Basic information

2012/0196(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Protection of species of wild fauna and flora by regulating trade therein. Recast Repealing Regulation (EC) No 338/97 1991/0370(SYN) **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
ENVI Environment, Public Health and Food Safety	GROOTE Matthias (S&D)	12/09/2012
	Shadow rapporteur FJELLNER Christofer (PPE) ZANONI Andrea (ALDE) HASSI Satu (Verts/ALE) ROSBACH Anna (ECR) FERREIRA João (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs	SPERONI Francesco Enrico (EFD)	16/10/2013

Council of the European Union

European Commission

Commission DG	Commissioner
Environment	-- --
Legal Service	-- --

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
19/07/2012	Legislative proposal published	COM(2012)0403	Summary
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	A7-0087/2014	Summary
16/04/2014	Decision by Parliament, 1st reading	T7-0397/2014	Summary
16/04/2014	Results of vote in Parliament		
13/11/2024	Resumption of business from the previous parliamentary term		
06/10/2025	Proposal withdrawn by Commission		

Technical information

Procedure reference	2012/0196(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 338/97 1991/0370(SYN)
Legal basis	Treaty on the Functioning of the European Union TFEU 192-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ENVI/7/10173

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE516.935	27/11/2013	
Amendments tabled in committee		PE526.238	09/01/2014	
Committee report tabled for plenary, 1st reading/single reading		A7-0087/2014	04/02/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0397/2014	16/04/2014	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0403	19/07/2012	Summary
Commission response to text adopted in plenary	SP(2014)471	09/07/2014	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0403	11/10/2012	
Contribution	IT_SENATE	COM(2012)0403	04/12/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2152/2012	14/11/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

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.

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

2012/0196(COD) - 04/02/2014 - Committee report tabled for plenary, 1st reading/single reading

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 Parliament’s position in first reading following the ordinary legislative procedure should make a few amendments to the Commission proposal with regard to the Commission’s 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

2012/0196(COD) - 16/04/2014 - Text adopted by Parliament, 1st reading/single reading

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).

Parliament’s 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 Commission’s **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.