

# **Protection of wild fauna and flora: regulating trade in species; Commission implementing powers**

2008/0042(COD) - 26/02/2008 - Legislative proposal

**PURPOSE:** to introduce new implementing procedures concerning the protection of species of wild fauna and flora. Adaptation to the regulatory procedure for scrutiny.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**BACKGROUND:** in 2006 rules governing the Commission's implementing powers were amended by Council Decision 2006/512/EC. This Council Decision introduced a new "regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument that have been adopted in accordance with the co-decision procedure". This may include deleting some elements, or supplementing the instrument, through the addition of new non-essential elements.

The Commission has examined all instruments adopted by co-decision in a bid to identify those which permit the Commission to adopt measures of a general scope and which are designed to amend "non-essential" elements of the basic instrument in question. Over 200 instruments have been identified.

**CONTENT:** the purpose of this proposal is to introduce the new regulatory procedure with scrutiny to Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating the trade thereof. This Regulation is currently subject to the Commission's codification programme and adaptation of the new procedure should take place, depending on how far the codification process has progressed – either by recasting the codified proposal or, as is currently being proposed, by legislative amendment.

Where justified, the adaptation contains provisions concerning time limits normally applicable in the context of the regulatory procedure with scrutiny. On the grounds of efficiency, the normal time limits for the regulatory procedure with scrutiny, will be curtailed for the adoption of measures concerning amendments to Annexes A to D. The Commission also proposes specifying a reference to the regulatory procedure in the comitology provision that have not been aligned to the regulatory procedure with scrutiny.