
Spongia agaricina (in Mediterranean)
Spongia officinalis (in Mediterranean)
Spongia zimocca (in Mediterranean)**Cnidarians/Cnidaires**

HEXACORALLIA

Antipathes sp. plur. (in Mediterranean)

ALCIONARIA

Corallium rubrum (in Mediterranean)

Echinoderms/Echinodermes

ECHINOIDEA

Paracentrotus lividus (in Mediterranean)

Arthropods/Artropodes

CRUSTACEA

Homarus gammarus (in Mediterranean)
Maja squinado (in Mediterranean)
Palinurus elephas (in Mediterranean)
Scyllarides latus (in Mediterranean)
Scyllarides pigmaeus (in Mediterranean)
Scyllarus arctus (in Mediterranean)**Fish/Poissons**

PLEUROTREMATA

*Lamnidae*Isurus oxyrinchus (in Mediterranean)
Lamna nasus (in Mediterranean)*Carcharhinidae*

Prionace glauca (in Mediterranean)

*Squatinae**Squatina squatina* (in Mediterranean)

HYPOTREMATA

*Rajidae**Raja alba* (in Mediterranean)

CHIMAERIFORMES

*Chimaeridae**Mobula mobular* (in Mediterranean)

PERCIFORMES

*Serranidae**Epinephelus marginatus* (in Mediterranean)*Sciaenidae**Sciæna umbra* (in Mediterranean)*Umbrina cirrosa* (in Mediterranean)

Uitgegeven de *vijfentwintigste* februari 1998

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO