


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2012/0196(COD) Awaiting Council's 1st reading position
Protection of species of wild fauna and flora by regulating trade therein. Recast	
Repealing Regulation (EC) No 338/97 <a href="#">1991/0370(SYN)</a>	
Subject 2.10.01 Customs union, tax and duty-free, Community transit 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 6.20.02 Export/import control, trade defence, trade barriers 7.40.02 Judicial cooperation in civil and commercial matters	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Food Safety		12/09/2012
		S&D <a href="#">GROOTE Matthias</a>	
		Shadow rapporteur	
		PPE <a href="#">FJELLNER Christofer</a>	
		ALDE <a href="#">ZANONI Andrea</a>	
		Verts/ALE <a href="#">HASSI Satu</a>	
		ECR <a href="#">ROSBACH Anna</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs		16/10/2013
		EFD <a href="#">SPERONI Francesco Enrico</a>	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	<a href="#">Environment</a>		
	<a href="#">Legal Service</a>		
European Economic and Social Committee			
European Committee of the Regions			

Key events			
11/09/2012	Committee referral announced in Parliament, 1st reading		
30/01/2014	Vote in committee, 1st reading		
04/02/2014	Committee report tabled for plenary, 1st reading	<a href="#">A7-0087/2014</a>	Summary
16/04/2014	Results of vote in Parliament		
16/04/2014	Decision by Parliament, 1st reading	<a href="#">T7-0397/2014</a>	Summary

Technical information	
Procedure reference	2012/0196(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
	Repealing Regulation (EC) No 338/97 <a href="#">1991/0370(SYN)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	ENVI/7/10173

Documentation gateway					
Legislative proposal		<a href="#">COM(2012)0403</a>	19/07/2012	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES2152/2012</a>	14/11/2012	ESC	
Committee draft report		<a href="#">PE516.935</a>	27/11/2013	EP	
Amendments tabled in committee		<a href="#">PE526.238</a>	09/01/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0087/2014</a>	04/02/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0397/2014</a>	16/04/2014	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2014)471</a>	09/07/2014	EC	

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

## Protection of species of wild fauna and flora by regulating trade therein. Recast

**PURPOSE:** recast of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

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

**BACKGROUND:** the codification of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein has been initiated by the Commission. The new Regulation was to have superseded the various acts incorporated in it.

In the meantime the Lisbon Treaty entered into force.

- Article 290 of the Treaty on the Functioning of the European Union (TFEU) allows the legislator to delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act (delegated acts).
- Article 291 of the TFEU allows the legislator to confer implementing powers on the Commission where uniform conditions for implementing legally binding Union acts are needed (implementing acts).

**IMPACT ASSESSMENT:** no impact assessment was undertaken.

**LEGAL BASIS:** Article 192 (1) of the Treaty on the Functioning of the European Union (TFUE).

**CONTENT:** Regulation (EC) No 338/97 contains provisions for which such a delegation of power or such a conferral of implementing powers

would be opportune. It is therefore proposed to transform the codification of Regulation (EC) No 338/97 into a recast in order to incorporate the necessary amendments.

The Commission will be empowered to adopt delegated acts in accordance with Article 290 TFEU in respect of the adoption of certain measures regulating trade in species of wild fauna and flora, of certain amendments to the Annexes to the Regulation and of additional measures to implement resolutions of the Conference of the Parties to the Convention on international trade in endangered species of wild fauna and flora (CITES), decisions or recommendations of the Standing Committee of the Convention and recommendations of the Convention Secretariat.

When preparing and drawing-up delegated acts, the Commission should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Lastly, in order to ensure uniform conditions for the implementation of the Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

## Protection of species of wild fauna and flora by regulating trade therein. Recast

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The Committee on the Environment, Public Health and Food Safety adopted the report Matthias GROOTE (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council on the protection of species of wild fauna and flora by regulating trade therein (recast).

The committee recommended that Parliaments position in first reading following the ordinary legislative procedure should make a few amendments to the Commission proposal with regard to the Commissions implementing powers. These powers will be conferred on the Commission in particular for the establishment of the design, the model and the format of certain documents, including certificates for export or re-export, and the import notification.

## Protection of species of wild fauna and flora by regulating trade therein. Recast

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The European Parliament adopted by 633 votes to 17, with 15 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the protection of species of wild fauna and flora by regulating trade therein (recast).

Parliaments position adopted at first reading following the ordinary legislative procedure amended the Commission proposal.

Parliament adopted a few amendments to the Commission proposal with regard to the Commissions implementing powers. These powers would be conferred on the Commission in particular for the establishment of the design, the model and the format of certain documents, including certificates for export or re-export, and the import notification.