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

2012/0196(COD) - 19/07/2012 - Legislative proposal

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 The new Regulation was to have superseded the various acts incorporated in it.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.