

Basic information	
2008/0042(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Protection of wild fauna and flora: regulating trade in species; Commission implementing powers Amending Regulation (EC) No 338/97 1991/0370(SYN) Subject 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		OUZKÝ Miroslav (PPE-DE)	26/03/2008
	Committee for opinion		Rapporteur for opinion	Appointed
	JURI Legal Affairs		The committee decided not to give an opinion.	19/12/2007
Council of the European Union	Council configuration		Meetings	Date
	General Affairs		2934	2009-03-23
European Commission	Commission DG		Commissioner	
	Environment		DIMAS Stavros	

Key events			
Date	Event	Reference	Summary
26/02/2008	Legislative proposal published	COM(2008)0104 	Summary
11/03/2008	Committee referral announced in Parliament, 1st reading		
15/07/2008	Vote in committee, 1st reading		Summary
17/07/2008	Committee report tabled for plenary, 1st reading	A6-0314/2008	
23/09/2008	Decision by Parliament, 1st reading	T6-0415/2008	Summary

23/09/2008	Results of vote in Parliament		
23/03/2009	Act adopted by Council after Parliament's 1st reading		
22/04/2009	End of procedure in Parliament		
23/04/2009	Final act signed		
21/05/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0042(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 338/97 1991/0370(SYN)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/59963

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE407.820	11/06/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0314/2008	17/07/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0415/2008	23/09/2008	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Draft final act	03703/2008/LEX	23/04/2009		
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2008)0104 	26/02/2008	Summary	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0764/2008	22/04/2008	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

[Regulation 2009/0398](#)
[OJ L 126 21.05.2009, p. 0005](#)

[Summary](#)

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.

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

2008/0042(COD) - 23/04/2009 - Final act

PURPOSE: to introduce new implementing procedures concerning the protection of species of wild fauna and flora and recast Council Regulation (EC) No 338/97.

LEGISLATIVE ACT: Regulation (EC) No 398/2009 of the European Parliament and of the Council amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, as regards the implementing powers conferred on the Commission

CONTENT: following a first reading agreement with the Parliament, the Council adopted this Regulation which recasts legislation on the protection of species of wild fauna and flora. Implementing powers conferred on the Commission will be exercised in accordance with Council Decision 1999/468 /EC as amended by Council Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for the adoption of measures of general scope and designed to amend non-essential elements of a basic instrument adopted in accordance with the codecision procedure. Accordingly, the

Commission will adopt certain implementing measures in accordance with the regulatory procedure with scrutiny. This applies particularly to the Commission's powers to adopt certain measures regulating trade in species of wild fauna and flora, to adopt certain amendments to the Annexes to Regulation (EC) No 338/97 and to adopt 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.

On grounds of efficiency, the normal time-limits for the regulatory procedure with scrutiny are curtailed for the adoption of measures amending the Annexes to Regulation (EC) No 338/97, in order to comply with the deadline for entry into force of amendments to the Appendices to the Convention.

ENTRY INTO FORCE: 10/06/2009.

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

2008/0042(COD) - 23/09/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, under the 1st reading of the codecision procedure, a legislative resolution approving the proposal for a regulation of the European Parliament and of the Council on amending Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein as regards the implementing powers conferred on the Commission - Adaptation to the regulatory procedure with scrutiny. The report had been tabled for consideration in plenary by Miroslav **OUZKY** (EPP-ED, CZ) on behalf of the Committee on the Environment, Public Health and Food Safety.