

Commission Implementing Decision of 18 November 2011 adopting a fifth updated list of sites of Community importance for the Mediterranean biogeographical region (notified under document C(2011) 8172) (2012/9/EU) (repealed)

COMMISSION IMPLEMENTING DECISION

of 18 November 2011

adopting a fifth updated list of sites of Community importance for the Mediterranean biogeographical region

(notified under document C(2011) 8172)

(2012/9/EU) (repealed)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora⁽¹⁾, and in particular the third subparagraph of Article 4(2) thereof,

Whereas:

- (1) The Mediterranean biogeographical region referred to in Article 1(c)(iii) of Directive 92/43/EEC comprises the Union territories of Greece, Cyprus and Malta in accordance with Article 1 of Protocol No 10 of the 2003 Act of Accession, and parts of the Union territories of Spain, France, Italy and Portugal and in accordance with Article 355(3) of the Treaty the territory of Gibraltar, for which the United Kingdom is responsible for external relations as specified in the biogeographical map approved on 20 April 2005 by the Committee set up by Article 20 of that Directive, hereinafter ‘the Habitats Committee’.
- (2) It is necessary in the context of a process which was initiated in 1995 to make further progress in the actual establishment of the Natura 2000 network, which is an essential element of the protection of biodiversity in the Union.
- (3) The initial list and the first four updated lists of sites of Community importance for the Mediterranean biogeographical region, within the meaning of Directive 92/43/EEC, were adopted by Commission Decisions 2006/613/EC⁽²⁾, 2008/335/EC⁽³⁾, 2009/95/EC⁽⁴⁾, 2010/45/EU⁽⁵⁾ and 2011/85/EU⁽⁶⁾. On the basis of Articles 4(4) and 6(1) of Directive 92/43/EEC, the Member State concerned shall designate the sites included in the list of sites of Community importance for the Mediterranean biogeographical region as special areas of conservation as soon as possible and within six years at most, establishing conservation priorities and the necessary conservation measures.
- (4) In the context of a dynamic adaptation of the Natura 2000 network, the lists of sites of Community importance are reviewed. A fifth update of the Mediterranean list is therefore necessary.

- (5) On the one hand, the fifth update of the list of sites of Community importance for the Mediterranean biogeographical region is necessary in order to include additional sites that have been proposed since 2009 by the Member States as sites of Community importance for the Mediterranean biogeographical region within the meaning of Article 1 of Directive 92/43/EEC. For these additional sites, the obligations resulting from Articles 4(4) and 6(1) of Directive 92/43/EEC should apply as soon as possible and within six years at most from the adoption of the fifth updated list of sites of Community importance for the Mediterranean biogeographical region.
- (6) On the other hand, the fifth update of the list of sites of Community importance for the Mediterranean biogeographical region is necessary in order to reflect any changes in site related information submitted by the Member States following the adoption of the initial and the first four updated Union lists. In that sense, the fifth updated list of sites of Community importance for the Mediterranean biogeographical region constitutes a consolidated version of the list of sites of Community importance for the Mediterranean biogeographical region. It should be stressed that, for any site included in the fifth update of the list of sites of Community importance for the Mediterranean biogeographical region, the obligations resulting from Articles 4(4) and 6(1) of Directive 92/43/EEC should apply as soon as possible and within six years at most following the adoption of the list of sites of Community importance in which the site was included for the first time.
- (7) For the Mediterranean biogeographical region, lists of sites proposed as sites of Community importance within the meaning of Article 1 of Directive 92/43/EEC have been transmitted to the Commission between January 2003 and October 2010 by the Member States concerned in accordance with Article 4(1) of that Directive.
- (8) The lists of proposed sites were accompanied by information on each site, supplied in the format established by Commission Decision 97/266/EC of 18 December 1996 concerning a site information format for proposed Natura 2000 sites⁽⁷⁾.
- (9) That information includes the map of the site transmitted by the Member States concerned, name, location and extent of the site, and the data yielded by application of the criteria specified in Annex III to Directive 92/43/EEC.
- (10) On the basis of the draft list drawn up by the Commission in agreement with each of the Member States concerned, which also identifies sites hosting priority natural habitat types or priority species, a fifth updated list of sites selected as sites of Community importance for the Mediterranean biogeographical region should be adopted.
- (11) Knowledge of the existence and distribution of the natural habitat types and species is constantly evolving as a result of the surveillance in accordance with Article 11 of Directive 92/43/EEC. Therefore, the evaluation and selection of sites at EU level was done using the best available information at present.
- (12) Certain Member States have not proposed sufficient sites to meet the requirements of Directive 92/43/EEC for certain habitat types and species. For those habitat types and species it can therefore not be concluded that the Natura 2000 network is complete. Taking into account the delay in receiving the information and reaching agreement with

the Member States, it is necessary to adopt a fifth updated list of sites, which will need to be reviewed in accordance with Article 4 of Directive 92/43/EEC.

- (13) Given that knowledge on the existence and distribution of some of the natural habitat types of Annex I and species of Annex II to Directive 92/43/EEC remains incomplete, it should not be concluded that the Natura 2000 network is either complete or incomplete. The list should be reviewed, if necessary, in accordance with Article 4 of Directive 92/43/EEC.
- (14) In the interests of clarity and transparency Decision 2011/85/EU should be repealed.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Habitats Committee,

HAS ADOPTED THIS DECISION:

Status: This is the original version (as it was originally adopted).

- (1) OJ L 206, 22.7.1992, p. 7.
- (2) OJ L 259, 21.9.2006, p. 1.
- (3) OJ L 123, 8.5.2008, p. 76.
- (4) OJ L 43, 13.2.2009, p. 393.
- (5) OJ L 30, 2.2.2010, p. 322.
- (6) OJ L 40, 12.2.2011, p. 206.
- (7) OJ L 107, 24.4.1997, p. 1.