## NATURE PROTECTION ACT, 1991

### Principal Act

**Act. No. 1991-11**

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*Commencement notice LN. 2007/062
EU Legislation/International Agreements involved:
Directive 79/409/EEC
Directive 92/43/EEC
Directive 2006/105/EC
Directive 2009/147/EC
Directive 2013/17/EU

English sources:
None cited

1 The provisions of Schedule 10 of the Nature Protection Act inserted by this amendment supersede all other arrangements relating to admission fees to the Upper Rock Nature Reserve and fees collected under such other arrangements shall be deemed to have been duly collected under this Act.

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AN ACT TO PROVIDE FOR THE PROTECTION OF WILD BIRDS, ANIMALS AND PLANTS AND FOR THE DESIGNATION AND PRESERVATION OF PROTECTED AREAS FOR THE PURPOSE OF NATURE CONSERVATION AND MATTERS INCIDENTAL THERETO.

PART I.
PRELIMINARY.

Title and commencement.

1. This Act may be cited as the Nature Protection Act 1991 and shall come into effect on a date to be appointed by the Governor by notice in the Gazette and different days may be so appointed for different purposes.

Interpretation and application.

2.(1) In this Act, unless the context otherwise requires–

“advertisement” includes a catalogue, circular of pricelist;

“animal of a European protected species” means an animal listed in Annex IV(a) to the Habitats Directive;

“aviculture” means the breeding and rearing of birds in captivity;

“biotope” has the same meaning given to it in the Wild Birds Directive;

“BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;

“European site” and “European marine site” have the meanings given them in section 17E;

“firearm” has the meaning given to it in section 2 of the Firearms Act;
“habitat” means an area used in relation to wild birds and animals for feeding, breeding and nesting and in relation to wild plants the area in which normal growth occurs;

“Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora as the same may from time to time be amended (which is reproduced in Schedule 5 for information purposes);

“marine nature area” means an area designated under section 18(2);

“Minister” means the Minister with responsibility for the Environment;

“Nature Conservancy Council” means such Nature Conservancy Council as may be established under section 20, as a scientific authority and as the Minister may specify as the Nature Conservancy Council for the purposes of this Act;

“nature conservation area” means an area designated under section 18(1);

“pick”, in relation to a plant, means gather, cut or pluck any part of the plant without uprooting it;

“plant of a European protected species” means a plant listed in either Annex II(b) or Annex IV(b) to the Habitats Directive;

“poultry” means domestic fowls, geese, ducks, guinea fowls, pigeons, quails and turkeys;

“sale” includes hire, barter and exchange and cognate expressions shall be construed accordingly;

“special area of conservation” or “SAC” means a site designated under section 17C;

“special protection area” or “SPA” means a site designated under section 17DA;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land or other medium on which it is growing;

“vehicle” includes aircraft, hydrofoil, hovercraft and boat;

“wild animal” means any animal (other than a bird) of a kind which is or (before it was killed or taken) was resident in or a visitor to Gibraltar in a wild state;
“wild bird” means any bird, other than poultry, of a kind which is ordinarily resident in or is a visitor to Gibraltar in a wild state and species of naturally occurring birds in the wild state which are native to any Member State;

“Wild Birds Directive” means Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, as the same may from time to time be amended (and which is reproduced in Schedule 8 for information purposes);

“wild bird of European origin” means any wild bird of a species which is ordinarily resident in or a visitor to the European territory of another member State;

“wild plant” means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which grows in Gibraltar in a wild state.

(2) A bird shall not be treated as bred in captivity for the purpose of this Act unless its parents were lawfully in captivity when the egg was laid.

(3) Any reference in this Act to an animal or bird or any species includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal or bird of that species.

(3A) Unless the context otherwise requires expressions used in Part IIA and in the Habitats Directive have the same meaning as in that Directive.

(3B) Unless the context otherwise requires expressions used in this Act and in the Wild Birds Directive have the same meaning in this Act as they have in that Directive.

(4) This Act applies to–

(a) BGTW; and

(b) any area of sea, the sea bed and subsoil within the limits of the exclusive economic zone adjacent to Gibraltar, when and if that zone is established.

PART II
PROTECTION OF WILD BIRDS, WILD ANIMALS AND WILD PLANTS.

Disapplication.
2A. Unless otherwise stated, this Part shall not apply in respect of an animal of a European protected species or to a plant of a European protected species.

Assessment and protection of wild bird species.

2B.(1) The Minister, through appropriate means, must establish the conservation status of all wild bird species which are either resident in or visitors to Gibraltar, BGTW or to both, and shall conduct such periodic reviews as may be required to maintain such information relevant and up to date.

(2) Based on the information obtained under subsection (1) the Minister must take such measures as are required to maintain or adapt the population of such wild bird species at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements.

(3) In the light of the duties under subsection (2) the Minister must by order take such measures as are required to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the wild bird species to which this section applies.

(4) For the purposes of subsection (3) the preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures—

(a) creation of protected areas;

(b) upkeep and management in accordance with the ecological needs of habitats—

(i) inside; and

(ii) outside,

the protected zones;

(c) re-establishment of destroyed biotopes;

(d) creation of biotopes.

(5) Where the Minister makes an Order under this section in respect of an area of land or sea, the Minister may declare that area shall be treated for the purposes of this Act as a European Site or European Marine Site.

Directions.
2C.(1) In furtherance of any matter provided for under section 2B, the Minister may issue a Direction in writing specifying the action to be taken by the person named therein and within the time stated.

(2) A person who without reasonable excuse fails to comply with such a direction shall be guilty of an offence and shall be liable on summary conviction to a fine up to level 3 on the standard scale.

Protection of wild birds, their nests and eggs.

3.(1) Subject to the provisions of this Part, if any person intentionally—

(a) hunts, kills, injures or takes any wild bird;

(b) takes, damages or destroys the nest of any wild bird by any method while that bird’s nest is in use or being built;

(bb) takes, damages or destroys the nest of any wild bird included in Schedule 9;

(c) takes or destroys an egg of any wild bird; or

(d) disturbs any wild birds,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control—

(a) any live or dead wild bird or any part of, or anything derived from, such a bird; or

(b) any egg of a wild bird or any part of such an egg,

he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that—

(a) the bird or egg had not been killed or taken, or had been killed or taken otherwise than in contravention of the provisions of this Part; or

(b) the bird or egg or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.

(4) Subject to the provisions of the Part, if any person intentionally—
(a) disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or

(b) disturbs dependent young of such a bird,

he shall be guilty of an offence.

(5) In this section “ wild bird” does not include any bird which is shown—

(a) to have been bred in captivity; or

(b) to have been imported into Gibraltar in accordance with the requirements of any other relevant Act.

Exceptions to section 3.

4.(1) Notwithstanding anything in the provisions of section 3, a person shall not be guilty of an offence by reason of—

(a) the taking of any wild bird, if he shows that the bird had been disabled otherwise than by his unlawful act and was taken solely for the purpose of passing that bird within a period of 12 hours to a person licensed under section 13(1) to tend it and release it when no longer disabled;

(b) the killing of any wild bird, if he shows that the bird had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or

(c) any act made unlawful by those provisions, if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(2) Notwithstanding anything in the provisions of section 3, a person licensed under section 13 shall not be guilty of an offence by reason of—

(a) the killing or taking of a wild bird or the injuring of such bird in the course of an attempt to kill it;

(b) the taking, damaging or destruction of the nest of a wild bird;

(c) the taking or destruction of any egg of a wild bird; or

(d) the disturbance of a wild bird or dependent young of such a bird,
where that act was carried out in accordance with and for the purposes of the licence.

**Prohibition of certain methods of hunting, killing, injuring or taking wild birds.**

5.(1) Without prejudice to section 3(1), if a person, with a view to hunting, killing, injuring or taking a wild bird—

(a) sets in position any of the following articles, being an article which is of such a nature and is so placed as to be calculated to cause bodily injury to any wild bird coming into contact therewith, that is to say, any spring, traps, gin, snare, hook and line, any electrical device for killing, stunning or frightening or any poisonous, poisoned or stupefying substance;

(b) uses any such article as is specified in paragraph (a), whether or not of such a nature and so placed as specified in paragraph (a), or any net, baited board, bird-lime or substance of a like nature to bird-lime;

(c) uses—

(i) any bow or crossbow, sling or catapult;

(ii) any explosive;

(iii) any automatic or semi-automatic weapon;

(iv) any shotgun;

(v) any device for illuminating a target or any sighting device for night shooting;

(vi) any form or artificial lighting or any mirror or other dazzling device;

(vii) any gas or smoke not falling within paragraphs (a) or (b);

(viii) any chemical wetting agent; or

(ix) any live animal or bird;

(d) uses as a decoy, any sound recording or any live bird or other animal whatever which is tethered, or which is secured by means of braces or other similar appliances, or which is blind, maimed or injured;

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(e) uses any mechanically propelled vehicle in immediate pursuit of a wild bird; or

(f) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection,

he shall be guilty of an offence.

(2) Repealed.

(3) In any proceedings under subsection (1)(a), it shall be a defence for a person charged thereunder to show that the article was set in position for the purpose of killing or taking, in accordance with a licence granted under section 13, any wild animals which could be lawfully killed or taken by those means and that he took all reasonable precautions to prevent injury thereby to wild birds.

(4) In any proceedings under sub-section (1)(f) relating to an act which is mentioned in sub-section (1)(a), it shall be a defence for a person charged thereunder to show that the article was set in position for the purpose of killing or taking, in accordance with a licence granted under section 13, any wild animals which could be lawfully killed or taken by those means and that he took or caused to be taken all reasonable precautions to prevent injury thereby to wild birds.

Sale etc. of wild or dead wild birds, egg etc.

6.(1) Subject to the provisions of this Part, if any person–

(a) sells, offers or exposes for sale, or has in his possession or transports the purpose of sale, any live wild bird or any readily recognisable parts or derivatives thereof, an egg of a wild bird or any part of such an egg; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person shows or causes or permits to be shown for the purposes of any competition or in any premises in which a competition is being held–

(a) any live wild bird; or

(b) any live bird one of whose parents was such a wild bird,
he shall be guilty of an offence.

(3) In this section “wild bird” does not include any bird which is shown–

(a) to have been bred in captivity; or

(b) to have been imported into Gibraltar in accordance with the requirements of any other Act.

Protection of captive birds.

7.(1) If any person keeps or confines any bird whatever in any cage or other receptacle which is not sufficient in height, length or breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence.

(2) Subsection (1) does not apply to poultry, or to the keeping or confining of any bird–

(a) while that bird is in the course of conveyance, by whatever means;

(b) while that bird is being shown for the purpose of any public exhibition or competition, if the time during which the bird is kept or confined for those purposes, does not in the aggregate exceed 72 hours; or

(c) while that bird is undergoing examination or treatment by a veterinary surgeon or veterinary practitioner.

(3) Every person who–

(a) promotes, arranges, conducts, assists in, receives money for, or takes part in, any event whatever at or in the course of which captive birds are liberated by hand or by any other means whatever for the purpose of being shot immediately after their liberation; or

(b) being the owner or occupier of any land, permits that land to be used for the purposes of such an event,

shall be guilty of an offence.

Special conservation measures.

7A.(1) Where a species of wild bird is included in Annex I of the Wild Birds Directive, the Minister shall, by Order, adopt special conservation
measures concerning their habitats in order to ensure the survival and reproduction of such species in their area of distribution.

(2) When adopting measures pursuant to subsection (1), the Minister shall take account of–

(a) species in danger of extinction;

(b) species vulnerable to specific changes in their habitat;

(c) species considered rare because of small populations or restricted local distribution;

(d) other species requiring particular attention for reasons of the specific nature of their habitat; and

(e) trends and variations in population levels as a background for evaluations.

(3) When adopting measures pursuant to subsection (1), the Minister shall classify, in particular, the most suitable territories in number and size as special protection areas for the conservation of the species in the geographical sea and land area where this Act applies.

(4) This section shall apply to regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection on land and within BGTW, as regards their breeding, moultmg and wintering areas and staging posts along their migration routes.

Protection of certain wild animals.

8.(1) Subject to the provisions of this Part, if any person intentionally kills, injures or takes any wild animal of a kind specified in Schedule 1, he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal of a kind specified in Schedule 1, or any part of, or anything derived from, such an animal, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that–

(a) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of the provisions of this Part; or
(b) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions.

(4) Subject to the provisions of this Part, if any person intentionally–

(a) damages or destroys, or obstructs access to, any structure or place which any wild animal of a kind specified in Schedule 1 uses for shelter or protection; or

(b) disturbs any such animal while it is occupying the structure or place which it uses for that purposes,

he shall be guilty of an offence.

(5) Subject to the provisions of this Part, if any person–

(a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal (other than such an animal shown to have been imported into Gibraltar in accordance with the provision of any other relevant law) of a kind specified in Schedule 1, or any part of, or anything derived from, such an animal; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(6) In any proceedings for an offence under subsections (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Exceptions to section 8.

9.(1) Nothing in subsection (4) of section 8 shall make unlawful anything done within a dwelling house.

(2) Notwithstanding anything in section 8, a person shall not be guilty of an offence by reason of–

(a) the taking of any such animal if he shows that the animal had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled;
(b) the killing of any such animal if he shows that the animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of it recovering; or

(c) any act made unlawful by that section if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.

(3) Notwithstanding anything in section 8, a person licensed under section 13(2) shall not be guilty of an offence by reason of the killing or injuring of a wild animal of a kind specified in Schedule 1, if he shows that his actions are in accordance with the terms of that licence.

Prohibition of certain methods of killing or taking wild animals.

10.(1) Subject to the provisions of this Part, if any person–

(a) sets in position any self-locking snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith;

(b) uses for the purpose of killing or taking any wild animal any self-locking snare, whether or not of such a nature or so placed as aforesaid, any bow or crossbow, any sling or catapult, any explosive, any electrical device for killing or stunning, any automatic or semi-automatic weapon, any shotgun, any device for illuminating a target or sighting device for night shooting, any drift net, any gill net other than a trammel net, any pot, any form of artificial light or any mirror or other dazzling device or any gas or smoke;

(ba) uses for the purpose of killing or taking any wild animal, any seine or trammel net or device for raking of sea-bed;

(c) uses as a decoy, for the purpose of killing or taking any wild animal, any live animal or bird whatever or any sound recording;

(d) uses any mechanical propelled vehicle in immediate pursuit for the purpose of driving, killing or taking any wild animal;

(e) uses any live bird, mammal for the purpose of killing or taking any wild animal; or

(f) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection,

he shall be guilty of an offence.
(2) Subject to the provisions of this Part, if any person sets in position or knowingly causes or permits to be set in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal of a kind specified in Schedule 1 which comes into contact therewith, that is to say, any trap or snare or any poisonous, poisoned or stupefying substance, he shall be guilty of an offence.

(3) Subject to the provisions of this Part, if any person—

(a) sets in position or knowingly causes or permits to be set in position any snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith; and

(b) while the snare remains in position fails, without reasonable excuse, to inspect it, or cause it to be inspected, at least once every day,

he shall be guilty of an offence.

(4) The Government may by order, either generally or in relation to any kind of wild animal specified in that order, amend sub-section (2) by adding any method of killing or taking wild animals, or by omitting any such method which is mentioned in that sub-section.

(5) In any proceedings for an offence under this section the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

(6) In any proceedings for an offence under sub-section (2) it shall be a defence for a person charged thereunder to show that the article was set in position for the purpose of killing or taking in accordance with a licence granted under section 13, any wild animals which could be lawfully killed or taken by those means and that he took or caused to be taken all reasonable precautions to prevent injury thereby to any wild animals of a kind specified in Schedule 1.

Protection of wild plants.

11.(1) Subject to the provisions of this Part, if any person intentionally picks, cuts, uproots or destroys any wild plant otherwise than in accordance with the licence granted under section 13, he shall be guilty of an offence.

(1A) Subsection (1) does not apply to—

(a) a plant specified in Schedule 2; or
(b) any plant that has been introduced to Gibraltar and could not have arrived in Gibraltar by natural means.

(2) Subject to the provisions of this Part, if any person—

(a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild plant (other than a plant specified in Schedule 2 or any plant that has been introduced to Gibraltar and could not have arrived in Gibraltar by natural means), or any part of, or anything derived from, such a plant; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,

he shall be guilty of an offence.

(3) Notwithstanding anything in sub-section (1), a person shall not be guilty of an offence by reason of any act made unlawful by that sub-section if he shows that the act was an incidental result of a lawful operation and could not reasonably have been avoided.

(4) In any proceedings for an offence under sub-section (1) or (2)(a), the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

Introduction of new species of animals or plants.

12.(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which is of a kind which is not ordinarily resident in and is not a regular visitor to Gibraltar in a wild state, he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which does not ordinarily grow in the wild in Gibraltar, he shall be guilty of an offence.

(3) Subject to sub-section (4), it shall be a defence to a charge of committing an offence under sub-section (1) or (2) to prove that the accused took all reasonable steps and exercised all diligence to avoid committing the offence.

(4) Where the defence provided by sub-section (3) involves an allegation that the commission of the offence was due to the act or default by another person, the person charged shall not, without leave of the Court, be entitled to rely on the defence unless, within a
period ending 7 clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

**Introduction of new species of birds.**

12A.(1) A person who without a permit issued by the Minister under this section releases into the wild any bird which is of a kind which is not ordinarily resident in and is not a regular visitor to Gibraltar in a wild state is guilty of an offence.

(2) Subject to subsection (3), it shall be a defence to a charge of committing an offence under subsection (1) to prove that the accused took all reasonable steps and exercised all diligence to avoid committing the offence.

(3) Where the defence provided by subsection (2) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on the defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

(4) Where a person applies to the Minister for a permit under this section the Minister shall—

(a) consider whether the introduction of that species will be prejudicial to flora and fauna; and

(b) consult the European Commission,

and thereafter may issue a permit subject to such terms and conditions as he deems necessary.

**Power to grant licences.**

13.(1) Sections 3, 4, 5, 6(2) and 7 do not apply to anything done—

(a) for scientific or educational purposes;

(b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;

(c) for the purpose of conserving wild birds;
(d) for the purpose of tending a disabled wild bird and releasing it when no longer disabled;

(e) for the purposes of preserving public health or public or air safety;

(f) for the purpose for preventing the spread of disease;

(g) for the protection of flora and fauna;

(h) for the purposes of the re-population or re-introduction of wild birds, including any breeding necessary for those purposes;

(i) for such other purpose as may be prescribed by regulations,

where there is no other satisfactory solution, and if it is done under and in accordance with the terms of a licence granted by the Government after consultation with the Nature Conservancy Council.

(2) Sections 8(1), (2) and (4), 10(1) and (2) and 11(1) do not apply to anything done–

(a) for scientific or educational purposes;

(b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;

(c) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;

(d) for the purpose of preserving public health or public safety;

(e) for the purpose of preventing the spread of disease;

(f) for such other purpose as may be prescribed by regulations,

if it is done under and in accordance with the terms of a licence granted by the Government after consultation with the Nature Conservancy Council.

(3) Subject to sub-section (4), a licence under the foregoing provisions of this section–

(a) may be, to any degree, general or specific;

(b) may be granted either to persons of a class or to a particular person;

(c) may be subject to compliance with any specified conditions;
(d) may be modified or revoked at any time by the Government after consultation with the Nature Conservancy Council; and

(e) subject to paragraph (d), shall be valid for the period stated in the licence;

and the Government may charge therefor such reasonable sum (if any) as he may determine.

(4) A licence under sub-sections (1) or (2) which authorises any person to kill wild birds or wild animals shall specify the area within which the methods by which the wild bird or wild animals may be killed.

(5) No licence may be granted under this section which may have the effect of causing the extinction in Gibraltar of any wild birds, wild animals or wild plants specified in Schedule 3.

(6) A licence granted for the purpose of allowing disabled wild birds to be tended shall specify the arrangements to be made for registering with the Nature Conservancy Council any bird so tended and for recording the release or otherwise of such bird.

(6A) Notwithstanding any provision, limitation or condition that may be imposed on a licence issued under this section, where the licence to be issued is in respect of a wild bird, the licence must specify—

(a) the species which are covered by the licence;
(b) the means, arrangements or methods authorised for capture or killing;
(c) the conditions of risk and the circumstances of time and place under which the licensed activity may be undertaken;
(d) the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom; and
(e) the controls which will be carried out.

(7) Notwithstanding the provisions of this section the Government shall grant to a public officer such licence as may be necessary to enable that officer to carry out his duties under any other Act.

Implementation reports.
13A.(1) The Minister shall annually send a report to the European Commission regarding the implementation of Article 9(1) and (2) of the Wild Birds Directive in the preceding year.

(2) The Minister shall, in accordance with the timescales set out in Article 12(1) of the Wild Birds Directive, send a report to the European Commission regarding the implementation of the Directive in the preceding reporting period.

**False statements made for obtaining a licence.**

14. A person who, for the purposes of obtaining, whether for himself or another, the grant of a licence under section 13—

(a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or

(b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular, shall be guilty of an offence.

**Attempts to commit offences.**

15.(1) Any person who attempts to commit an offence under the foregoing provisions of this Part, shall be guilty of an offence and shall be punishable in like manner as for the said offence.

(2) Any person who for the purposes of committing an offence under the foregoing provisions of the Part, has in his possession anything capable of being used for committing the offence, shall be guilty of an offence and shall be punishable in like manner as for the said offence.

**Enforcement.**

16. If a Police officer or a person appointed for the purpose of enforcing this Act under section 21 suspects with reasonable cause that any person is committing or has committed an offence under this Part, the officer or person appointed may without warrant—

(a) stop and search that person;

(b) search or examine any thing or vehicle which that person may then be using or have in his possession;

(c) seize and detain for purposes of proceedings under this Part, anything which may be evidence of the commission of the offence or may be liable to be forfeited under section 17.
Penalties, forfeitures etc.

17.(1) Subject to sub-section (3), a person guilty of an offence under sections 3, 5, 6, 8, 10, 11 or 15 shall be liable—

(a) on summary conviction to a fine at level 5 on the standard scale or 6 months imprisonment or both; or

(b) on conviction on indictment to imprisonment for 2 years and to a fine.

(2) Subject to sub-section (3), a person guilty of an offence under sections 7, 12, 12A or 14 shall be liable on summary conviction to a fine at level 4 on the standard scale or 6 months imprisonment or to both.

(3) Where an offence to which sub-sections (1) or (2) applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the fine which may be imposed under that subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

(4) The Court by which any person is convicted of an offence under this Part—

(a) shall order the forfeiture of any bird, nest, egg, other animal, plant or thing in respect of which the offence was committed; and

(b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 12, any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.

PART IIA
DESIGNATION OF SITES, ETC.

Application etc..

17A. (1) This Part makes provision for the purpose of transposing into the law of Gibraltar the Habitats Directive and the Wild Birds Directive.

(2) Where this Act creates a function (including a power or duty) to be carried out by any person, that person shall carry out that function so as to secure compliance with the Habitats Directive, the Wild Birds Directive or both, as the case may be.
Selection of sites eligible for identification as of Community importance.

17B. (1) On the basis of the criteria set out in Annex III (Stage 1) to the Habitats Directive, and relevant scientific information, the Minister shall propose a list of sites indicating with respect to each site—

(a) which natural habitat types in Annex I to the Directive the site hosts, and

(b) which species in Annex II to the Directive that are native to Gibraltar the site hosts.

(2) Where appropriate after having carried out surveillance of the conservation status of the natural habitats and species in Gibraltar the Minister may propose modification of the list in the light of the results of the surveillance.

(3) The list shall be transmitted to the Secretary of State for sending to the Commission as soon as practicable together with information on each site including—

(a) a map of the site,

(b) its name, location and extent, and

(c) the data resulting from application of the criteria specified in Annex III (Stage 1),

provided in a format established by the Commission.

Adoption of list of sites: designation of special areas of conservation.

17C.(1) Once a site of Community importance in Gibraltar has been adopted in accordance with the procedure laid down in paragraph 2 of Article 4 of the Habitats Directive, the Minister shall designate that site as a special area of conservation as soon as possible and within six years at most.

(2) The Minister shall establish priorities for the designation of sites in the light of—

(a) the importance of the sites for the maintenance or restoration at a favourable conservation status of —
(i) a natural habitat type in Annex I to the Habitats Directive, or

(ii) a species in Annex II to the Directive,

and for the coherence of Natura 2000; and

(b) the threats of degradation or destruction to which those sites are exposed.

(3) In this section “Natura 2000” means the European network of special areas of conservation and special protection areas under the Wild Birds Directive provided for in Article 3(1) of the Habitats Directive.

Consultation as to inclusion of site omitted from the list.

17D. If consultation is initiated by the Commission in accordance with Article 5(1) of the Habitats Directive with respect to a site in Gibraltar hosting a priority natural habitat type or priority species and–

(a) the Minister agrees that the site should be added to the list transmitted in accordance with section 17B, or

(b) the Council, acting on a proposal from the Commission in pursuance of paragraph 2 of Article 5 of the Habitats Directive, so decides,

the site shall be treated as added to the list as from the date of that agreement or decision.

Designation of sites under the Wild Birds Directive

Designation of special protected areas.

17DA.(1) Subject to subsection (2) the Minister must by order, and for the purposes set out in Article 3 of the Wild Birds Directive, designate areas (special protected areas or SPA’s) for the protection of–

(a) the species of birds listed in Annex I to the Wild Birds Directive in accordance with, and to the extent required by, Article 4(1) of that Directive; and

(b) regularly occurring migratory species not listed in Annex I of the Wild Birds Directive bearing in mind their breeding, moulting and wintering areas and staging posts along their migration routes in accordance with, and to the extent required by, Article 4(2) of that Directive.
(2) In designating a special protection area under subsection (1) and the extent of any such site, the Minister shall have regard to—

(a) the need to give effect to the measures set out in Article 3(2) of the Wild Birds Directive, and in particular subparagraphs (c) and (d) thereof which set requirements on the re-establishment of destroyed biotopes and on the creation of biotopes; and

(b) the extent to which the site shall include BGTW.

Information to be sent to the European Commission.

17DB. Where a special protected area has been designated under section 17DA the Minister shall cause all relevant information pertaining to the designation to be sent to the European Commission for the purposes set out in Article 4(3) of the Wild Birds Directive.

European Sites

Meaning of “European site” and “European Marine site”.

17E. (1) In this Act a “European site” means—

(a) a special area of conservation,

(b) a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive,

(c) a site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period or pending a decision of the Council under Article 5(3), or

(d) an area classified pursuant to section 17DA,

(e) where an Order under section 2B so provides, an area designated under that section.

(2) In this Act a European marine site means a European site which consists of, or so far as it consists of, marine areas.

Notice to landowners, relevant persons, etc..
17F. (1) As soon as practicable after a site is designated as a European site, or ceases to be so designated, or there is any change in the designation the Minister shall give notice of this to—

(a) every owner or occupier of land within the site;

(b) the Nature Conservancy Council; and

(c) such other persons or bodies as it may determine.

(2) A notice required to be issued by virtue of sub-section (1) shall be accompanied by a copy of the document by which the site has been designated as a European site in so far as it relates to land owned or occupied by or, as the case may be, to land within the area of responsibility of the person or body to whom the notice is given.

(3) The Government may make rules as to the form and content of notices to be given under this section.

Management agreements.

17G.(1) The Nature Conservancy Council shall enter into an agreement (a “management agreement”) with every owner, lessee and occupier of land forming part of a European site, or land adjacent to such a site, for the management, conservation, restoration or protection of the site, or any part of it with the purpose of attaining the objectives of the Habitats Directive or the Wild Birds Directive, as the case may be.

(2) A management agreement may impose such restrictions as may be expedient for the purposes of the agreement on the exercise of rights over the land by the persons who can be bound by the agreement.

(3) A management agreement—

(a) may provide for the management of the land in such manner, the carrying out thereon of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement;

(b) may provide for any of the matters mentioned in paragraph (a) being carried out, or for the costs thereof being defrayed, either by the said owner or other person or by the Nature Conservancy Council, or partly in one way and partly in another;

(c) may contain such other provisions as to the making of payments by the Nature Conservancy Council, and in particular for the payment by the Council of compensation for the effect
of the restrictions mentioned in sub-section (2) as may be specified in the agreement.

(4) Where land is subject to a management agreement, the Nature Conservancy Council shall, as respects the enforcement of the agreement against persons other than the original contracting party, have the like rights as if—

(a) they had at all material times been the absolute owners in possession of ascertained land adjacent to the land subject to the agreement and capable of being benefited by the agreement; and

(b) the management agreement had been expressed to be for the benefit of that adjacent land.

Management Agreements: determination by Minister.

17GA.(1) Where the Nature Conservancy Council is unable to conclude a management agreement under section 17G it must notify the Minister in writing setting out—

(a) the names and addresses of the parties (including any person who claims to be entitled to be a party to any agreement);

(b) the terms of the proposed agreement;

(c) the terms of the agreement which are agreed;

(d) the terms of the agreement which are not agreed, including the reasons why, in the view of the Nature Conservancy Council, agreement of those terms has not been possible.

(2) Upon receipt of the notice the Minister shall give the parties, identified to him pursuant to subsection (1)(a) and any other person whom the Minister deems ought to be given an opportunity to make representations, up to 28 days in which to respond to his request for their views as to why an agreement cannot be reached and how it is proposed that the issues be resolved.

(3) After receipt of any matters brought to the Minister’s attention, or the expiry of 28 days (whichever is the earlier), the Minister shall, on the basis of the information before him and after having considered any duties that may arise in connection with the obligations arising from the Habitats Directive, the Wild Birds Directive or both Directives, issue a determination which shall be binding on all the parties to whom it is addressed.
(4) A determination under this section shall, for the purposes of this Act, be deemed to be an agreement under section 17G and, subject to an appeal being made under section 17GB, shall be deemed to be enforceable 21 days after it has been made.

Appeal to the Magistrates' Court.

17GB.(1) A person to whom a determination under section 17GA is addressed may within 14 days of receipt of the determination appeal against any part of the determination to the Magistrates’ Court.

(2) Upon hearing an appeal the Magistrates’ Court may uphold, substitute, vary or quash the Minister’s determination but in so doing it may not impose anything that conflicts with the provisions of the Habitats or Wild Birds Directives.

(3) There shall be no appeal from the decision of the Magistrates’ Court except on a point of law.

Notification of potentially damaging operations.

17H.(1) Any designation made under section 17C(1) or section 17DA(1) in relation to a European site may specify–

(a) the flora, fauna, or geological or physiographical features by reason of which the land is of special interest, and

(b) any operations appearing to the Nature Conservancy Council to be likely to damage that flora or fauna or those features.

(2) The Minister may, for the purpose of securing compliance with the requirements of the Habitats Directive and/or the Wild Birds Directive, at any time amend the designation with respect of any of the matters mentioned in sub-section (1) and shall notify those persons to whom he gave notification of the original designation of the amendment.

Restriction on carrying out operations specified in notification.

17J.(1) The owner or occupier of any land within a European site shall not carry out, or cause or permit to be carried out, on that land any operation specified in relation to the site under section 17H unless–

(a) one of them has given the Nature Conservancy Council written notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out, and

(b) one of the conditions specified in sub-section (2) is fulfilled.
(2) The conditions referred to in sub-section (1)(b) are—

(a) that the operation is carried out with the written consent of the Nature Conservancy Council;

(b) that the operation is carried out in accordance with the terms of a management agreement.

(3) A person who, without reasonable excuse, contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine at level 4 on the standard scale.

(4) For the purposes of sub-section (3) it is a reasonable excuse for a person to carry out an operation—

(a) that the operation was an emergency operation particulars of which (including details of the emergency) were notified to the Nature Conservancy Council as soon as practicable after the commencement of the operation; or

(b) that the operation was authorised by full planning permission granted under the Town Planning Act 2018.

Supplementary provisions as to consents.

17K.(1) Where it appears to the Nature Conservancy Council that an application for consent given in accordance with section 17J(2)(a) relates to an operation which is or forms part of a plan or project which—

(a) is not directly connected with or necessary to the management of the site, and

(b) is likely to have a significant effect on the site (either alone or in combination with other plans or projects),

the Council shall make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) In the light of the conclusions of the assessment, the Nature Conservancy Council may give consent for the operation only after having ascertained that the plan or project will not adversely affect the integrity of the site.

(3) The Nature Conservancy Council shall give notice of its decision in respect of an application for consent to the owner and the occupier of the land to which the application relates and where the Nature Conservancy Council does not give consent for the operation the Council shall give to those persons reasons for its decision.
(4) The owner or the occupier of the land in question may–

(a) within two months of receiving notice of the refusal of consent, or

(b) if no notice of a decision is received by him within three months of an application for consent being made,

by notice in writing to the Nature Conservancy Council require the Council to refer the matter forthwith to the Minister.

(5) If on the matter being referred to the Minister he is satisfied that, there being no alternative solutions, the plan or project should be carried out for imperative reasons of overriding public interest (which, subject to sub-section (6), may be of a social or economic nature), he may direct the Nature Conservancy Council to give consent to the operation.

(6) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred in sub-section (5) shall be either–

(a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment, or

(b) other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.

(7) Where the Minister directs the Nature Conservancy Council to give consent under this section, he shall secure that such compensatory measures are taken as are necessary to ensure that the overall coherence of Natura 2000 is protected.

(8) This section does not apply in relation to a site which is a European site by reason only of section 17E(1)(c).

Provisions as to existing notices and consents.

17L.(1) Any notice or consent previously given under section 18 in relation to land which on or after the commencement of this Part becomes land within a European site shall have effect, subject to the provisions of this section, as if given in accordance with section 17J(1)(a) or (2)(a).

(2) The Minister shall review any such consent as is referred to in sub-section (1) to assess its compatibility with the conservation objectives of the site, and–
(a) to the extent that it is not so compatible may modify the consent, or

(b) if in the opinion of the Minister the consent cannot by modification be made compatible with the conservation objectives of the site, may withdraw it.

(3) Notice of any such modification or withdrawal of consent shall be given to every owner and occupier of land within the site who in the opinion of the Nature Conservancy Council may be affected by it, and the modification or withdrawal shall come into effect in relation to an owner or occupier upon such notice being given to him.

(4) The modification or withdrawal of a consent shall not affect anything done in reliance on the consent before the modification or withdrawal takes effect.

**Power to make special nature conservation order.**

17M. (1) The Minister may, after consultation with the Nature Conservancy Council make in respect of any land within a European site or marine area within a European marine site a special nature conservation order specifying operations which appear to it to be likely to destroy or damage the flora, fauna, or geological or physiographical features by reason of which the land is a European site or in relation to the sea a European marine site.

(2) A special nature conservation order may be amended or revoked by a further order.

(3) Schedule 4 has effect with respect to the making, amending or revoking of special nature conservation orders.

**Restriction on carrying out operations specified in a special nature conservation order.**

17N.(1) No person shall carry out on any land within a European site in respect of which a special nature conservation order is in effect any operation specified in the order, unless the operation is carried out, or caused or permitted to be carried out, by the owner or occupier of the land and—

(a) one of them has, after the making of the order, given the Nature Conservancy Council written notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out, and

(b) one of the conditions specified in sub-section (2) is fulfilled.
(2) The conditions referred to in sub-section (1)(b) are—

(a) that the operation is carried out with the written consent of the Nature Conservancy Council;

(b) that the operation is carried out in accordance with the terms of a management agreement.

(3) A person who, without reasonable excuse, contravenes sub-section (1) commits an offence and is liable—

(a) on summary conviction, to a fine at level 5 on the standard scale;

(b) on conviction on indictment, to a fine.

(4) For the purposes of sub-section (3) it is a reasonable excuse for a person to carry out an operation—

(a) that the operation was an emergency operation particulars of which (including details of the emergency) were notified to the Nature Conservancy Council as soon as practicable after the commencement of the operation; or

(b) that the operation was authorised by full planning permission granted under the Town Planning Act 2018.

Supplementary provisions as to consents.

17P.(1) Where it appears to the Nature Conservancy Council that an application for consent in accordance with section 17N(2)(a) relates to an operation which is or forms part of a plan or project which—

(a) is not directly connected with or necessary to the management of the site, and

(b) is likely to have a significant effect on the site (either alone or in combination with other plans or projects),

the Council shall make an appropriate assessment of the implications for the site in view of the conservation objectives the Council considers appropriate to that site.

(2) In the light of the conclusions of the assessment referred to in sub-section (1), the Nature Conservancy Council may give consent for the operation only after having ascertained that the plan or project will not adversely affect the integrity of the site.
(3) The Nature Conservancy Council shall give notice of its decision in respect of an application for consent to the person making that application and where the Nature Conservancy Council does not give consent for the operation the Council shall give to that person reasons for its decision.

(4) The owner or occupier, as the case may be, of the land in question may—

(a) within two months of receiving notice of the refusal of consent, or

(b) if no notice of a decision is received by him within three months of an application for consent being made,

by notice in writing to the Nature Conservancy Council require the Council to refer the matter forthwith to the Minister.

(5) If on the matter being referred to the Minister he is satisfied that, there being no alternative solutions, the plan or project should be carried out for imperative reasons of overriding public interest (which, subject to subsection (6), may be of a social or economic nature), he may direct the Nature Conservancy Council to give consent to the operation.

(6) Where the site concerned hosts a priority natural habitat type, a priority species or a wild bird of European origin falling within Article 4(1)(a) to (d) of the Wild Birds Directive, the reasons referred to in subsection (5) shall be either—

(a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment, or

(b) other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.

(7) Where the Minister directs the Nature Conservancy Council to give consent under this section, he shall secure that such compensatory measures are taken as are necessary to ensure that the overall coherence of Natura 2000 is protected.

(8) This section does not apply in relation to a site which is a European site by reason only of section 17E(1)(c).

Prevention of deterioration.

17PA. (1) Where the natural habitat or the habitat of a species for which a site has been designated a European site or a European marine site is or has
been polluted, has deteriorated, is deteriorating or is likely to deteriorate, the Government must make an order specifying the steps which are to be taken in order to remedy or prevent that pollution or deterioration in so far as such pollution or deterioration has been or could be significant in relation to the objectives of the Habitats Directive or the Wild Birds Directive, as the case may be.

(1A) In considering deterioration under subsection (1) no regard shall be had as to whether such deterioration arises as a consequence of human activity or from a failure to act.

(2) An order under subsection (1) shall be addressed to the owner or occupier of land within such a site or where the pollution or deterioration was caused, results from or is likely to arise as a result of an operation outside that site, to the person who undertook, is or will be undertaking that operation.

(3) An order under subsection (1) shall state the time for compliance with the terms of the order.

(4) An order under subsection (1) shall be consistent with but shall not exceed the obligations under Article 6(2) of the Habitats Directive, or Article 4(4) of the Wild Birds Directive.

(5) A person to whom an order is addressed and who within the time stated in the order fails to comply with a provision of that order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding level 3 on the standard scale for every day or part of every day in respect of which the order has not been complied with.

(6) Upon receipt of representations from a person who is affected by or has an interest in an order made under subsection (1) the Government may subject to subsection (4) amend, vary or revoke that order.

European site and European marine site.

17Q.(1) The Minister may install markers indicating the existence and extent of a European site or a European marine site.

(2) As soon as possible after a site becomes a European site or a European marine site, the Minister shall establish the conservation objectives for that site.

(3) The Minister shall, by notice in the Gazette, indicate the Government’s website at which the conservation objectives referred to in subsection (2) can be accessed.
(4) The Minister shall, by notice in the Gazette, notify the public of any update to the Government’s website at which the conservation objectives referred to in subsection (2) can be accessed.

Management plans for European sites and European marine sites.

17R.(1) The Minister shall, in view of the site’s conservation objectives established in accordance with Section 17Q.(2), establish management plans for a European site or a European marine site.

(2) The Minister may—

(a) appoint the Nature Conservancy Council to co-ordinate the establishment of the plans;

(b) set time limits within which any steps by the Nature Conservancy Council are to be taken; or

(c) require the Nature Conservancy Council to supply to the Minister such information concerning the establishment of the plans as may be specified to them.

(3) The plans may, in particular—

(a) establish necessary conservation measures for the maintenance or restoration, at a favourable conservation status, of the natural habitats and/or the populations of species for which the site is designated; and

(b) list the steps that will be taken with respect to the site to avoid the deterioration of natural habitats and the habitats of species as well as the disturbance of the species for which the site is designated.

(4) The Minister shall, by notice in the Gazette, indicate the Government website at which the management plans referred to in subsection (1) can be accessed.

(5) The Minister may amend a management plan for a European site or a European marine site either generally or in any particular respect.

(6) When the Minister amends a management plan for a European site or a European marine site, the Minister shall, by notice in the Gazette, indicate the Government website at which the management plans amended in accordance with subsection (4) can be accessed.

(7) The Minister shall, by notice in the Gazette, notify the public of any update to the Government’s website at which the management plans
established in accordance with subsection (1) or updated in accordance with subsection (5) can be accessed.

Surveillance

Surveillance of conservation status of habitats and species.

17RA.(1) The Minister must make arrangements for the surveillance of the conservation status of—

(a) natural habitats of Community interest;

(b) species of Community interest; and

(c) wild birds listed in Annex I to the Wild Birds Directive,

and in particular, the priority natural habitat types and the priority species.

(2) The surveillance measures under subsection (1) shall be carried out systematically and on a permanent basis and the extent of the surveillance required shall have regard to—

(a) whether the habitat or species is a priority natural habitat type or priority species;

(b) the conservation status of the habitat or species; and

(c) the extent, if any, to which that conservation status is under threat.

(3) The Minister must ensure that the surveillance under subsection (1) is made available to the public via electronic or other means.

Protection of animals

Protection of certain animals from exploitation.

17RB.(1) The Minister must, as required, in the light of information derived from the surveillance arranged under section 17RA or otherwise arranged for the purpose of Article 11 of the Habitats Directive, ensure that measures are taken to ensure that—

(a) the taking in the wild of specimens of a species of animal listed in Annex V to the Habitats Directive; and

(b) the exploitation of such specimens,
is compatible with that species being maintained at a favourable conservation status.

(2) Where measures are required under subsection (1), the Minister must make arrangements for surveillance for the purpose of establishing whether the taking in the wild of specimens of the species concerned, and the exploitation of specimens of that species, are compatible with it being maintained at a favourable conservation status.

17S. Repealed.

Protection of certain wild animals.

17T.(1) It is an offence–

(a) deliberately to capture injure or kill a wild animal of a European protected species;

(b) deliberately to disturb such an animal–

(i) if the disturbance is such as is likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young, hibernate or migrate; or

(ii) if the disturbance significantly affects the local distribution or abundance of the species to which it belongs;

(c) deliberately to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person–

(a) to have in his possession or control;

(b) to transport;

(c) to sell or exchange; or

(d) to offer for sale or exchange,

anything to which subsection (3) applies.

(3) This subsection applies to–

(a) any live or dead animal or part of an animal–
(i) which has been taken from the wild; and

(ii) which is of a species or subspecies listed in Annex IV(a) to the Habitats Directive; and

(b) to any part of, or anything derived from, such an animal or such a part of an animal.

(4) The offences in subsections (1) and (2) apply to all stages of the life of the animals to which they apply.

(5) Subject to subsection (6), a person shall not be guilty of an offence under subsection (2) if he shows that the animal or part of the animal in question, or the animal or part of the animal from which the part or the thing in question is derived, was lawfully taken from the wild.

(6) The defence under subsection (5) does not apply—

(a) in the case of the offences in subsection (2)(a) and (b) if—

(i) the animal in question is an animal of a European protected species or the part or thing in question is derived from such an animal; and

(ii) that the animal, part or thing in question was in the defendant’s possession, or transported by the defendant, for the purpose of sale or exchange;

(b) in the case of the offences in subsection (2)(c) and (d) if the animal in question is an animal of a European protected species or the part or thing in question is derived from such an animal.

(7) For the purposes of subsection (5) an animal, or part of an animal, shall be treated as having been lawfully taken from the wild if—

(a) it was taken from the wild in the European territory of a member State to which the EC Treaty applies, without contravention of the law of that member State and before the implementation date; or

(b) it was taken from the wild elsewhere.

(8) A person shall not be guilty of an offence under subsection (2) if he shows that the animal, or the animal from which the part or thing in question is derived is of a species listed in Annex IV(a) to the Habitats Directive and—
(a) was from a population occurring in a country or area which appears next to the name of that species in that Annex;

(b) is of the species *Capra aegagrus* and was not from a naturally occurring population;

(c) is of the subspecies *Ovis gmelini musimon* and was not from a naturally occurring population in Corsica or Sardinia; or

(d) is of the species *Coregonus oxyrynchus* and either was from Finland or was not from an anadromous population.

(9) Unless the contrary is shown, in any proceedings under subsection (1) the animal in question is presumed to have been a wild animal.

(10) In any proceedings under subsection (2) it is to be presumed unless the contrary is shown—

(a) that the animal in question was taken from the wild;

(b) that the part of an animal in question is from an animal which was taken from the wild or that it was taken from the wild; or

(c) the thing in question (if it is not part of an animal) was derived from an animal taken from the wild.

(11) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(12) In deciding upon the sentence for a person convicted of an offence under subsection (1)(d), the court shall in particular have regard to whether that person could reasonably have avoided the damage to or destruction of the breeding site or resting place concerned.

(13) In this section—

“the EC Treaty” means the Treaty establishing the European Community;

“the implementation date” means—

(a) where the relevant State became a member State before 10th June 1994, the 10th June 1994; and

(b) in any other case, the date on which the relevant State became a member State;
“relevant State” means the State in whose territory the animal, or part of it, was taken from the wild.

Exceptions from section 17T.

17U.(1) A person shall not be guilty of an offence under section 17T(1) of deliberately capturing a wild animal of a European protected species, or an offence under section 17T(2)(a) or (b) if he shows that the contravention in question—

(a) was in relation to an animal that had been disabled otherwise than by his unlawful act; and

(b) was done solely for one or more of the purposes of—

(i) tending and releasing it when no longer disabled; or

(ii) releasing it after it had been tended.

(2) A person shall not be guilty of an offence under section 17T(1) (a) or (b) or under 17T(2)(a) or (b) if he shows that the contravention in question—

(a) was in relation to an animal that had been disabled otherwise than by his unlawful act and that there was no reasonable chance of it recovering; and

(b) was done solely for one or more of the purposes of—

(i) ending the animal’s life; or

(ii) disposing of it (otherwise than by sale or exchange) as soon as practicable after it was dead.

(3) A person shall not be guilty of an offence under section 17T(1) by reason of the injuring of an animal of a European protected species if he shows that this was done solely for the purpose—

(a) of taking a sample by virtue of section 13 or section 17Y; or

(b) of taking a sample for the purpose of giving evidence in any criminal proceedings in respect of an offence under this Act or the Criminal Offences Act.

(4) A person shall not be guilty of an offence under section 17T(2)(a) or (b) if he shows that the contravention in question was done for the purposes of—
(a) investigating whether an offence is being or has been committed;

(b) bringing, conducting, or giving evidence in, any criminal proceedings in respect of any such offence; or

(c) giving effect to an order under section 17.

(5) The defences in subsections (1) to (4) apply unless it is shown by the prosecution that the defendant’s action did not satisfy the following conditions—

(a) that there was no satisfactory alternative; and

(b) that the action was not detrimental to the maintenance of the populations of the species concerned at a favourable status in their natural range.

Prohibition of certain methods of taking or killing wild animals.

17V. (1) This section applies in relation to the taking or killing of a wild animal—

(a) of any of the species listed in Annex V(a) to the Habitats Directive, and to which Article 15 applies, whose natural range includes any area of Gibraltar, or

(b) of a European protected species, where the taking or killing of such animals is permitted in accordance with this Part.

(2) It is an offence to use for the purpose of taking or killing any such wild animal as is referred to in sub-section (1)—

(a) any of the means listed in sub-section (3) or (4), or

(b) any form of taking or killing from the modes of transport listed in sub-section (5); or

(c) any other means of taking or killing which is indiscriminate and capable of causing the local disappearance of, or serious disturbance to, animals of a species referred to in subsection (1).

(3) The prohibited means of taking or killing of mammals are the use of—

(a) blind or mutilated animals used as live decoys;
(b) tape recorders;

(c) electrical and electronic devices capable of killing or stunning;

(d) artificial light sources;

(e) mirrors and other dazzling devices;

(f) devices for illuminating targets;

(g) sighting devices for night shooting comprising an electronic image magnifier or image converter;

(h) explosives;

(j) nets which are non-selective according to their principle or their conditions of use;

(k) traps which are non-selective according to their principle or their conditions of use;

(l) crossbows;

(m) poisons and poisoned or anaesthetic bait;

(n) gassing or smoking out;

(p) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.

(4) The prohibited means of taking or killing fish are the use of—

(a) poison;

(b) explosives.

(5) The prohibited modes of transport are—

(a) aircraft;

(b) moving motor vehicles.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine at level 5 on the standard scale.

Monitoring incidental capturing and killing.
17VA.(1) The Minister must, in accordance with the provisions of this section, establish a system to monitor the incidental capture and incidental killing, of animals of the species listed in Annex IV(a) to the Habitats Directive which takes place in Gibraltar.

(2) The system established under subsection (1) shall incorporate the following elements—

(a) the identification of the risks of incidental capture and incidental killing to which those species are subject (including the activities which give rise to such risks); and

(b) the maintenance of records of the instances of incidental capture or incidental killing of animals of those species resulting from—

(i) the surveillance undertaken under section 17RA or pursuant to Article 11 of the Habitats Directive;

(ii) the monitoring carried out under this section or pursuant to Article 12(4); and

(iii) any another sources.

(3) In establishing the monitoring system the Minister may have regard to—

(a) the risks identified under subsection (2)(a);

(b) the instances of incidental capture and incidental killing recorded under subsection (2)(b);

(c) whether the species is a priority species; and

(d) the conservation status of the species and the extent to which that conservation status is under threat.

(4) The Minister shall make available to the public the information obtained from monitoring under subsection (1) via electronic or other means.

Protection from incidental capture and killing.

17VB.(1) The Minister, as required, in the light of the information derived from the monitoring arranges under section 17VA or otherwise arranged for the purpose of Article 12(4) of the Habitats Directive, must make arrangements for further research for, or ensure that conservation measures are taken for, the purpose specified in subsection (2).
(2) The purpose referred to in subsection (1) is to ensure that the incidental capture and incidental killing of animals of a species listed in Annex IV(a) to the Habitats Directive does not have a significant negative impact on that species.

**Minister may make Regulations.**

17VC. The Minister may make regulations to implement or require the implementation of conservation measures to ensure that the incidental capture and incidental killing of animals of the species listed in Annex IV(a) to the Habitats Directive does not have a negative impact on the species concerned or for the implementation of sections 17VA and 17VB.

17W. Repealed.

**Protection of plants**

**Protection of certain wild plants.**

17X.(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a wild plant of a European protected species.

(2) It is an offence for any person to—

(a) have in his possession or control;

(b) transport;

(c) sell or exchange; or

(d) offer for sale or exchange,

anything to which subsection (3) applies.

(3) This section applies to—

(a) any live or dead plant, or part of a plant—

(i) which has been taken in the wild; and

(ii) which is of a species or subspecies listed in Annex II(b) (other than any bryophyte) or IV(b) to the Habitats Directive; and

(b) to any part of, or anything derived from, such a plant or such part of a plant.
(4) The offences in subsections (1) and (2) apply to all stages of the biological cycle of the plants to which they apply.

(5) Subject to subsection (6) a person shall not be guilty of an offence under subsection (2) if he shows that the plant or part of the plant in question, or the plant or part of the plant from which the part or thing in question is derived, was lawfully taken in the wild.

(6) The defence in subsection (5) does not apply—

(a) in the case of the offences in subsection 2(a) and (b) if—

(i) the plant in question is of a European protected species, or the part or thing in question is derived from such a plant; and

(ii) the plant, part or thing in question was in the defendant’s possession or control, or transported by the defendant, for the purpose of sale or exchange;

(b) in the case of the offences in subsection 2(c) and (d) if—

(i) the plant in question is of a European protected species; or

(ii) the part or thing in question is derived from such a plant.

(7) For the purposes of subsection (5) a plant, or part of a plant, shall be treated as having been lawfully taken in the wild if—

(a) it was taken in the wild in the European territory of a member State to which the EC Treaty applies, without contravention of the law of that member State and before the implementation date; or

(b) it was taken in the wild elsewhere.

(8) A person shall not be guilty of the offence under subsection (1) of picking or cutting of a wild plant of a European protected species if he shows that this was done solely for the purpose—

(a) of taking a sample by virtue of section 13 or section 17Y;

(b) of taking a sample for the purpose of giving evidence in any criminal proceedings.
(9) A person shall not be guilty of an offence under section 17X(2)(a) or (b) if he shows that the contravention in question was done for the purposes of—

(a) investigating whether an offence is being or has been committed;

(b) bringing, conducting, or giving evidence in, any criminal proceedings in respect of any such offence; or

(c) giving effect to an order under section 17.

(10) Unless the contrary is shown, in any proceedings under subsections (1) and (2), a plant or any part of it or anything derived from a plant shall be presumed to be or to have been a part of or derived from a plant taken from the wild.

(11) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(12) In this section—

“the EC treaty” means the treaty establishing the European Community;

“the implementation date” means—

(a) where the relevant State became a member State before 10th June 1994, the 10th June 1994; and

(b) in any other case, the date on which the relevant State became a member State; and

“relevant State” means the State in whose territory the plant, or part of it, was taken in the wild.

Trade in wild birds of European Origin

Protection of wild birds of European origin.

17XA.(1) Subject to subsection (2) a person who sells or offers for sale, transports for sale or keeps for sale any live or dead wild birds of European origin or any readily recognisable parts or derivatives thereof is guilty of an offence and liable on summary conviction to a fine up to level 5 on the standard scale.

(2) It shall not be an offence for a person to carry out an act specified in subsection (1) if the bird—
(a) is listed in Part A of Annex III to the Wild Birds Directive; and

(b) has been captured, killed or otherwise acquired in another member State and in accordance with the laws of that member State.

(3) It shall not be an offence for a person to carry out an act specified in subsection (1) in respect of a wild bird that is listed in Part B of Annex III to the Wild Birds Directive if the Minister makes an order under this subsection to that effect.

(4) An order under subsection (3) may make provision for certain restrictions in the carrying out of the acts specified in subsection (1) and must only relate to birds that have been legally killed or captured or otherwise legally acquired.

(5) Where the Minister proposes to make an order under subsection (3) he must first consult the European Commission in accordance with the procedure set out in Article 6(3) of the Wild Birds Directive.

Licences

Grant of licences for certain purposes.

17Y. (1) Sections 17T, 17V, 17X and 17XA do not apply to anything done for any of the purposes mentioned in sub-section (2) under and in accordance with the terms of a licence granted by the Minister.

(2) The purposes referred to in sub-section (1) are–

(a) scientific or educational purposes;

(b) ringing or marking, or examining any ring or mark on, wild animals;

(c) conserving wild animals or wild plants or introducing them to particular areas;

(d) protecting any zoological or botanical collection;

(e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;

(f) preventing the spread of disease.
(2A) The Minister may grant a licence to permit the taking or the possession or control of specimens of any of the species listed in Annex IV to the Habitats Directive for a purpose not falling within subsection (2).

(2B) The Minister shall only grant a licence under subsection (2A) where he is satisfied that the grant of the licence would be compatible with the restrictions in Article 16(1)(e) of the Habitats Directive.

(2C) Sections 17T, 17V and 17X do not apply to anything done under and in accordance with the terms of a licence granted by the Minister under subsection (2A).

(3) The Minister shall not grant a licence under this section unless he is satisfied—

(a) that there is no satisfactory alternative, and

(b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

(4) The Minister shall from time to time consult with the Nature Conservancy Council as to the exercise of his functions under this section, and he shall not grant a licence of any description unless he has been advised by that Council as to the circumstances in which, in the opinion of the Council licences of that description should be granted.

Licences: supplementary provisions.

17Z. (1) Subject to the provisions of this section, a licence granted under section 17Y—

(a) may be, to any degree, general or specific;

(b) may be granted either to persons of a class or to a particular person; and

(c) may be subject to compliance with any specified conditions.

(1A) A licence granted under section 17Y(2A) shall be valid only in relation to such persons as are named in the licence.

(2) For the purposes of a licence under section 17Y the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.
A licence under section 17Y may be modified or revoked at any time by the Minister but otherwise shall be valid for the period stated in the licence.

A licence under section 17Y which authorises any person to kill wild animals shall specify the area within which and the methods by which the wild animals may be killed and shall not be granted for a period of more than two years.

A licence granted under section 17Y(2A) shall specify—

(a) the species of animal or plant of the specimens which the person authorised by the licence may take or have un his possession or under his control;

(b) the maximum number of specimens which the person authorised by the licence may take or have in his possession or under his control or which particular specimens that person may take or have in his possession or under his control;

(c) the conditions subject to which the action authorised by the licence may be taken and in particular—

(i) the methods, means or arrangements by which the specimens may be taken or be in the possession or control of the person authorised by the licence;

(ii) when or over what period the action authorised by the licence may be taken; and

(iii) where it authorises any person to take specimens, the area from which they may be taken.

The Government may by notice in the Gazette prescribe such reasonable fees (if any) as it may determine in respect of applications for and the grant of a licence under section 17Y, and for renewal or amendment of such a licence.

False statements made for obtaining licence.

17AA. (1) A person commits an offence who, for the purpose of obtaining, whether for himself or another, the grant of a licence under section 17Y—

(a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular, or
(b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine at level 4 on the standard scale.

Offence of breaching a licence condition.

17AB.(1) It is an offence for any person authorised by virtue of a licence to which subsection (4) applies to contravene or fail to comply with any condition which the licence requires him to comply with.

(2) A person shall not be guilty of an offence under subsection (1) if he shows—

(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or

(b) that the commission of the offence was otherwise due to matters beyond his control.

(3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine up to level 4 on the standard scale or up to 3 months imprisonment.

(4) This section applies to a licence granted under section 17Y on or after 25 June 2007.

Miscellaneous

General provisions for protection of European sites.

17BB. (1) The Minister, or, as the case may be, a person empowered under any enactment to give any consent, permit or other authorisation for a plan or project or works or empowered to undertake a plan or project or carry out works shall if the plan, project or works —

(a) is, or are, likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and

(b) is, or are, not directly connected with or necessary to the management of the site,

shall make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.
(2) Without prejudice to the generality of sub-section (1), for the purpose of the Town Planning Act 2018 material considerations to be taken into account in granting planning permission shall include considerations which lead to improving the ecological coherence of the Natura 2000 network to encourage the management of features of the landscape which are of major importance for wild fauna and flora.

(3) A person applying for any consent, permit or other authorisation mentioned in sub-sections (1) or (2) shall provide such information as the Minister, or other person, as the case may be, may reasonably require for the purposes of the assessment.

(4) The Minister, or other person, as the case may be, shall for the purposes of the assessment consult the Nature Conservancy Council and have regard to any representations made by that Council within such reasonable time as the Minister, or other person, may specify.

(5) In the light of the conclusions of the assessment, and subject to section 17CC, the Minister or other person, as the case may be, shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

(6) In considering whether a plan or project will adversely affect the integrity of the site, the Minister, or other person, as the case may be, shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which he proposes that the consent, permission or other authorisation should be given.

(7) This section does not apply in relation to a site which is a European site by reason only of section 17E(1)(c).

Considerations of overriding public interest.

17CC.(1) If the Minister is satisfied that, there being no alternative solutions, the plan or project or works mentioned in section 17BB should be carried out for imperative reasons of overriding public interest (which, subject to sub-section (2), may be of a social or economic nature), he may agree to the plan or project or works notwithstanding a negative assessment of the implications for the site.

(2) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in sub-section (1) shall be either–

(a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment, or
(b) other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.

(3) Where a person having sufficient interest desires to obtain the opinion of the European Commission as to whether reasons are to be considered imperative reasons of overriding public interest, he shall submit a written request to the Government—

(a) identifying the matter on which an opinion is sought, and

(b) accompanied by any documents or information which may be required.

(4) The Government shall thereupon forward such request to the Secretary of State who may if he thinks fit, seek the opinion of the Commission, and if he does so, and sends the Commission’s opinion to the Government, the Government shall make the opinion known to the person requesting the opinion.

Information for Commission.

17DD. (1) The Government shall as soon as practicable and thereafter as required by the timetable established under Article 23 of the Habitats Directive forward a report on the implementation of the Directive to the Secretary of State for onward transmission to the Commission.

(2) The report shall in particular include—

(a) information concerning the conservation measures specified in Article 6(1) of the Habitats Directive;

(b) an evaluation of the impact of those measures on the conservation status of the natural habitat types set out in Annex I, if appropriate, and the species referred to in Annex II of the Habitats Directive;

(c) the main results of the surveillance carried out under section 17A(2) in compliance with obligations arising from Article II of the Habitats Directive.

PART IIB
APPROPRIATE ASSESSMENTS FOR LAND USE PLANS

Interpretation for Part IIB.

17EE.(1) In this Part—
“land use plan” includes a spatial development strategy, a development plan or a waste plan;

“plan-making authority” means a person or body that is required by virtue of an enactment to compile or give effect to a land use plan.

(2) References in this Part to giving effect to a land use plan include the publication, approval, adoption, revision or replacement of a land use plan.

Assessment of implications for European site or European marine site.

17FF.(1) Where a land use plan—

(a) is likely to have a significant effect on a European site in or a European marine site (either alone or in combination with other plans or projects); and

(b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that plan shall, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) The plan-making authority shall, for the purposes of any appropriate assessment relating to a European site or a European marine site consult the Nature Conservancy Council and shall take into account any representations made by that body within such reasonable time as the authority specifies.

(3) The plan-making authority shall also, if it considers it appropriate, take the opinion of the general public, and in doing so, shall take such steps for that purpose as it considers appropriate.

(4) In the light of the conclusions of the assessment, and subject to section 17GG, the plan-making authority shall give effect to the land use plan only after having ascertained that it will not significantly adversely affect the integrity of the European site or the European marine site (as the case may be).

(6) This section does not apply in relation to a site which is a European site by reason only of section 17E(1)(c).

Considerations of overriding public interest.

17GG.(1) If the plan-making authority is satisfied that, there being no alternative solutions, the land use plan must be given effect to for imperative reasons of overriding public interest (which, subject to
subsection (2), may be of a social or economic nature), it may give effect to
the land use plan notwithstanding a negative assessment of the implications
for the European site or the European marine site (as the case may be).

(2) Where the site concerned hosts a priority natural habitat type or a
priority species, the reasons referred to in subsection (1) must be either–

(a) reasons relating to human health, public safety or beneficial
consequences of primary importance to the environment; or

(b) any other reasons of overriding public interest provided the
plan-making authority has had due regard to the opinion of the
European Commission in satisfying itself that there are such
reasons.

(3) Where a plan-making authority, other than the Government, desires to
obtain the opinion of the European Commission as to whether reasons are to
be considered imperative reasons of overriding public interest, it shall
submit a written request to the Government–

(a) identifying the matter on which an opinion is sought; and

(b) accompanied by any documents or information which may be
required.

(4) The Government may seek the opinion of the Commission and shall
transmit the opinion to the plan-making authority.

(5) Where a plan-making authority other than the Government proposes to
give effect to a land use plan under this section, it shall notify the
Government.

(6) The plan-making authority shall not give effect to the land use plan
before the end of the period of 21 days beginning with the day notified to it
Government as that on which its notification was received, unless the
Government notifies it that it may do so.

(7) Without prejudice to any other power, the Government may give
directions to the plan-making authority in any such case prohibiting it from
giving effect to the land use plan, either indefinitely or during such period as
may be specified in the direction.

Compensatory measures.

17HH. Where in accordance with section 17GG a land use plan is given
effect, notwithstanding a negative assessment of the implications for a
European site or European marine site, the Government shall secure that any
necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.

PART III
NATURE CONSERVATION.

Protection of habitats from pollution or deterioration.

18ZA.(1) The Minister must make an Order if a habitat is suffering from or is likely to suffer from pollution or deterioration and that habitat is not within a European Site within the meaning of Part IIA.

(2) An Order under subsection (1) shall provide for such measures to be taken as are necessary to prevent the pollution or deterioration of that habitat.

(3) An Order under subsection (1) may be addressed—

(a) to the owner or occupier of the land upon which the pollution or deterioration arises from or in which the habitat is situated; or

(b) to the person undertaking an activity that is or is likely to cause the pollution or deterioration of a habitat, irrespective of whether the activity is or will be carried out on land or at sea or both on land and at sea.

(4) An Order under this section may only be made if it is for the purposes of, and to the extent required for compliance with, the second sentence of Article 4(4) of the Wild Birds Directive.

Areas of special interest protected for the purpose of nature conservation etc.

18.(1) Subject to the provisions of sub-section (3) where the Government is of the opinion after consultation with the Nature Conservancy Council that an area of land not being a European site is of special interest—

(a) by reason of any of its flora, fauna or geological or physiographical features;

(b) by reason of being the habitat of any wild animal of a kind specified in Schedule 1 or wild plant (other than a plant specified in Schedule 2 or any plant that has been introduced to Gibraltar and could not have arrived in Gibraltar by natural means);
(c) for the purpose of securing the survival in Gibraltar of any kind of wild animal of a kind specified in Schedule 1 or wild plant (other than a plant specified in Schedule 2 or any plant that has been introduced to Gibraltar and could not have arrived in Gibraltar by natural means);

(d) for the purpose of complying with any international obligation;

(e) for the purpose of providing under suitable conditions and control, special opportunities for the study of, and research into, matters relating to flora and fauna and the physical conditions in which they live, or the study of geological and geophysical features of special interest in the area,

it may by order designate that area to be a nature conservation area.

(2) Where the Government is of the opinion after consultation with the Nature Conservancy Council that any land covered (continuously or intermittently) by waters or parts of the sea within BGTW is of special interest for the purpose of–

(a) conserving marine flora or fauna or geological or physiographical features of special interest in the area;

(b) providing under suitable conditions and control, special opportunities for the study of, and research into, matters relating to marine flora and fauna and the physical conditions in which they live, or for the study of geological and physiographical features of special interest in the area;

(c) for the purpose of complying with any international obligation;

it may by order designate such an area as a marine nature area.

(3) Subject to sub-section (4) no person shall carry out on any land to which this sub-section applies any operation which–

(a) appears to the Government to be likely to destroy or damage the flora, fauna, or geological or physiographical features by reason of which the land is land which paragraph (a) or, as the case may be, paragraph (b) of sub-section (1) applies; and

(b) is specified in the order applying this sub-section to the land.

(4) Sub-section (3) shall not apply in relation to any operation carried out, or caused or permitted to be carried out, by the owner or occupier of the land if–
(a) one of them has, after the commencement date, given the Nature Conservancy Council notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out; and

(b) the operation is carried out with the written consent of the Nature Conservancy Council.

(5) The Minister may, after consultation with the Nature Conservancy Council, make regulations for the protection of any area designated as a marine nature area under sub-section (2) and without prejudice to the generality of the foregoing such regulations may provide–

(a) for prohibiting or restricting, either absolutely or subject to any exceptions–

(i) the entry into or movement within the area of persons and vessels;

(ia) fishing (including fishing from a vessel, spear fishing, shore-based fishing, bait collection and any other form of fishing), diving (including the use of self-contained underwater breathing apparatus and any form of surface demand apparatus that supplies air to a person underwater), undertaking a business as a dive operator, a sports fishing operator, or a dolphin tour operator or undertaking a fishing competition within the area;

(ii) the killing, taking, destruction, molestation or disturbance of animals or plants of any description in the area, or the doing anything therein which will interfere with the sea bed or damage or disturb any object in the area, or

(iii) the depositing of rubbish in the area;

(b) for the issue, on such terms and subject to such conditions as may be specified in the regulations, of permits, approval or licences authorising entry into the area or the doing of anything which would otherwise be unlawful under the regulations; and

(c) may be so made as to apply either generally or with respect to particular parts of the area or particular times of the year.

(6) Nothing in the regulations made under sub-section (5) shall–

(a) prohibit or restrict the exercise of any right of passage by a vessel other than a pleasure boat; or
(b) prohibit, except with respect to particular parts of the area at particular times of the year, the exercise of any such right by a pleasure boat.

(7) Nothing in regulations made under sub-section (5) shall make unlawful—

(a) anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;

(b) anything done more than 30 metres below the sea bed; or

(c) the exercise by a relevant authority of any powers given to that authority under any enactment.

(8) In this section “vessel” includes a hydrofoil, hovercraft and any aircraft capable of landing on water and “pleasure boat” shall be construed accordingly.

(9) References in this section to birds, animals or plants of any description include references to eggs, seeds, spores, larva or other immature stages of birds, animals or plants of that description.

Penalties etc. in relation to nature conservation areas and marine nature areas.

19.(1) A person who, without reasonable excuse, contravenes sub-section (4) of section 18, shall be liable—

(a) on summary conviction to a fine at level 4 on the standard scale or 3 months imprisonment or both;

(b) on conviction on indictment to 2 years imprisonment and a fine.

(2) Where an operation in respect in respect of which a person is convicted of an offence under sub-section (1) has destroyed or damaged any part of the flora, fauna, or geological or physiographical features by reason of which the land on which it was carried out is of special interest, the Court by which he is convicted, in addition to dealing with him in any way, may make an order requiring him to carry out, within such period as may be specified in the order, such operations for the purpose of restoring the land to its former condition as may be so specified.

(3) In the case of an order under sub-section (2) made by the Magistrates’ Court, the period specified in the order shall not begin to run—
(a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against the decision of the Magistrates’ Court;

(b) where notice of appeal is given within the period so prescribed, until the determination of the appeal.

(4) At any time before an order under sub-section (2) has complied with or fully complied with, the Court by which it was made may, on the application of the person against whom it was made, discharge or vary the order if it appears to the Court that a change in circumstance has made compliance or full compliance with the order impracticable or unnecessary.

(5) If, within the period specified in an order under this section, the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be liable on summary conviction–

(a) to a fine at level 4 on the standard scale or 3 months imprisonment or both; and

(b) in the case of a continuing offence, to a further fine not exceeding one tenth of the maximum fine under (a) above for each day during which the offence continues after conviction.

(6) If, within the period specified in an order under this section, any operations specified in the order have not been carried out, the Nature Conservancy Council may enter the land and carry out these operations and recover from the person against whom the order was made any expenses reasonably incurred by them in doing so.

(7) Regulations made under section 18(6) may provide, in relation to offences created by those regulations–

(a) on summary conviction for a fine not exceeding the maximum fine at level 4 on the standard scale and a period of imprisonment not exceeding 3 months;

(b) on conviction on indictment for a period of imprisonment not exceeding 2 years and a fine.

PART IV
MISCELLANEOUS

Scientific Authorities.
20.(1) The Minister may by Regulations establish any body or bodies for the purpose of advising the Government in relation to any matter including but not limited to—

(a) the environment;

(b) terrestrial and aquatic flora and fauna;

(c) the exploitation (whether commercial or otherwise) of the matters referred to in paragraphs (a) and (b).

(2) A body established under subsection (1) shall perform such duties as may be prescribed by regulations made thereunder.

(3) A reference in this Act to a scientific authority is a reference to a body which is established under subsection (1).

Wildlife Warden.

21.(1) The Government may, after consultation with the Nature Conservancy Council appoint by notice any person to be a Wildlife Warden or an honorary Wildlife Warden for the purposes of this Act.

(2) The Government may make regulations for the purpose of determining the powers and duties of any person appointed under subsection (1).

Promotion of research etc.

21A.(1) The Government shall take steps to encourage research and any other work that it considers is required as the basis for the protection, management and use of the populations of all wild bird species.

(2) In discharging the obligations set out in subsection (1), the Government shall have particular regard to the subjects that are listed in Annex V to the Wild Birds Directive, which is reproduced in Schedule 8 for information purposes.

(3) The Government shall ensure that the Commission is supplied with such information resulting from the discharge of its obligations under subsection (1) as is required for the Commission to coordinate research in relation to the protection, management and use of wild bird populations.

Offences by bodies corporate etc.

22.(1) Where body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager,
secretary or other similar officer of the body corporate or any person who is purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, sub-section (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Amendment of Schedules.

23. The Minister may amend the Schedules by notice in the Gazette.

Regulations.

24. The Government may, after consultation with the Nature Conservancy Council, make regulations for carrying into effect the provisions of this Act and without prejudice to the generality of the foregoing such regulations may provide for–

(a) fees or charges payable in respect of any application, licence or other document under this Act, or any other matter in the administration of this Act;

(b) the forms or contents of applications, licences, registers and other documents required for the purposes of this Act;

(c) the procedure to be followed for the establishment of a nature conservation area or a marine nature area;

(d) the protection and regulation of (subject to the provisions of section 18) nature conservation areas and marine nature areas;

(e) the powers and functions of Wildlife Wardens appointed under this Act,

(f) compliance with any European Union obligation;

(g) the issue of fixed penalty notices for specified offences in such circumstances and subject to such conditions as may be prescribed.

Fees for entry into a nature conservation area.

24A.(1) The fees payable to Government for entry into a nature conservation area shall be those set out in paragraph 1(1) of Schedule 10.
(2) With the exception of the fee for persons entering by foot at Jew’s Gate or Willis’s Road the payment by a person of the relevant fee set out in paragraph 1(1) of Schedule 10 exempts such person from the requirement to pay a further fee under section 24B for entry into the tourist sites within a nature conservation area.

Fees for entry into tourist sites within a nature conservation area.

24B. The fees payable to Government for entry into tourist sites within a nature conservation area shall be those set out in paragraph 1(2) of Schedule 10.

Fees (Miscellaneous).

24C.(1) The Minister may exempt particular persons, vehicles, categories of persons or categories of vehicles from payment of the fees set out in Schedule 10 to the extent set out in such exemption.

(2) Fees recovered in accordance with sections 24A and 24B shall constitute revenue of and be paid into the Consolidated Fund.

Terms and conditions of entry.

24D. The Minister may by Order published in the Gazette—

(a) set the terms and conditions of entry into a nature conservation area (including times and dates);

(b) define which sites in a nature conservation area are “tourist sites” for the purposes of this Act.

Offences.

24E.(1) A person who—

(a) conveys another person in a public service vehicle into a nature conservation area; or

(b) assists another person to enter a nature conservation area;

other than on the payment of the relevant fee is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale and in the case of a second or subsequent conviction at level 4 on the standard scale.

(2) A third conviction for an offence against sub-section (1) shall render the offender ineligible to hold a road service licence, a licence to drive a public service vehicle or a licence to act as a conductor of a public service vehicle for a period of 12 months and the Transport Commission shall
immediately revoke any such licence (including any road service licence) which the offender may hold.

(3) A person who–

(a) contravenes; or

(b) assists another in contravening;

a term or condition of entry included in an Order made under section 24D is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

(4) A person who–

(a) enters a tourist site within a nature conservation area; or

(b) assists another to enter a tourist site within a nature conservation area;

other than on the payment of the relevant fee is guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

Exclusion Orders.

24F.(1) The Minister for Transport may issue an Order excluding a holder of a public service vehicle licence from entering into a nature conservation area in the course of his business as a driver of a public service vehicle for such a period of time as shall be set out in the Order up to 3 months.

(2) The Minister for Transport may only issue such an Order if he is satisfied that there is reasonable cause to believe that the person has conveyed a person or persons into a nature conservation area without the payment of the relevant fee.

(3) A copy of an Order made under this section shall be served on the person against whom it is directed.

(4) A person aggrieved by an Order made under this section may appeal to the Supreme Court on a point of law; the Order shall remain in force until such time as the appeal is determined and a decision has been made by the Minister for Transport under subsection (6) or the period of time set out in the Order expires (whichever is the sooner).

(5) In determining an appeal under subsection (4)–

(a) where the court is of the opinion that the relevant decision is wrong in law the Court–
(i) shall make a declaration to that effect;

(ii) shall inform the appellant and the Minister for Transport of such declaration; and

(iii) may, where it considers it appropriate to do so, request that the Minister for Transport reconsider the relevant decision.

(b) where the court is not of the opinion that the relevant decision is wrong in law the Court shall—

(i) confirm the Order of the Minister for Transport; and

(ii) inform the appellant and the Minister for Transport of such confirmation.

(6) Where the Minister for Transport receives a request under subsection (5)(a)(iii) he shall reconsider the relevant decision de novo.

(7) If without reasonable excuse a person does anything which he is prohibited from doing by an exclusion order, the person commits an offence and is liable on summary conviction, to a fine at level 5 on the standard scale.

25. Sections 8 and 9 of the Animals and Birds Act are repealed.
## SPECIFIED WILD ANIMALS

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<tr>
<th>NAME</th>
<th>COMMON NAME</th>
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<td>(all species of sharks, rays, skates and stingrays not limited to those set out below, except)</td>
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INSECTA
Phasmatodea
All stick insects
Mantatodea
All mantids

Coleoptera
*Buprestis sanguinea* (Jewel beetle)
*Parataphlus tristancanoi* (Gibraltar endemic beetle)
*Lusitanopsis herculeana* (Gibraltar endemic beetle)
*Torneuma bensusani* (A near-endemic beetle)

Hymenoptera
*Technomyrmex vexatus* (A rare ant)
*Anochetus ghilianii* (A trap-jaw ant)

Lepidoptera
Butterflies and Moths
*Iphiclides podalinus* (Scarce Swallowtail)
*Euchloe tagis* (Portuguese Dappled White)
*Anthocaris belia* (Morroco Orange Tip)
*Strymonidia spinii* (Brimstone)
*Gonepterix rhamni* (Plain Tiger)
*Melanargria ines* (Spanish Marbled White)
*Pyronia cecilia* (Southern Gatekeeper)
*Gonepteryx rhamni* (Brimstone)
*Strymonidia spini* (Blue-spot Hairstreak)
*Tomares ballus* (Provence Hairstreak)
*Zizezenia knysna* (African Grass Blue)
*Carcharodus alceae* (Mallow Skipper)
*Spialia sertorius* (Red Underwing Skipper)
*Gegenes nostradamus* (Mediterranean Skipper)
*Zizaes ballus* (Zeller’s Skipper)
*Borbo borbonica* (Biblral Burnet Moth)

ARACHNIDA
Macrothele calpetana (Gibraltar Funnel-web Spider)

CRUSTACEA
Lepas anatifera
Maja spp.

CHILOPODA
Scholopendra cingulatus

MOLLUSCA
Bivalvia
Bivalves
*Atrina pectinata* (Brittle Pen Shell)
*Pinna nobilis* (Noble Pen Shell)
*PINNA RUDIS* (Rough Pen Shell)

CRUSTACEANS
Goose Barnacle
Spider crabs.

CENTIPEDES & MILLIPEDES
Molluscs
**Nature Protection**

**Gastropoda**
- *Halioitits tuberculata*  
- *Patella ferruginea*  
- *Monodonta spp.*  
- *Jujubinus spp.*  
- *Gibbula spp.*  
- *Acicula norrisi*  
- *Thais haemastoma*  
- *Aplysia spp.*  
- *Onchidella celtica*  
- *Lauria cylindracea*  
- *Truncatellina cylindrica*  
- *Pyramidula rupestris*  
- *Chondrina calpica*  
- *Granopupa granum*  
- *Ferussacia follicula*  
- *Charonia spp.*  
- *Epitoniium spp.*  
- *Trivia spp.*  
- *Cypreaa spp.*  
- *Mitra zonata*  
- *Bolinus brandaris*  
- *Hexaplex trunculus*  
- *Cecilioides spp.*  
- *Testacella maugie*  
- *Vitrealll contracta*  
- *Oxychilus draparnaudii*  
- *Oxychilus hudatinius*  
- *Parmacella valencienii*  
- *Milax nigricans*  
- *Deroceras ponsonbyi*  
- *Trichia hispida*  
- *Helicella apicina*  
- *Helicella conspurcata*  
- *Candidula intersecta*  
- *Cernuellella virgata*  
- *Cochlicella acuta*  
- *Caracollina lenticula*  
- *Osteophora calpeana*  
- *Cumbium olla*  

**Gastropods**
- *Sea Ormer*  
- *Ribbed Mediterranean Limpet*  
- *toothed topshells*  
- *top shells*  
- *top shells*  
- *Rock Shell*  
- *sea hares*  
- *Chrysalis Snails*  
- *Cylindrical Whorl Snail*  
- *Rock Snail*  
- *tritons*  
- *wentletraps*  
- *cowries*  
- *cowries*  
- *Zoned Mitre Shell*  
- *Purple Dye Murex*  
- *Banded Murex*  
- *Mauge’s slug*  
- *Glass Snail*  
- *Black slug*  
- *Ponsonbyi’s slug*  
- *Hairy snail*  
- *Wrinkled snail*  
- *Striped snail*  
- *Pointed snail*  

**Cephalopoda**
- *Argonauto argo*  
- *Eledone spp.*  

**Cephalopods**
- *Paper Nautilus*  
- *Lesser Octopus*  

**ECHINOIDEA**
- *Echinosaurus actutus*  

**SEA URCHINS**
- *Common Sea Urchin*
### Nature Protection

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# SCHEDULE 2

Section 11

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## Nature Protection

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<tr>
<td><em>Scorpiurus muricatus</em></td>
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**OXALIDACEAE**

All species

**GERANIACEAE**

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<tbody>
<tr>
<td><em>Geranium rotundifolium</em></td>
<td>Round-leaved Cranesbill</td>
</tr>
<tr>
<td><em>Geranium molle</em></td>
<td>Doves-foot Cranesbill</td>
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<tr>
<td><em>Geranium purpureum</em></td>
<td>Lesser Herb Robert</td>
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<tr>
<td><em>Erodium chium</em></td>
<td>Three-lobed Storksbill</td>
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<tr>
<td><em>Erodium malacoides</em></td>
<td>Soft Storksbill</td>
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<tr>
<td><em>Erodium moschatum</em></td>
<td>Musk Storksbill</td>
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<td><em>Pelargonium inquinans</em></td>
<td>Scarlet Pelargonium</td>
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All species

**TROPAEOLACEAE**

**LINACEAE**

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<thead>
<tr>
<th>Plant Species</th>
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<tbody>
<tr>
<td><em>Linum strictum</em></td>
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**EUPHORBIACEAE**

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<td><em>Euphorbia peplus</em></td>
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<td><em>Euphorbia chamaesyce</em></td>
<td>Prostrate Spurge</td>
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<td><em>Euphorbia serpens</em></td>
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<td><em>Lavatera cretica</em></td>
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<td><em>Galium verrucosum</em></td>
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<td><em>Rubia peregrina</em></td>
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<td>Morning Glory</td>
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<td><em>Teucrium lusitanicum</em></td>
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<td><em>Acanthus mollis</em></td>
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<td><em>Plantago coronopus</em></td>
<td>Bucks Horn Plantain</td>
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<td><em>Plantago lagopus</em></td>
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<td>Antirrhinum majus subsp tortuosum</td>
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<td>Veronica cymbalaria</td>
<td>Pale Speedwell</td>
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<td>Veronica arvensis</td>
<td>Wall Speedwell</td>
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**CAPRIFOLIACEAE**

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<th>Lonicera implexa</th>
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<td>Centranthus calcitrapae</td>
<td>Cut-leaved Valerian</td>
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<tr>
<td>Centranthus ruber</td>
<td>Red Valerian</td>
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<tr>
<td>Scabiosa atropurpurea</td>
<td>Mournful Widow</td>
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**CAMPANULACEAE**

| Campanula erinus             | Annual Bellflower            |

**ASTERACEAE**

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<thead>
<tr>
<th>Symphyotrichum squamatum</th>
<th>Squamate Aster</th>
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<td>Erigeron sumatrensis</td>
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<td>Erigeron bonariensis</td>
<td>Horseweed</td>
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<td>Helichrysum boissieri</td>
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<td>Rock Phagnalon</td>
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<td>Dittrichia viscosa</td>
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<td><em>Arctotheca calendula</em></td>
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<td>Silver Ragwort; Cineraria</td>
<td><em>Jacobaea maritima</em></td>
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<td>Groundsel</td>
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<td><em>Carlina hispanica</em></td>
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<td><em>Carduus pycnocephalus</em></td>
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<td>Intermediate Reichardia</td>
<td><em>Reichardia intermedia</em></td>
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</tbody>
</table>

© Government of Gibraltar (www.gibraltarlaws.gov.gi)
| **Leontodon saxatilis subsp rothii** | Hairy Hawkbit |
| **Sonchus oleraceus** | Common Sow-thistle |
| **Sonchus tenerrimus** | Slender Sow-thistle |
| **Lactuca tenerrima** | Pale Blue Lettuce |
| **Andryala integrifolia** | Rabbit’s Bread |

**XANTHORRHOEACEAE**

| **Asphodelus macrocarpus** | White Asphodel |
| **Asphodelus ramosus** | Branched Asphodel |

All species of the genus *Aloe*

**COLCHICACEAE**

| **Colchicum lusitanum** | Autumn Colchicum |

**ASPARAGACEAE**

| **Asparagus albus** | Spiny or White Asparagus |
| **Asparagus asparagoides** | Bridal Creeper |
| **Drimia maritima** | Sea Squill |
| **Ruscus hypophyllum** | Southern Butcher’s Broom |
| **Ruscus aculeatus** | Butcher’s Broom |

All species of the genus *Agave*

**SMILACACEAE**

| **Smilax aspera** | Smilax |

**AMARYLLIDACEAE**

<p>| <strong>Allium roseum</strong> | Rose Garlic |
| <strong>Allium triquetrum</strong> | Triquetrous Garlic |
| <strong>Allium ampeloprasum</strong> | Wild leek |
| <strong>Nothoscordum borbonicum</strong> | Fragrant or False Garlic |
| <strong>Narcissus papyraceus</strong> | Paper-white Narcissus |</p>
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<tr>
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<td><em>Chasmanthe floribunda</em></td>
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<td><em>Lolium rigidum</em></td>
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<td><em>Avena barbata</em></td>
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<td><em>Avena sterilis</em></td>
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<td>Creeping Millet</td>
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<td>Hairy Finger-grass</td>
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<td>Kikuyu Grass</td>
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<td>Burr Bristle-grass</td>
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**ARECACEAE**

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<tr>
<td><em>Chamaerops humilis</em></td>
<td>Dwarf Fan Palm</td>
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<td><em>Phoenix canariensis</em></td>
<td>Canary Palm</td>
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**ARACEAE**

<table>
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</thead>
<tbody>
<tr>
<td><em>Arisarum simorrhinum</em></td>
<td>Friar’s Cowl</td>
</tr>
</tbody>
</table>

**CYPERACEAE**

<table>
<thead>
<tr>
<th>Plant</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Cyperus rotundus</em></td>
<td>Purple Nut Sedge</td>
</tr>
</tbody>
</table>
SCHEDULE 3.

Section 13

Wild animals, including wild birds and wild plants in respect of which no licence shall be issued under section 13 which may result in the extinction in Gibraltar of that wild animal, wild bird or wild plant.

<table>
<thead>
<tr>
<th>Name</th>
<th>Common name or description</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Phalacrocorax aristotelis desmarestii</em></td>
<td>Mediterranean Shag</td>
</tr>
<tr>
<td><em>Falconiformes</em></td>
<td>Any bird of prey</td>
</tr>
<tr>
<td><em>Alectoris barbara</em></td>
<td>Barbary Partridge</td>
</tr>
<tr>
<td><em>Tytonidae and Strigidae</em></td>
<td>Any Owl</td>
</tr>
<tr>
<td><em>Vulpes vulpes</em></td>
<td>Red Fox</td>
</tr>
<tr>
<td><em>Macaca sylvanus</em></td>
<td>Barbary Macaque</td>
</tr>
<tr>
<td><em>Acicula norris</em></td>
<td>(Gibraltar endemic snail)</td>
</tr>
<tr>
<td><em>Osteophora calpeana</em></td>
<td>(Gibraltar endemic snail)</td>
</tr>
<tr>
<td><em>Ceciliodes spp.</em></td>
<td>(Gibraltar endemic snail)</td>
</tr>
<tr>
<td><em>Macrothele calpetana</em></td>
<td>Gibraltar Funnel-web Spider</td>
</tr>
<tr>
<td><em>Buprestis sanguinea</em></td>
<td>Jewel Beetle</td>
</tr>
<tr>
<td><em>Paratyphlus tristancanoi</em></td>
<td>(Gibraltar endemic beetle)</td>
</tr>
<tr>
<td><em>Lusitanopsis herculeanus</em></td>
<td>(Gibraltar endemic beetle)</td>
</tr>
<tr>
<td><em>Technomyrmex vexatus</em></td>
<td>A rare ant</td>
</tr>
<tr>
<td><em>Torneuma bensusani</em></td>
<td>A near-endemic beetle</td>
</tr>
<tr>
<td><em>Cerastium gibraltaricum</em></td>
<td>Gibraltar Chickweed</td>
</tr>
<tr>
<td><em>Silene tomentosa</em></td>
<td>Gibraltar Sea Campion</td>
</tr>
<tr>
<td>Species</td>
<td>Common Name</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><em>Iberis gibraltarica</em></td>
<td>Gibraltar Candytuft</td>
</tr>
<tr>
<td><em>Saxifraga globurifera var. gibraltarica</em></td>
<td>Gibraltar Saxifrage</td>
</tr>
<tr>
<td><em>Ononis natrix subsp. ramosissima</em></td>
<td>Gibraltar Restharrow</td>
</tr>
<tr>
<td><em>Limonium emarginatum</em></td>
<td>Gibraltar Sea Lavender</td>
</tr>
<tr>
<td><em>Thymus wildenowii</em></td>
<td>Gibraltar Thyme</td>
</tr>
<tr>
<td><em>Petroselium crispum</em></td>
<td>Parsley</td>
</tr>
<tr>
<td>All species of the family ORCHIDACEAE</td>
<td></td>
</tr>
</tbody>
</table>
PROCEDURE IN CONNECTION WITH ORDERS UNDER
SECTION 17M

Coming into operation.

1. An order takes effect on its being made.

Publicity for orders.

2. (1) The Government shall, as soon as practicable after making an order, publish in the Gazette a notice setting out the order (or describing its general effect) and stating that it has taken effect.

   (2) The notice shall —

   (a) name a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours; and

   (b) specify the time (not being less than 14 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

   (3) A copy of the notice shall be served on —

   (a) every owner and occupier of that land (subject to paragraph 4);

   (b) the Development and Planning Commission; and

   (c) the Nature Conservancy Council.

Procedures when orders opposed.

3. (1) If any representation or objection is duly made within the period specified in accordance with paragraph 2(2)(b) with respect to an order and is not withdrawn, then, as soon as practicable the Minister shall either —

   (a) cause an inquiry to be held; or

   (b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Minister for the purpose.
(2) On considering any representations or objections duly made and the report of any person appointed to hold the inquiry or to hear representations or objections, the Government shall decide either to take no action on the order, or to make an order amending or revoking it as it thinks appropriate in the light of the report, representations or objections.

(3) An amending or revoking order made by virtue of sub-paragraph (2) takes effect immediately and no representation or objection with respect to it shall be entertained.

 Restriction on power to amend orders or confirm them with modifications.

4. The Government shall not by virtue of paragraph 3(2) amend an order which has taken effect so as to extend the area to which the order applies.

Notice of final decision on order.

5. (1) The Minister shall as soon as practicable after making an order by virtue of paragraph 3(2) give notice —

   (a) setting out the order (or describing its effect) and stating that it has taken effect; and
   
   (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours.

(2) The Minister shall give notice as soon as practicable of a decision under paragraph 3(2) to take no action on an order which has already taken effect.

Proceedings for questioning validity of orders.

6. (1) In this paragraph the “relevant date” is, in the case of an order —

   (a) in respect of which no representations have been made under paragraph 3, 15 days from the publication of the notice under paragraph 2(1); and
   
   (b) in respect of which representations have been made, the date on which the Minister gives notice under paragraph 5.

(2) If any person is aggrieved by an order to which this paragraph applies and desires to question its validity on the grounds that it is not within the powers of section 17M or that any of the requirements of this Schedule have
not been complied with in relation to it, he may within six weeks from the
date of the relevant date made an application to the Supreme Court under
this paragraph.

(3) On any such application the court may, if satisfied that the order is not
within those powers or that the interests of the applicant have been
substantially prejudiced by a failure to comply with any of those
requirements, quash the order, or any provision of the order, either generally
or in so far as it affects the interests of the applicant.

(4) Except as provided by this paragraph, the validity of an order shall not
be questioned in any legal proceedings whatsoever.

Interpretation.

7. In this Schedule —

“amending order” and “revoking order” mean an order which amends or,
as the case may be, revokes a previous order;

“order” means an order under section 17M.
COUNCIL DIRECTIVE 92/43/EEC
of 21 May 1992
on the conservation of natural habitats and of wild fauna and flora

THE COUNCIL OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission(1),

Having regard to the opinion of the European Parliament(2),

Having regard to the opinion of the Economic and Social Committee(3),

Whereas the preservation, protection and improvement of the quality of the environment, including the conservation of natural habitats and of wild fauna and flora, are an essential objective of general interest pursued by the Community, as stated in Article 130r of the Treaty;

Whereas the European Community policy and action programme on the environment (1987 to 1992)(4) makes provision for measures regarding the conservation of nature and natural resources;

Whereas, the main aim of this Directive being to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements, this Directive makes a contribution to the general objective of sustainable development; whereas the maintenance of such biodiversity may in certain cases require the maintenance, or indeed the encouragement, of human activities;

Whereas, in the European territory of the Member States, natural habitats are continuing to deteriorate and an increasing number of wild species are seriously threatened; whereas given that the threatened habitats and species form part of the Community's natural heritage and the threats to them are often of a transboundary nature, it is necessary to take measures at Community level in order to conserve them;


Whereas, in view of the threats to certain types of natural habitat and certain species, it is necessary to define them as having priority in order to favour the early implementation of measures to conserve them;

Whereas, in order to ensure the restoration or maintenance of natural habitats and species of Community interest at a favourable conservation status, it is necessary to designate special areas of conservation in order to create a coherent European ecological network according to a specified timetable;

Whereas all the areas designated, including those classified now or in the future as special protection areas pursuant to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds[^5], will have to be incorporated into the coherent European ecological network;

Whereas it is appropriate, in each area designated, to implement the necessary measures having regard to the conservation objectives pursued;

Whereas sites eligible for designation as special areas of conservation are proposed by the Member States but whereas a procedure must nevertheless be laid down to allow the designation in exceptional cases of a site which has not been proposed by a Member State but which the Community considers essential for either the maintenance or the survival of a priority natural habitat type or a priority species;

Whereas an appropriate assessment must be made of any plan or programme likely to have a significant effect on the conservation objectives of a site which has been designated or is designated in future;

Whereas it is recognized that the adoption of measures intended to promote the conservation of priority natural habitats and priority species of Community interest is a common responsibility of all Member States; whereas this may, however, impose an excessive financial burden on certain Member States given, on the one hand, the uneven distribution of such habitats and species throughout the Community and, on the other hand, the fact that the ‘polluter pays’ principle can have only limited application in the special case of nature conservation;

Whereas it is therefore agreed that, in this exceptional case, a contribution by means of Community co-financing should be provided for within the limits of the resources made available under the Community's decisions;

Whereas land-use planning and development policies should encourage the management of features of the landscape which are of major importance for wild fauna and flora;

Whereas a system should be set up for surveillance of the conservation status of the natural habitats and species covered by this Directive;

Whereas a general system of protection is required for certain species of flora and fauna to complement Directive 79/409/EEC; whereas provision should be made for management measures for certain species, if their conservation status so warrants, including the prohibition of certain means of capture or killing, whilst providing for the possibility of derogations on certain conditions;

Whereas, with the aim of ensuring that the implementation of this Directive is monitored, the Commission will periodically prepare a composite report based, inter alia, on the information sent to it by the Member States regarding the application of national provisions adopted under this Directive;

Whereas the improvement of scientific and technical knowledge is essential for the implementation of this Directive; whereas it is consequently appropriate to encourage the necessary research and scientific work;

Whereas technical and scientific progress mean that it must be possible to adapt the Annexes; whereas a procedure should be established whereby the Council can amend the Annexes;

Whereas a regulatory committee should be set up to assist the Commission in the implementation of this Directive and in particular when decisions on Community co-financing are taken;

Whereas provision should be made for supplementary measures governing the reintroduction of certain native species of fauna and flora and the possible introduction of non-native species;

Whereas education and general information relating to the objectives of this Directive are essential for ensuring its effective implementation,

HAS ADOPTED THIS DIRECTIVE:

Definitions

Article 1

For the purpose of this Directive:

(a) conservation means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status as defined in (e) and (i);

(b) natural habitats means terrestrial or aquatic areas distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural;
(c) *natural habitat types of Community interest* means those which, within the territory referred to in Article 2:

(i) are in danger of disappearance in their natural range; or

(ii) have a small natural range following their regression or by reason of their intrinsically restricted area; or

(iii) present outstanding examples of typical characteristics of one or more of the nine following biogeographical regions: Alpine, Atlantic, Black Sea, Boreal, Continental, Macaronesian, Mediterranean, Pannonian and Steppic.

Such habitat types are listed or may be listed in Annex I;

(d) *priority natural habitat types* means natural habitat types in danger of disappearance, which are present on the territory referred to in Article 2 and for the conservation of which the Community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority natural habitat types are indicated by an asterisk (*) in Annex I;

(e) *conservation status of a natural habitat* means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2.

The conservation status of a natural habitat will be taken as ‘favourable’ when:

— its natural range and areas it covers within that range are stable or increasing, and

— the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and

— the conservation status of its typical species is favourable as defined in (i);

(f) *habitat of a species* means an environment defined by specific abiotic and biotic factors, in which the species lives at any stage of its biological cycle;

(g) *species of Community interest* means species which, within the territory referred to in Article 2, are:
(i) endangered, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western palearctic region; or

(ii) vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or

(iii) rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk. The species are located within restricted geographical areas or are thinly scattered over a more extensive range; or

(iv) endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.

Such species are listed or may be listed in Annex II and/or Annex IV or V;

(h) *priority species* means species referred to in (g) (i) for the conservation of which the Community has particular responsibility in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority species are indicated by an asterisk (*) in Annex II;

(i) *conservation status of a species* means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2;

The *conservation status* will be taken as ‘favourable’ when:

— population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and

— the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and

— there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;

(j) *site* means a geographically defined area whose extent is clearly delineated;

(k) *site of Community importance* means a site which, in the biogeographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation
status of a natural habitat type in Annex I or of a species in Annex II and may also contribute significantly to the coherence of Natura 2000 referred to in Article 3, and/or contributes significantly to the maintenance of biological diversity within the biogeographic region or regions concerned.

For animal species ranging over wide areas, sites of Community importance shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction;

(l) special area of conservation means a site of Community importance designated by the Member States through a statutory, administrative and/or contractual act where the necessary conservation measures are applied for the maintenance or restoration, at a favourable conservation status, of the natural habitats and/or the populations of the species for which the site is designated;

(m) specimen means any animal or plant, whether alive or dead, of the species listed in Annex IV and Annex V, any part or derivative thereof, as well as any other goods which appear, from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be parts or derivatives of animals or plants of those species;

(n) the committee means the committee set up pursuant to Article 20.

Article 2

1. The aim of this Directive shall be to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies.

2. Measures taken pursuant to this Directive shall be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.

3. Measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.

Conservation of natural habitats and habitats of species

Article 3

1. A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000. This network, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species'
The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC.

2. Each Member State shall contribute to the creation of Natura 2000 in proportion to the representation within its territory of the natural habitat types and the habitats of species referred to in paragraph 1. To that effect each Member State shall designate, in accordance with Article 4, sites as special areas of conservation taking account of the objectives set out in paragraph 1.

3. Where they consider it necessary, Member States shall endeavour to improve the ecological coherence of Natura 2000 by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora, as referred to in Article 10.

Article 4

1. On the basis of the criteria set out in Annex III (Stage 1) and relevant scientific information, each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction. For aquatic species which range over wide areas, such sites will be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11.

The list shall be transmitted to the Commission, within three years of the notification of this Directive, together with information on each site. That information shall include a map of the site, its name, location, extent and the data resulting from application of the criteria specified in Annex III (Stage 1) provided in a format established by the Commission in accordance with the procedure laid down in Article 21.

2. On the basis of the criteria set out in Annex III (Stage 2) and in the framework both of each of the nine biogeographical regions referred to in Article 1 (c) (iii) and of the whole of the territory referred to in Article 2 (1), the Commission shall establish, in agreement with each Member State, a draft list of sites of Community importance drawn from the Member States’ lists identifying those which host one or more priority natural habitat types or priority species.

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Member States whose sites hosting one or more priority natural habitat types and priority species represent more than 5 % of their national territory may, in agreement with the Commission, request that the criteria listed in Annex III (Stage 2) be applied more flexibly in selecting all the sites of Community importance in their territory.

The list of sites selected as sites of Community importance, identifying those which host one or more priority natural habitat types or priority species, shall be adopted by the Commission in accordance with the procedure laid down in Article 21.

3. The list referred to in paragraph 2 shall be established within six years of the notification of this Directive.

4. Once a site of Community importance has been adopted in accordance with the procedure laid down in paragraph 2, the Member State concerned shall designate that site as a special area of conservation as soon as possible and within six years at most, establishing priorities in the light of the importance of the sites for the maintenance or restoration, at a favourable conservation status, of a natural habitat type in Annex I or a species in Annex II and for the coherence of Natura 2000, and in the light of the threats of degradation or destruction to which those sites are exposed.

5. As soon as a site is placed on the list referred to in the third subparagraph of paragraph 2 it shall be subject to Article 6 (2), (3) and (4).

Article 5

1. In exceptional cases where the Commission finds that a national list as referred to in Article 4 (1) fails to mention a site hosting a priority natural habitat type or priority species which, on the basis of relevant and reliable scientific information, it considers to be essential for the maintenance of that priority natural habitat type or for the survival of that priority species, a bilateral consultation procedure shall be initiated between that Member State and the Commission for the purpose of comparing the scientific data used by each.

2. If, on expiry of a consultation period not exceeding six months, the dispute remains unresolved, the Commission shall forward to the Council a proposal relating to the selection of the site as a site of Community importance.

3. The Council, acting unanimously, shall take a decision within three months of the date of referral.

4. During the consultation period and pending a Council decision, the site concerned shall be subject to Article 6 (2).

Article 6
1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

Article 7

Obligations arising under Article 6 (2), (3) and (4) of this Directive shall replace any obligations arising under the first sentence of Article 4 (4) of Directive 79/409/EEC in respect of areas classified pursuant to Article 4 (1) or similarly recognized under Article 4 (2) thereof, as from the date of implementation of this Directive or the date of classification or recognition by a Member State under Directive 79/409/EEC, where the latter date is later.
Article 8

1. In parallel with their proposals for sites eligible for designation as special areas of conservation, hosting priority natural habitat types and/or priority species, the Member States shall send, as appropriate, to the Commission their estimates relating to the Community co-financing which they consider necessary to allow them to meet their obligations pursuant to Article 6 (1).

2. In agreement with each of the Member States concerned, the Commission shall identify, for sites of Community importance for which co-financing is sought, those measures essential for the maintenance or re-establishment at a favourable conservation status of the priority natural habitat types and priority species on the sites concerned, as well as the total costs arising from those measures.

3. The Commission, in agreement with the Member States concerned, shall assess the financing, including co-financing, required for the operation of the measures referred to in paragraph 2, taking into account, amongst other things, the concentration on the Member State's territory of priority natural habitat types and/or priority species and the relative burdens which the required measures entail.

4. According to the assessment referred to in paragraphs 2 and 3, the Commission shall adopt, having regard to the available sources of funding under the relevant Community instruments and according to the procedure set out in Article 21, a prioritized action framework of measures involving co-financing to be taken when the site has been designated under Article 4 (4).

5. The measures which have not been retained in the action framework for lack of sufficient resources, as well as those included in the abovementioned action framework which have not received the necessary co-financing or have only been partially co-financed, shall be reconsidered in accordance with the procedure set out in Article 21, in the context of the two-yearly review of the action framework and may, in the meantime, be postponed by the Member States pending such review. This review shall take into account, as appropriate, the new situation of the site concerned.

6. In areas where the measures dependent on co-financing are postponed, Member States shall refrain from any new measures likely to result in deterioration of those areas.

Article 9

The Commission, acting in accordance with the procedure laid down in Article 21, shall periodically review the contribution of Natura 2000 towards achievement of the objectives set out in Article 2 and 3. In this context, a special area of conservation may be considered for
decategorization where this is warranted by natural developments noted as a result of the surveillance provided for in Article 11.

**Article 10**

Member States shall endeavour, where they consider it necessary, in their land-use planning and development policies and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild fauna and flora.

Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.

**Article 11**

Member States shall undertake surveillance of the conservation status of the natural habitats and species referred to in Article 2 with particular regard to priority natural habitat types and priority species.

**Protection of species**

**Article 12**

1. Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

   (a) all forms of deliberate capture or killing of specimens of these species in the wild;

   (b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;

   (c) deliberate destruction or taking of eggs from the wild;

   (d) deterioration or destruction of breeding sites or resting places.

2. For these species, Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented.

3. The prohibition referred to in paragraph 1 (a) and (b) and paragraph 2 shall apply to all stages of life of the animals to which this Article applies.
4. Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.

**Article 13**

1. Member States shall take the requisite measures to establish a system of strict protection for the plant species listed in Annex IV (b), prohibiting:

   (a) the deliberate picking, collecting, cutting, uprooting or destruction of such plants in their natural range in the wild;

   (b) the keeping, transport and sale or exchange and offering for sale or exchange of specimens of such species taken in the wild, except for those taken legally before this Directive is implemented.

2. The prohibitions referred to in paragraph 1 (a) and (b) shall apply to all stages of the biological cycle of the plants to which this Article applies.

**Article 14**

1. If, in the light of the surveillance provided for in Article 11, Member States deem it necessary, they shall take measures to ensure that the taking in the wild of specimens of species of wild fauna and flora listed in Annex V as well as their exploitation is compatible with their being maintained at a favourable conservation status.

2. Where such measures are deemed necessary, they shall include continuation of the surveillance provided for in Article 11. Such measures may also include in particular:

   — regulations regarding access to certain property,

   — temporary or local prohibition of the taking of specimens in the wild and exploitation of certain populations,

   — regulation of the periods and/or methods of taking specimens,

   — application, when specimens are taken, of hunting and fishing rules which take account of the conservation of such populations,

   — establishment of a system of licences for taking specimens or of quotas,

   — regulation of the purchase, sale, offering for sale, keeping for sale or transport for sale of specimens,
— breeding in captivity of animal species as well as artificial propagation of plant species, under strictly controlled conditions, with a view to reducing the taking of specimens of the wild,

— assessment of the effect of the measures adopted.

**Article 15**

In respect of the capture or killing of species of wild fauna listed in Annex V (a) and in cases where, in accordance with Article 16, derogations are applied to the taking, capture or killing of species listed in Annex IV (a), Member States shall prohibit the use of all indiscriminate means capable of causing local disappearance of, or serious disturbance to, populations of such species, and in particular:

(a) use of the means of capture and killing listed in Annex VI (a);

(b) any form of capture and killing from the modes of transport referred to in Annex VI (b).

**Article 16**

1. Provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12, 13, 14 and 15 (a) and (b):

(a) in the interest of protecting wild fauna and flora and conserving natural habitats;

(b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property;

(c) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

(d) for the purpose of research and education, of repopulating and reintroducing these species and for the breedings operations necessary for these purposes, including the artificial propagation of plants;

(e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent, the taking or keeping of certain specimens of the species listed in Annex IV in limited numbers specified by the competent national authorities.
2. Member States shall forward to the Commission every two years a report in accordance with the format established by the Committee on the derogations applied under paragraph 1. The Commission shall give its opinion on these derogations within a maximum time limit of 12 months following receipt of the report and shall give an account to the Committee.

3. The reports shall specify:

(a) the species which are subject to the derogations and the reason for the derogation, including the nature of the risk, with, if appropriate, a reference to alternatives rejected and scientific data used;

(b) the means, devices or methods authorized for the capture or killing of animal species and the reasons for their use;

(c) the circumstances of when and where such derogations are granted;

(d) the authority empowered to declare and check that the required conditions obtain and to decide what means, devices or methods may be used, within what limits and by what agencies, and which persons are to carry out the task;

(e) the supervisory measures used and the results obtained.

**Information**

**Article 17**

1. Every six years from the date of expiry of the period laid down in Article 23, Member States shall draw up a report on the implementation of the measures taken under this Directive. This report shall include in particular information concerning the conservation measures referred to in Article 6 (1) as well as evaluation of the impact of those measures on the conservation status of the natural habitat types of Annex I and the species in Annex II and the main results of the surveillance referred to in Article 11. The report, in accordance with the format established by the committee, shall be forwarded to the Commission and made accessible to the public.

2. The Commission shall prepare a composite report based on the reports referred to in paragraph 1. This report shall include an appropriate evaluation of the progress achieved and, in particular, of the contribution of Natura 2000 to the achievement of the objectives set out in Article 3. A draft of the part of the report covering the information supplied by a Member State shall be forwarded to the Member State in question for verification. After submission to the committee, the final version of the report shall be published by the Commission, not later than two years after receipt of the reports referred to in paragraph 1, and shall be forwarded to
the Member States, the European Parliament, the Council and the Economic and Social Committee.

3. Member States may mark areas designated under this Directive by means of Community notices designed for that purpose by the committee.

**Research**

*Article 18*

1. Member States and the Commission shall encourage the necessary research and scientific work having regard to the objectives set out in Article 2 and the obligation referred to in Article 11. They shall exchange information for the purposes of proper coordination of research carried out at Member State and at Community level.

2. Particular attention shall be paid to scientific work necessary for the implementation of Articles 4 and 10, and transboundary cooperative research between Member States shall be encouraged.

**Procedure for amending the Annexes**

*Article 19*

Such amendments as are necessary for adapting Annexes I, II, III, V and VI to technical and scientific progress shall be adopted by the Council acting by qualified majority on a proposal from the Commission.

Such amendments as are necessary for adapting Annex IV to technical and scientific progress shall be adopted by the Council acting unanimously on a proposal from the Commission.

**Committee**

*Article 20*

The Commission shall be assisted by a committee.

*Article 21*

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC(1) shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

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2. The Committee shall adopt its rules of procedure.

**Supplementary provisions**

*Article 22*

In implementing the provisions of this Directive, Member States shall:

(a) study the desirability of re-introducing species in Annex IV that are native to their territory where this might contribute to their conservation, provided that an investigation, also taking into account experience in other Member States or elsewhere, has established that such re-introduction contributes effectively to re-establishing these species at a favourable conservation status and that it takes place only after proper consultation of the public concerned;

(b) ensure that the deliberate introduction into the wild of any species which is not native to their territory is regulated so as not to prejudice natural habitats within their natural range or the wild native fauna and flora and, if they consider it necessary, prohibit such introduction. The results of the assessment undertaken shall be forwarded to the committee for information;

(c) promote education and general information on the need to protect species of wild fauna and flora and to conserve their habitats and natural habitats.

**Final provisions**

*Article 23*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years of its notification. They shall forthwith inform the Commission thereof.

2. When Member States adopt such measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3. Member States shall communicate to the Commission the main provisions of national law which they adopt in the field covered by this Directive.

*Article 24*

This Directive is addressed to the Member States.
ANNEX I

NATURAL HABITAT TYPES OF COMMUNITY INTEREST WHOSE CONSERVATION REQUIRES THE DESIGNATION OF SPECIAL AREAS OF CONSERVATION

Interpretation

Guidance on the interpretation of habitat types is given in the “Interpretation Manual of European Union Habitats” as approved by the committee set up under Article 20 (“Habitats Committee”) and published by the European Commission(*).

The code corresponds to the NATURA 2000 code.

The sign “*” indicates priority habitat types.

1. COASTAL AND HALOPHYTIC HABITATS

11. Open sea and tidal areas

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1110</td>
<td>Sandbanks which are slightly covered by sea water all the time</td>
</tr>
<tr>
<td>1120</td>
<td>* Posidonia beds (Posidonion oceanicae)</td>
</tr>
<tr>
<td>1130</td>
<td>Estuaries</td>
</tr>
<tr>
<td>1140</td>
<td>Mudflats and sandflats not covered by seawater at low tide</td>
</tr>
<tr>
<td>1150</td>
<td>* Coastal lagoons</td>
</tr>
<tr>
<td>1160</td>
<td>Large shallow inlets and bays</td>
</tr>
<tr>
<td>1170</td>
<td>Reefs</td>
</tr>
<tr>
<td>1180</td>
<td>Submarine structures made by leaking gases</td>
</tr>
</tbody>
</table>

12. Sea cliffs and shingle or stony beaches

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1210</td>
<td>Annual vegetation of drift lines</td>
</tr>
<tr>
<td>1220</td>
<td>Perennial vegetation of stony banks</td>
</tr>
<tr>
<td>1230</td>
<td>Vegetated sea cliffs of the Atlantic and Baltic Coasts</td>
</tr>
<tr>
<td>1240</td>
<td>Vegetated sea cliffs of the Mediterranean coasts with endemic Limonium spp.</td>
</tr>
<tr>
<td>1250</td>
<td>Vegetated sea cliffs with endemic flora of the Macaronesian coasts</td>
</tr>
</tbody>
</table>

13. Atlantic and continental salt marshes and salt meadows

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1310</td>
<td>Salicornia and other annuals colonizing mud and sand</td>
</tr>
<tr>
<td>1320</td>
<td>Spartina swards (Spartinion maritimae)</td>
</tr>
<tr>
<td>1330</td>
<td>Atlantic salt meadows (Glauco-Puccinelietalia maritimae)</td>
</tr>
</tbody>
</table>

1340 * Inland salt meadows

14. Mediterranean and thermo-Atlantic salt marshes and salt meadows

1410 Mediterranean salt meadows (*Juncetalia maritimi*)
1420 Mediterranean and thermo-Atlantic halophilous scrubs (*Sarcocornetea fruticosi*)
1430 Halo-nitrophilous scrubs (*Pegano-Salsotea*)

15. Salt and gypsum inland steppes

1510 * Mediterranean salt steppes (*Limonietalia*)
1520 * Iberian gypsum vegetation (*Gypsophiletalia*)
1530 * Pannonic salt steppes and salt marshes

16. Boreal Baltic archipelago, coastal and landupheaval areas

1610 Baltic esker islands with sandy, rocky and shingle beach vegetation and sublittoral vegetation
1620 Boreal Baltic islets and small islands
1630 * Boreal Baltic coastal meadows
1640 Boreal Baltic sandy beaches with perennial vegetation
1650 Boreal Baltic narrow inlets

2. COASTAL SAND DUNES AND INLAND DUNES

21. Sea dunes of the Atlantic, North Sea and Baltic coasts

2110 Embryonic shifting dunes
2120 Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)
2130 * Fixed coastal dunes with herbaceous vegetation (“grey dunes”)
2140 * Decalcified fixed dunes with *Empetrum nigrum*
2150 * Atlantic decalcified fixed dunes (*Calluno-Ulicetea*)
2160 Dunes with *Hippophaë rhamnoides*
2170 Dunes with *Salix repens ssp. argentea* (*Salicion arenariae*)
2180 Wooded dunes of the Atlantic, Continental and Boreal region
2190 Humid dune slacks
21A0 Machairs (*in Ireland*)

22. Sea dunes of the Mediterranean coast

2210 Crucianellion maritimae fixed beach dunes
2220 Dunes with *Euphorbia terracina*
2230 Malcolmietalia dune grasslands
2240 Brachypodietalia dune grasslands with annuals
2250 * Coastal dunes with *Juniperus* spp.
2260 Cisto-Lavenduletalia dune sclerophyllous scrubs
2270  * Wooded dunes with Pinus pinea and/or Pinus pinaster

23. **Inland dunes, old and decalcified**

2310  Dry sand heaths with *Calluna* and *Genista*
2320  Dry sand heaths with *Calluna* and *Empetrum nigrum*
2330  Inland dunes with open *Corynephorus* and *Agrostis* grasslands
2340  * Pannonic inland dunes

3. **FRESHWATER HABITATS**

31. **Standing water**

3110  Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
3120  Oligotrophic waters containing very few minerals generally on sandy soils of the West Mediterranean, with *Isoetes* spp.
3130  Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*
3140  Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.
3150  Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* — type vegetation
3160  Natural dystrophic lakes and ponds
3170  * Mediterranean temporary ponds
3180  * Turloughs
3190  Lakes of gypsum karst
31A0  * Transylvanian hot-spring lotus beds

32. **Running water**—sections of water courses with natural or semi-natural dynamics (minor, average and major beds) where the water quality shows no significant deterioration

3210  Fennoscandian natural rivers
3220  Alpine rivers and the herbaceous vegetation along their banks
3230  Alpine rivers and their ligneous vegetation with *Myricaria germanica*
3240  Alpine rivers and their ligneous vegetation with *Salix elaeagnos*
3250  Constantly flowing Mediterranean rivers with *Glaucium flavum*
3260  Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation
3270  Rivers with muddy banks with *Chenopodion rubri* p.p. and *Bidention* p.p. vegetation
3280  Constantly flowing Mediterranean rivers with *Paspalo-Agrostidion* species and hanging curtains of *Salix* and *Populus alba*
3290  Intermittently flowing Mediterranean rivers of the *Paspalo-Agrostidion*
32A0  Tufa cascades of karstic rivers in the Dinaric Alps

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4. TEMPERATE HEATH AND SCRUB

4010 Northern Atlantic wet heaths with *Erica tetralix*
4020  * Temperate Atlantic wet heaths with *Erica ciliaris* and *Erica tetralix*
4030 European dry heaths
4040  * Dry Atlantic coastal heaths with *Erica vagans*
4050  * Endemic macaronesian heaths*
4060 Alpine and Boreal heaths
4070  * Bushes with *Pinus mugo* and *Rhododendron hirsutum* (Mugo-
        Rhododendretum hirsuti)
4080 Sub-Arctic *Salix* spp. Scrub
4090 Endemic oro-Mediterranean heaths with gorse
40A0 * Subcontinental peri-Pannonic scrub
40B0 Rhodope *Potentilla fruticosa* thickets
40C0 * Ponto-Sarmatic deciduous thickets

5. SCLEROPHYLLOUS SCRUB (MATORRAL)

51. Sub-Mediterranean and temperate scrub

5110 Stable xerothermophilous formations with *Buxus sempervirens* on rock slopes (*Berberidion* p.p.)
5120 Mountain *Cytisus purgans* formations
5130 *Juniperus communis* formations on heaths or calcareous grasslands
5140  * Cistus palhinhae formations on maritime wet heaths

52. Mediterranean arborescent matorral

5210 Arborescent matorral with *Juniperus* spp.
5220  * Arborescent matorral with *Zyziphus*
5230  * Arborescent matorral with *Laurus nobilis*

53. Thermo-Mediterranean and pre-steppe brush

5310 Laurus nobilis thickets
5320 Low formations of *Euphorbia* close to cliffs
5330 Thermo-Mediterranean and pre-desert scrub

54. Phrygana

5410 West Mediterranean clifftop phryganas (*Astragalo-Plantaginetum subulatae*)
5420 Sarcopoterium spinosum phryganas
5430 Endemic phryganas of the *Euphorbio-Verbascion*

6. NATURAL AND SEMI-NATURAL GRASSLAND FORMATIONS
61. **Natural grasslands**

6110  * Rupicolous calcareous or basophilic grasslands of the *Alyssosedion albi*
6120  * Xeric sand calcareous grasslands
6130  Calaminarian grasslands of the *Violetalia calaminariae*
6140  Siliceous Pyrenean *Festuca eskia* grasslands
6150  Siliceous alpine and boreal grasslands
6160  Oro-Iberian *Festuca indigesta* grasslands
6170  Alpine and subalpine calcareous grasslands
6180  Macaronesian mesophile grasslands
6190  Rupicolous pannonic grasslands (*Stipo-Festucetalia pallentis*)

62. **Semi-natural dry grasslands and scrubland facies**

6210  Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites)
6220  * Pseudo-steppe with grasses and annuals of the *Thero-Brachypodietea*
6230  * Species-rich *Nardus* grasslands, on silicious substrates in mountain areas (and submountain areas in Continental Europe)
6240  * Sub-Pannonic steppic grasslands
6250  * Pannonic loess steppic grasslands
6260  * Pannonic sand steppes
6270  * Fennoscandian lowland species-rich dry to mesic grasslands
6280  * Nordic alvar and precambrian calcareous flatrocks
62A0  Eastern sub-Mediterranean dry grasslands (*Scorzoneratalia villosae*)
62B0  * Serpentinophilous grassland of Cyprus
62C0  * Ponto-Sarmatic steppes
62D0  Oro-Moesian acidophilous grasslands

63. **Sclerophillous grazed forests (dehesas)**

6310  Dehesas with evergreen *Quercus* spp.

64. **Semi-natural tall-herb humid meadows**

6410  *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
6420  Mediterranean tall humid grasslands of the *Molinio-Holoschoenion*
6430  Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
6440  Alluvial meadows of river valleys of the *Cnidion dubii*
6450  Northern boreal alluvial meadows
6460  Peat grasslands of Troodos

65. **Mesophile grasslands**
7. RAISED BOGS AND MIRES AND FENS

71. Sphagnum acid bogs

7110 * Active raised bogs
7120 Degraded raised bogs still capable of natural regeneration
7130 Blanket bogs (* if active bog)
7140 Transition mires and quaking bogs
7150 Depressions on peat substrates of the Rhynchosporion
7160 Fennoscandian mineral-rich springs and springfens

72. Calcareous fens

7210 * Calcareous fens with Cladium mariscus and species of the Caricion davallianae
7220 * Petrifying springs with tufa formation (Cratoneurion)
7230 Alkaline fens
7240 * Alpine pioneer formations of the Caricion bicoloris-atrofuscae

73. Boreal mires

7310 * Aapa mires
7320 * Palsa mires

8. ROCKY HABITATS AND CAVES

81. Scree

8110 Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)
8120 Calcareous and calcshist scree of the montane to alpine levels (Thlaspietea rotundifolii)
8130 Western Mediterranean and thermophilous scree
8140 Eastern Mediterranean scree
8150 Medio-European upland siliceous scree
8160 * Medio-European calcareous scree of hill and montane levels

82. Rocky slopes with chasmophytic vegetation

8210 Calcareous rocky slopes with chasmophytic vegetation
8220 Siliceous rocky slopes with chasmophytic vegetation
Siliceous rock with pioneer vegetation of the *Sedo-Scleranthion* or of the *Sedo albi-Veronica dillenii*

* Limestone pavements

83. Other rocky habitats

- Caves not open to the public
- Fields of lava and natural excavations
- Submerged or partially submerged sea caves
- Permanent glaciers

9. FORESTS

(Sub)natural woodland vegetation comprising native species forming forests of tall trees, with typical undergrowth, and meeting the following criteria: rare or residual, and/or hosting species of Community interest

90. Forests of Boreal Europe

- Western Taïga
- Fennoscandian hemiboreal natural old broad-leaved deciduous forests (*Quercus, Tilia, Acer, Fraxinus or Ulmus*) rich in epiphytes
- Natural forests of primary succession stages of land upheaval coast
- Nordic subalpine/subarctic forests with *Betula pubescens* ssp. *czerepanovii*
- Fennoscandian herb-rich forests with *Picea abies*
- Coniferous forests on, or connected to, glaciofluvial eskers
- Fennoscandian wooded pastures
- Fennoscandian deciduous swamp woods

91. Forests of Temperate Europe

- *Luzulo-Fagetum* beech forests
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer (*Quercion roboripetraeae* or *Ilici-Fagion*)
- *Asperulo-Fagetum* beech forests
- Medio-European subalpine beech woods with *Acer* and *Rumex arifolius*
- Medio-European limestone beech forests of the *Cephalanthero-Fagion*
- Sub-Atlantic and medio-European oak or oak-hornbeam forests of the *Carpinion betuli*
- *Galio-Carpinetum* oak-hornbeam forests
- *Tilio-Acerion* forests of slopes, scree and ravines
- Old acidophilous oak woods with *Quercus robur* on sandy plains
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- Thermophilous *Fraxinus angustifolia* woods
- Caledonian forest
- Bog woodland
1991-11

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91E0  * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)

91F0  Riparian mixed forests of *Quercus robur*, *Ulmus laevis* and *Ulmus minor*, *Fraxinus excelsior* or *Fraxinus angustifolia*, along the great rivers (*Ulmenion minoris*)

91G0  * Pannonian woods with *Quercus petraea* and *Carpinus betulus*

91H0  * Pannonian woods with *Quercus pubescens*

91I0  * Euro-Siberian steppic woods with *Quercus* spp.

91J0  * Taxus baccata* woods of the British Isles

91K0  Illyrian *Fagus sylvatica* forests (*Aremonio-Fagion*)

91L0  Illyrian oak-hornbeam forests (*Erythronio-Carpinion*)

91M0  Pannonian-Balkanic turkey oak – sessile oak forests

91N0  * Pannonic inland sand dune thicket (*Junipero-Populetum albae*)

91P0  Holy Cross fir forest (*Abietetum polonicum*)

91Q0  Western Carpathian calcicolous *Pinus sylvestris* forests

91R0  Dinaric dolomite Scots pine forests (*Genisto januensis-Pinetum*)

91S0  * Western Pontic beech forests

91T0  Central European lichen Scots pine forests

91U0  Sarmatic steppe pine forest

91V0  Dacian Beech forests (*Symphyto-Fagion*)

91W0  Moesian beech forests

91X0  *Dobrogean beech forests

91Y0  Dacian oak & hornbeam forests

91Z0  Moesian silver lime woods

91AA  * Eastern white oak woods

91BA  Moesian silver fir forests

91CA  Rhodopide and Balkan Range Scots pine forests

92. Mediterranean deciduous forests

9210  * Apeninne beech forests with *Taxus* and *Ilex*

9220  * Apennine beech forests with *Abies alba* and beech forests with *Abies nebrodensis*

9230  Galicio-Portuguese oak woods with *Quercus robur* and *Quercus pyrenaica*

9240  *Quercus faginea* and *Quercus canariensis* Iberian woods

9250  *Quercus trojana* woods

9260  *Castanea sativa* woods

9270  Hellenic beech forests with *Abies borisii-regis*

9280  *Quercus frainetto* woods

9290  *Cupressus* forests (*Acero-Cupression*)

92A0  *Salix alba* and *Populus alba* galleries

92B0  Riparian formations on intermittent Mediterranean water courses with *Rhododendron ponticum*, *Salix* and others

92C0  *Platanus orientalis* and *Liquidambar orientalis* woods (*Platanion orientalis*)

92D0  Southern riparian galleries and thickets (*Nerio-Tamaricetea* and *Securinegion tinctoriae*)
93. Mediterranean sclerophyllous forests

- 9310 Aegean Quercus brachyphylla woods
- 9320 Olea and Ceratonia forests
- 9330 Quercus suber forests
- 9340 Quercus ilex and Quercus rotundifolia forests
- 9350 Quercus macrolepis forests
- 9360 * Macaronesian laurel forests (Laurus, Ocotea)
- 9370 * Palm groves of Phoenix
- 9380 Forests of Ilex aquifolium
- 9390 * Scrub and low forest vegetation with Quercus alnifolia
- 93A0 Woodlands with Quercus infectoria (Anagyro foetidae-Quercetum infectoriae)

94. Temperate mountainous coniferous forests

- 9410 Acidophilous Picea forests of the montane to alpine levels (Vaccinio-Piceetea)
- 9420 Alpine Larix decidua and/or Pinus cembra forests
- 9430 Subalpine and montane Pinus uncinata forests (* if on gypsum or limestone)

95. Mediterranean and Macaronesian mountainous coniferous forests

- 9510 * Southern Apennine Abies alba forests
- 9520 Abies pinsapo forests
- 9530 * (Sub-) Mediterranean pine forests with endemic black pines
- 9540 Mediterranean pine forests with endemic Mesogean pines
- 9550 Canarian endemic pine forests
- 9560 * Endemic forests with Juniperus spp.
- 9570 * Tetraclinis articulata forests
- 9580 * Mediterranean Taxus baccata woods
- 9590 * Cedrus brevifolia forests (Cedrosetum brevifoliae)
- 95A0 High oro-Mediterranean pine forests

ANNEX II

ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST WHOSE CONSERVATION REQUIRES THE DESIGNATION OF SPECIAL AREAS OF CONSERVATION

Interpretation

(a) Annex II follows on from Annex I for the establishment of a consistent network of special areas of conservation.

(b) The species listed in this Annex are indicated:
— by the name of the species or subspecies, or
— by all the species belonging to a higher taxon or to a designated part of that taxon.

The abbreviation “spp.” after the name of a family or genus designates all the species belonging to that family or genus.

(c) Symbols

An asterisk (*) before the name of a species indicates that it is a priority species.
Most species listed in this Annex are also listed in Annex IV. Where a species appears in this Annex but does not appear in either Annex IV or Annex V, the species name is followed by the symbol (o); where a species which appears in this Annex also appears in Annex V but does not appear in Annex IV, its name is followed by the symbol (V).

(a) ANIMALS

VERTEBRATES

MAMMALS

INSECTIVORA

Talpidae

Galemys pyrenaicus

CHIROPTERA

Rhinolophidae

Rhinolophus blasii
Rhinolophus euryale
Rhinolophus ferrumequinum
Rhinolophus hipposideros
Rhinolophus mehelyi

Vespertilionidae

Barbastella barbastellus
Miniopterus schreibersii
Myotis bechsteinii
Myotis blythii
Myotis capaccinii
Myotis dasycneme
Myotis emarginatus
Myotis myotis
Pteropodidae
   * Rousettus aegyptiacus

RODENTIA

Gliridae
   * Myomimus roachi

Sciuridae
   * Marmota marmota latirostris
   * Pteromys volans (Sciuropterus russicus)
   * Spermophilus citellus (Citellus citellus)
   * Spermophilus suslicus (Citellus suslicus)

Castoridae
   * Castor fiber (except the Estonian, Latvian, Lithuanian, Finnish and Swedish populations)

Cricetidae
   * Mesocricetus newtoni

Microtidae
   * Dinaromys bogdanovi
   * Microtus cabrerae
   * Microtus oeconomus arenicola
   * Microtus oeconomus mehelyi
   * Microtus tatricus

Zapodidae
   * Sicista subtilis

CARNIVORA

Canidae
   * Alopex lagopus
   * Canis lupus (except the Estonian population; Greek populations: only south of the 39th parallel; Spanish populations: only those south of the Duero; Latvian, Lithuanian and Finnish populations).

Ursidae
   * Ursus arctos (except the Estonian, Finnish, and Swedish populations)

Mustelidae
   * Gulo gulo
   * Lutra lutra
   * Mustela eversmanii
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* Mustela lutreola
  Vormela peregusna

Felidae
  Lynx lynx (except the Estonian, Latvian and Finnish populations)
  * Lynx pardinus

Phocidae
  Halichoerus grypus (V)
  * Monachus monachus
  Phoca hispida bottnica (V)
  * Phoca hispida saimensis
  Phoca vitulina (V)

ARTIODACTYLA

Cervidae
  * Cervus elaphus corsicanus
  Rangifer tarandus fennicus (o)

Bovidae
  * Bison bonasus
  Capra aegagrus (natural populations)
  * Capra pyrenaica pyrenaica
  Ovis gmelini musimon (Ovis ammon musimon) (natural populations — Corsica and Sardinia)
  Ovis orientalis ophion (Ovis gmelini ophion)
  * Rupicapra pyrenaica ornata (Rupicapra rupicapra ornata)
  Rupicapra rupicapra balcanica
  * Rupicapra rupicapra tatrica

CETACEA

  Phocoena phocoena
  Tursiops truncatus

REPTILES

CHELONIA (TESTUDINES)

Testudinidae
  Testudo graeca
  Testudo hermanni
  Testudo marginata

Cheloniidae
  * Caretta caretta
  * Chelonia mydas
Emydidae
  *Emys orbicularis*
  *Mauremys caspica*
  *Mauremys leprosa*

**SAURIA**

Lacertidae
  *Dinarolacerta mosorensis*
  *Lacerta bonnali (Lacerta monticola)*
  *Lacerta monticola*
  *Lacerta schreiberi*
  *Gallotia galloti insulanagae*
  *Gallotia simonyi*
  *Podarcis lilfordi*
  *Podarcis pityusensis*

Scincidae
  *Chalcides simonyi (Chalcides occidentalis)*

Gekkonidae
  *Phylodactylus europaeus*

**OPHIDIA (SERPENTES)**

Colubridae
  *Coluber cypriensis*
  *Elaphe quatuorlineata*
  *Elaphe situla*
  *Natrix natrix cypriaca*

Viperidae
  *Macrovipera schweizeri (Vipera lebetina schweizeri)*
  *Vipera ursinii (except Vipera ursinii rakosiensis and Vipera ursinii macrops)*
  *Vipera ursinii macrops*
  *Vipera ursinii rakosiensis*

**AMPHIBIANS**

**CAUDATA**

Salamandridae
  *Chioglossa lusitanica*
  *Mertensiella luschani (Salamandra luschani)*
  *Salamandra aurorae (Salamandra atra aurorae)*
  *Salamandrina terdigitata*
Triturus carnifex (Triturus cristatus carnifex)
Triturus cristatus (Triturus cristatus cristatus)
Triturus dobrogicus (Triturus cristatus dobrogicus)
Triturus karelinii (Triturus cristatus karelinii)
Triturus montandoni
Triturus vulgaris ampelensis

Proteidae
* Proteus anguinus

Plethodontidae
Hydromantes (Speleomantes) ambrosii
Hydromantes (Speleomantes) flavus
Hydromantes (Speleomantes) genei
Hydromantes (Speleomantes) imperialis
Hydromantes (Speleomantes) strinatii
Hydromantes (Speleomantes) supramontis

ANURA

Discoglossidae
* Alytes muletensis
Bombina bombina
Bombina variegata
Discoglossus galganoi (including Discoglossus “jeanneae”)
Discoglossus montalentii
Discoglossus sardus

Ranidae
Rana latastei

Pelobatidae
* Pelobates fuscus insubricus

FISH

PETROMYZONIFORMES

Petromyzonidae
Eudontomyzon spp. (o)
Lampetra fluviatilis (V) (except the Finnish and Swedish populations)
Lampetra planeri (o) (except the Estonian, Finnish, and Swedish populations)
Lethenteron zanandreai (V)
Petromyzon marinus (o) (except the Swedish populations)

ACIPENSERIFORMES
Acipenseridae
 * Acipenser naccarii
 * Acipenser sturio

CLUPEIFORMES

Clupeidae
Alosa spp. (V)

SALMONIFORMES

Salmonidae
Hucho hucho (natural populations) (V)
Salmo macrostigma (o)
Salmo marmoratus (o)
Salmo salar (only in fresh water) (V) (except the Finnish populations)
Salmothybus obtusirostris (o)

Coregonidae
* Coregonus oxyrhynchus (anadromous populations in certain sectors of the North Sea)

Umbridae
Umbra krameri (o)

CYPRINIFORMES

Cyprinidae
Alburnus albidus (o) (Alburnus vulturis)
Aulopyge huegeli (o)
Anaecypris hispanica
Aspius aspius (V) (except the Finnish populations)
Barbus comiza (V)
Barbus meridionalis (V)
Barbus plebejus (V)
Chalcalburnus chalcoides (o)
Chondrostoma genei (o)
Chondrostoma knerii (o)
Chondrostoma lusitanicum (o)
Chondrostoma phoxinus (o)
Chondrostoma polyplepis (o) (including C. willkommi)
Chondrostoma soetta (o)
Chondrostoma toxostoma (o)
Gobio albipinnatus (o)
Gobio kessleri (o)
Gobio uranoscopus (o)
Iberocypris palaciosi (o)
* Ladigescypris ghigii (o)
Leuciscus lucumonis (o)
Leuciscus souffia (o)
Pelecus cultratus (V)
Phoxinellus spp. (o)
* Phoxinus percnurus
Rhodeus sericeus amarus (o)
Rutilus pigus (V)
Rutilus rubilio (o)
Rutilus arciassii (o)
Rutilus macrolepidotus (o)
Rutilus lemingii (o)
Rutilus frisii meidingeri (V)
Rutilus alburnoides (o)
Scardinius graecus (o)
Squalius microlepis (o)
Squalius svallize (o)

Cobitidae
Cobitis elongata (o)
Cobitis taenia (o) (except the Finnish populations)
Cobitis trichonica (o)
Misgurnus fossilis (o)
Sabanejewia aurata (o)
Sabanejewia larvata (o) (Cobitis larvata and Cobitis conspersa)

SILURIFORMES

Siluridae
Silurus aristotelis (V)

ATHERINIFORMES

Cyprinodontidae
Aphanius iberus (o)
Aphanius fasciatus (o)
* Valencia hispanica
* Valencia letourneuxi (Valencia hispanica)

PERCIFORMES

Percidae
Gymnocephalus baloni
Gymnocephalus schraetzer (V)
* Romanichthys valsanicola
Zingel spp. ((o) except Zingel asper and Zingel zingel (V))
Gobiidae
   *Knipowitschia croatica (o)*
   *Knipowitschia (Padogobius) panizzae (o)*
   *Padogobius nigricans (o)*
   *Pomatoschistus canestrini (o)*

SCORPAENIFORMES

Cottidae
   *Cottus gobio (o) (except the Finnish populations)*
   *Cottus petiti (o)*

INVERTEBRATES

ARTHROPODS

CRUSTACEA

Decapoda
   *Austropotamobius pallipes (V)*
   *Austropotamobius torrentium (V)*

Isopoda
   *Armadillidium ghardalensis*

INSECTA

Coleoptera
   *Agathidium pulchellum (o)*
   *Bolbelasmus unicornis*
   *Boros schneideri (o)*
   *Buprestis splendens*
   *Carabus hampei*
   *Carabus hungaricus*
   *Carabus menetriesi pacholei*
   *Carabus olympiae*
   *Carabus variolosus*
   *Carabus zawadzki*
   *Cerambyx cerdo*
   *Corticaria planula (o)*
   *Cucujus cinnaberinus*
   *Dorcadion fulvum cervae*
   *Duvalius gebhardti*
   *Duvalius hungaricus*
   *Dytiscus latissimus*
   *Graphoderus bilineatus*
   *Leptodirus hochenwarti*
   *Limoniscus violaceus (o)*

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Lucanus cervus (o)
Macrolea pubipennis (o)
Mesosa myops (o)
Morimus funereus (o)
* Osmoderma eremita
Oxyporus mannerheimii (o)
Pilemia tigrina
* Phryganophilus ruficollis
Probaticus subrugosus
Propomacrus cypriacus
* Pseudogaurotina excellens
Pseudoseriscius cameroni
Pycho kolwensis
Rhysodes sulcatus (o)
* Rosalia alpina
Stephanopachys linearis (o)
Stephanopachys substriatus (o)
Xyletinus tremulicola (o)

Hemiptera
Aradas angularis (o)

Lepidoptera
Agriades glandon aquilo (o)
Arytrura musculus
* Callimorpha (Euplagia, Panaxia) quadripunctaria (o)
Catopta thrips
Chondrosoma fiduciariurn
Clossiana improba (o)
Coenonympha oedippus
Colias myrmidone
Cucullia mixta
 Dioszeghyana schmidtii
Erannis ankeraria
Erebia calcaria
Erebia christi
Erebia medusa polaris (o)
Eriogaster catax
Euphydryas (Eurodryas, Hypodryas) aurinia (o)
Glyphipterix loricatella
Gortyna borelii lunata
Graellsia isabellae (V)
Hesperia comma catena (o)
Hypodryas maturna
Leptidea morsei
Lignyoptera fumidaria
Lycaena dispar
Lycaena helle
**Nature Protection**

- *Maculinea nausithous*
- *Maculinea teleius*
- *Melanargia arge*
- *Nymphalis vaualbum*
- *Papilio hospiton*
- *Phyllometra culminaria*
- *Plebicula golgus*
- *Polymixis rufocincta isolata*
- *Polyommatus eroides*
- *Proterebia afra dalmata*
- *Pseudophilotes bavius*
- *Xestia borealis (o)*
- *Xestia brunneopicta (o)*
- *Xylobostra strix*

**Mantodea**

- *Apteromantis aptera*

**Odonata**

- *Coenagrion hylas (o)*
- *Coenagrion mercuriale (o)*
- *Coenagrion ornatum (o)*
- *Cordulegaster heros*
- *Cordulegaster trinacriae*
- *Gomphus graslinii*
- *Leucorrhinia pectoralis*
- *Lindenia tetraphylla*
- *Macromia splendens*
- *Ophiogomphus cecilia*
- *Oxygastra curtisi*

**Orthoptera**

- *Baetica ustulata*
- *Brachytrupes megacephalus*
- *Isophya costata*
- *Isophya harzi*
- *Isophya stygi*
- *Myrmecophilus baronii*
- *Odontopodisma rubripes*
- *Paracaloptenus caloptenoides*
- *Pholidoptera transsylyvanica*
- *Stenobothrus (Stenobothrodes) eurasius*

**ARACHNIDA**

**Pseudoscorpiones**

- *Anthrenochernes stellae (o)*
MOLLUSCS

GASTROPODA
Anisus vorticulus
Caseolus calculus
Caseolus commixta
Caseolus sphaerula
Chilostoma banaticum
Discula leacockiana
Discula tabellata
Discus guerinianus
Elona quimperiana
Geomalacus maculosus
Geomitra moniziana
Gibbula nivosa
* Helicopsis striata austriaca (o)
Hygromia kovacsi
Idiomela (Helix) subplicata
Lampedusa imitatrix
* Lampedusa melitensis
Leiostyla abbreviata
Leiostyla cassida
Leiostyla corneocostata
Leiostyla gibba
Leiostyla lamellosa
* Paladilhia hungarica
Sadleriana pannonica
Theodoxus transversalis
Vertigo angustior (o)
Vertigo genesii (o)
Vertigo geyeri (o)
Vertigo mouinsiana (o)

BIVALVIA

Unionoida
Margaritifera durroversis (Margaritifera margaritifera) (V)
Margaritifera margaritifera (V)
Unio crassus

Dreissenidae
Congeria kusceri

(b) PLANTS

PTERIDOPHYTA

ASPLENIACEAE
Asplenium jahandizii (Litard.) Rouy
Asplenium adulterinum Milde

BLECHNACEAE

Woodwardia radicans (L.) Sm.

DICKSONIACEAE

Culcita macrocarpa C. Presl

DRYOPTERIDACEAE

Diplazium sibiricum (Turcz. ex Kunze) Kurata
* Dryopteris corleyi Fraser-Jenk.
Dryopteris fragans (L.) Schott

HYMENOPHYLLACEAE

Trichomanes speciosum Willd.

ISOETACEAE

Isoetes boryana Durieu
Isoetes malinverniana Ces. & De Not.

MARSILEACEAE

Marsilea batardae Launert
Marsilea quadrifolia L.
Marsilea strigosa Willd.

OPHIOGLOSSACEAE

Botrychium simplex Hitchc.
Ophioglossum polyphyllum A. Braun

GYMNOSPERMAE

PINACEAE

* Abies nebrodensis (Lojac.) Mattei

ANGIOSPERMAE

ALISMATACEAE
* Alisma wahlenbergii (Holmberg) Juz.
* Caldesia parnassifolia (L.) Parl.
* Luronium natans (L.) Raf.

**AMARYLLIDACEAE**

Leucojum nicaense Ard.
Narcissus asturiensis (Jordan) Pugsley
Narcissus calcicola Mendonça
Narcissus cyclamineus DC.
Narcissus fernandesii G. Pedro
Narcissus humilis (Cav.) Traub
* Narcissus nevadensis Pugsley
Narcissus pseudonarcissus L. subsp. nobilis (Haw.) A. Fernandes
Narcissus scaberulus Henriq.
Narcissus triandrus L. subsp. capax (Salisb.) D. A. Webb.
Narcissus viridiflorus Schousboe

**ASCLEPIADACEAE**

Vincetoxicum pannonicum (Borhidi) Holub

**BORAGINACEAE**

* Anchusa crispa Viv.
Echium russicum J.F.Gemlin
* Lithodora nitida (H. Ern) R. Fernandes
Myosotis lusitanica Schuster
Myosotis rehsteineri Warm.
Myosotis retusifolia R. Afonso
Omphalodes kuzinskyyanae Willk.
* Omphalodes littoralis Lehm.
* Onosma tornensis Javorka
Solenanthus albanicus (Degen & al.) Degen & Baldacci
* Symphytum cycladense Pawl.

**CAMPANULACEAE**

Adenophora lilifolia (L.) Ledeb.
Asyneuma giganteum (Boiss.) Bornm.
* Campanula bohemica Hruby
* Campanula gelida Kovanda
Campanula romanica Sävul.
* Campanula sabatia De Not.
* Campanula serrata (Kit.) Hendrych
Campanula zoysii Wulfen
Jasione crispa (Pourret) Samp. subsp. serpentinica Pinto da Silva
Jasione lusitanica A. DC.
CARYOPHYLLACEAE

Arenaria ciliata L. subsp. pseudofrigida Ostenf. & O.C. Dahl
Arenaria humifusa Wahlenberg
* Arenaria nevadensis Boiss. & Reuter
Arenaria provincialis Chater & Halliday
* Cerastium alsinifolium Tausch
Cerastium dinaricum G. Beck & Szysz.
Dianthus arenarius L. subsp. arenarius
* Dianthus arenarius subsp. bohemicus (Novak) O.Schwarz
Dianthus cintranus Boiss. & Reuter subsp. Cinranus Boiss. & Reuter
* Dianthus diutinus Kit.
* Dianthus lumnitzeri Wiesb.
Dianthus marizii (Samp.) Samp.
* Dianthus moravicus Kovanda
* Dianthus nitidus Waldst. et Kit.
Dianthus plumarius subsp. regis-stephani (Rapcs.) Baksay
Dianthus rupicola Biv.
* Gypsophila papillosa P. Porta
Herniaria algarvica Chaudhri
* Herniaria laitifolia Lapeyr. subsp. litardierei Gamis
Herniaria lusitanica (Chaudhri) subsp. Berlengiana Chaudhri
Herniaria maritima Link
* Minuartia smejkalií Dvorakova
Moehringia jankae Griseb. ex Janka
Moehringia lateriflora (L.) Fenzl.
Moehringia tommasinii Marches.
Moehringia villosa (Wulfen) Fenzl
Petrocoptis grandiflora Rothm.
Petrocoptis montseianna O. Bolos & Rivas Mart.
Petrocoptis pseudoviscosa Fernández Casas
Silene furcata Rafin. subsp. angustiflora (Rupr.) Walters
* Silene hicesiae Brullo & Signorello
Silene hifacensis Rouy ex Willk.
* Silene holzmanii Heldr. ex Boiss.
Silene longicilia (Brot.) Oth.
Silene mariana Pau
* Silene orphanidis Boiss
* Silene rothmaleri Pinto da Silva
* Silene velutina Pourret ex Loisel.

CHENOPODIACEAE

* Bassia (Kochia) saxicola (Guss.) A. J. Scott
* Cremnophyton lanfrancoi Brullo et Pavone
* Salicornia veneta Pignatti & Lausi
CISTACEAE

*Cistus palhinhae Ingram
Halimium verticillatum (Brot.) Sennen
Helianthemum alypoides Losa & Rivas Goday
Helianthemum caput-felis Boiss.
* Tuberaria major (Willk.) Pinto da Silva & Rozeira

COMPOSITAE

* Anthemis glaberrima (Rech. f.) Greuter
Artemisia campestris L. subsp. bottnica A.N. Lundström ex Kindb.
* Artemisia granatensis Boiss.
* Artemisia laciniata Willd.
Artemisia oelandica (Besser) Komaror
* Artemisia pancicii (Janka) Ronn.
* Aster pyrenaicus Desf. ex DC
* Aster sorrentinii (Tod) Lojac.
Carlina onopordifolia Besser
* Carduus myriacanthus Salzm. ex DC.
* Centaurea alba L. subsp. heldreichii (Halacsy) Dostal
* Centaurea alba L. subsp. princeps (Boiss. & Heldr.) Gugler
* Centaurea akamantis T. Georgiadis & G. Chatzikyriakou
* Centaurea attica Nyman subsp. megarensis (Halacsy & Hayek) Dostal
* Centaurea balearica J. D. Rodriguez
* Centaurea borjae Valdes-Bern. & Rivas Goday
* Centaurea citricolor Font Quer
Centaurea corymbosa Pourret
Centaurea gadorensis G. Blanca
* Centaurea horrida Badaro
Centaurea immanuelis-loewii Degen
Centaurea jankae Brandza
* Centaurea kalambakensis Freyn & Sint.
Centaurea kartschiana Scop.
* Centaurea lactiflora Halacsy
Centaurea micrantha Hoffmanns. & Link subsp. Herminii (Rouy) Dostál
* Centaurea niederi Heldr.
* Centaurea peucedanifolia Boiss. & Orph.
* Centaurea pinnata Pau
Centaurea pontica Prodan & E. I. Nyárády
Centaurea pulvinata (G. Blanca) G. Blanca
Centaurea rothmalerana (Arènes) Dostál
Centaurea vicentina Mariz
Cirsium brachycephalum Juratzka
* Crepis crocifolia Boiss. & Heldr.
Crepis granatensis (Willk.) B. Blanca & M. Cueto
Crepis pusilla (Sommier) Merxmüller
Crepis tectorum L. subsp. nigrescens
Erigeron frigidus Boiss. ex DC.
* Helichrysum melitense (Pignatti) Brullo et al
Hymenostemma pseudanthemis (Kunze) Willd.
Hyoseris frutescens Brullo et Pavone
* Jurinea cyanoides (L.) Reichenb.
* Jurinea fontqueri Cuatrec.
* Lamyropsis microcephala (Moris) Dittrich & Greuter
Leontodon microcephalus (Boiss. ex DC.) Boiss.
Leontodon boryi Boiss.
* Leontodon siculus (Guss.) Finch & Sell
Leuzea longifolia Hoffmanns. & Link
Ligularia sibirica (L.) Cass.
* Palaeocyanus crassifolius (Bertoloni) Dostal
Santolina impressa Hoffmanns. & Link
Santolina semidentata Hoffmanns. & Link
Saussurea alpina subsp. estonica (Baer ex Rupr) Kupffer
* Senecio elodes Boiss. ex DC.
Senecio jacobea L. subsp. gotlandicus (Neuman) Sterner
Senecio nevadensis Boiss. & Reuter
* Serratula lycopifolia (Vill.) A.Kern
Tephrose ris longifolia (Jacq.) Griseb et Schenk subsp. moravica

CONVOLVULACEAE

* Convolvulus argyrothamnus Greuter
* Convolvulus fernandesii Pinto da Silva & Teles

CRUCIFERAE

Alyssum pyrenaicum Lapeyr.
* Arabis kennedyae Meikle
Arabis sadina (Samp.) P. Cout.
Arabis scopoliana Boiss
* Biscutella neustriaca Bonnet
Biscutella vincentina (Samp.) Rothm.
Boleum asperum (Pers.) Desvaux
Brassica glabrescens Poldini
Brassica hilarionis Post
Brassica insularis Moris
* Brassica macrocarpa Guss.
Braya linearis Rouy
* Cochlearia polonica E. Fröhlich
* Cochlearia tatrae Borbas
* Coincya rupestris Rouy
* Coronopus navasii Pau

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Crambe tataria Sebeok
*Degenia velebitica (Degen) Hayek
Diploptaxis ibicensis (Pau) Gómez-Campo
* Diploptaxis siettiana Maire
Diploptaxis vicentina (P. Cout.) Rothm.
Draba cacuminum Elis Ekman
Draba cinerea Adams
Draba dorneri Heuffel.
Erucastrum palustre (Pirona) Vis.
* Erysimum pieninicum (Zapal.) Pawl.
* Iberis arbuscula Runemark
Iberis procumbens Lange subsp. microcarpa Franco & Pinto da Silva
* Jonopsidium acaule (Desf.) Reichenb.
Jonopsidium savianum (Caruel) Ball ex Arcang.
Rhynchosinapis erucastrum (L.) Dandy ex Clapham subsp. cintrana (Coutinho) Franco & P. Silva (Coincya cintrana (P. Cout.) Pinto da Silva)
Sisymbrium cavanillesianum Valdés & Castroviejo
Sisymbrium supinum L.
Thlaspi jankae A.Kern.

CYPERACEAE

Carex holostoma Drejer
* Carex panormitana Guss.
Eleocharis carniolica Koch

DIOSCOREACEAE

* Borderea chouardii (Gaussen) Heslot

DROSERACEAE

Aldrovanda vesiculosa L.

ELATINACEAE

Elatine gussonei (Sommier) Brullo et al

ERICACEAE

Rhododendron luteum Sweet

EUPHORBIACEAE

* Euphorbia margalidiana Kuhbier & Lewejohann
Euphorbia transtagana Boiss.
GENTIANACEAE

* Centaurium rigualii Esteve
* Centaurium somedanum Lainz
Gentiana ligustica R. de Vilm. & Chopinet
Gentianella anglica (Pugsley) E. F. Warburg
* Gentianella bohemica Skalicky

GERANIACEAE

* Erodium astragaloides Boiss. & Reuter
Erodium paularense Fernández-González & Izco
* Erodium rupicola Boiss.

GLOBULARIACEAE

* Globularia stygia Orph. ex Boiss.

GRAMINEAE

Arctagrostis latifolia (R. Br.) Griseb.
Arctophila fulva (Trin.) N. J. Anderson
Avenula hackelii (Henriq.) Holub
Bromus grossus Desf. ex DC.
Calamagrostis chalybaea (Laest.) Fries
Cinna latifolia (Trev.) Griseb.
Coleanthus subtilis (Tratt.) Seidl
Festuca brigantina (Markgr.-Dannenb.) Markgr.- Dannenb.
Festuca duriotagana Franco & R. Afonso
Festuca elegans Boiss.
Festuca henriquesii Hack.
Festuca summisitana Franco & R. Afonso
Gaudinia hispanica Stace & Tutin
Holcus setiglumis Boiss. & Reuter subsp. duriensis Pinto da Silva
Micropyropsis tuberosa Romero — Zarco & Cabezudo
Poa granitica Br.-Bl. subsp. disparilis (E. I. Nyárády) E. I. Nyárády
* Poa rhipaea (Ascher et Graebner) Fritsch
Pseudarrhenatherum pallens (Link) J. Holub
Puccinellia phryganodes (Trin.) Scribner + Merr.
Puccinellia pungens (Pau) Paunero
* Stipa austroitalica Martinovsky
* Stipa bavarica Martinovsky & H. Scholz
Stipa danubialis Dihoru & Roman
* Stipa styriaca Martinovsky
* Stipa veneta Moraldo
* Stipa zalesskii Wilensky
Trisetum subalpestre (Hartman) Neuman

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GROSSULARIACEAE

* Ribes sardoum Martelli

HIPPURIDACEAE

Hippuris tetraphylla L. Fil.

HYPERICACEAE

* Hypericum aciferum (Greuter) N.K.B. Robson

IRIDACEAE

Crocus cyprius Boiss. et Kotschy
Crocus hartmannianus Holmboe
Gladiolus palustris Gaud.
Iris aphylla L. subsp. hungarica Hegi
Iris humilis Georgi subsp. arenaria (Waldst. et Kit.) A. et D.Löve

JUNCACEAE

Juncus valvatus Link
Luzula arctica Blytt

LABIATAE

Dracocephalum austriacum L.

* Micromeria taygetea P. H. Davis
Nepeta dirphya (Boiss.) Heldr. ex Halacsy
* Nepeta sphaciotica P. H. Davis
Origanum dictamnus L.
Phlomis brevibracteata Turril
Phlomis cypria Post
Salvia veneris Hedge
Sideritis cypria Post
Sideritis incana subsp. glauca (Cav.) Malagarriga
Sideritis javalambrensis Pau
Sideritis serrata Cav. ex Lag.
Teucrium lepicephalum Pau
Teucrium turredanum Losa & Rivas Goday
* Thymus camphoratus Hoffmanns. & Link
Thymus carnosus Boiss.
* Thymus lotocephalus G. López & R. Morales (Thymus cephalotos L.)

LEGUMINOSAE
*Anthyllis hystrix* Cardona, Contandr. & E. Sierra  
* Astragalus algarbiensis Coss. ex Bunge  
* Astragalus aquilanus Anzalone  
* Astragalus centralpinus Braun-Blanquet  
* Astragalus macrocarpus DC. subsp. lefkarensis  
* Astragalus maritimus Moris  
* Astragalus peterfii Jáv.  
* Astragalus tremolsianus Pau  
* Astragalus verrucosus Moris  
* Cytisus aeolicus Guss. ex Lindl.  
* Genista dorycnifolia Font Quer  
* Genista holopetala (Fleischm. ex Koch) Baldacci  
* Melilotus segetalis (Brot.) Ser. subsp. fallax Franco  
* Ononis hackelii Lange  
* Trifolium saxatile All.  
* Vicia bifoliolata J.D. Rodríguez  

**LENTIBULARIACEAE**

* Pinguicula crystallina Sm.  
* Pinguicula nevadensis (Lindb.) Casper  

**LILIACEAE**

* Allium grosii Font Quer  
* Androcymbium rechingeri Greuter  
* Asphodelus bento-rainhae P. Silva  
* Chionodoxa lochiae Meikle in Kew Bull.  
* Colchicum arenarium Waldst. et Kit.  
* Hyacinthoides vicentina (Hoffmans. & Link) Rothm.  
* Muscari gussonei (Parl.) Tod.  
* Scilla litardierei Breist.  
* Scilla morrisii Meikle  
* Tulipa cypria Stapf  
* Tulipa hungarica Borbas  

**LINACEAE**

* Linum dolomiticum Borbas  
* Linum muelleri Moris (*Linum maritimum muelleri*)  

**LYTHRACEAE**

* Lythrum flexuosum Lag.  

**MALVACEAE**

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**NAJADACEAE**

*Najas flexilis* (Willd.) Rostk. & W.L. Schmidt  
*Najas tenuissima* (A. Braun) Magnus

**OLEACEAE**

*Syringa josikaea* Jacq. Fil. ex Reichenb.

**ORCHIDACEAE**

*Anacamptis urvilleana* Sommier et Caruana Gatto  
*Calypso bulbosa* L.  
*Cepphalanthera cucullata* Boiss. & Heldr.  
*Cyripedium calceolus* L.  
*Dactylorhiza kalopissii* E.Nelson  
*Gymnigritella runei* Teppner & Klein  
*Himantoglossum adriaticum* Baumann  
*Himantoglossum caprinum* (Bieb.) V.Koch  
*Liparis loeselii* (L.) Rich.  
*Ophrys kotschyi* H.Fleischm. et Soo  
*Ophrys lunulata* Parl.  
*Ophrys melitensis* (Salkowski) J et P Devillers-Terschuren  
*Platanthera obtusata* (Pursh) subsp. *oligantha* (Turez.) Hulten

**OROBANCHACEAE**

*Orobanche densiflora* Salzm. ex Reut.

**PAEONIACEAE**

*Paeonia cambessedesii* (Willk.) Willk.  
*Paeonia clusii* F.C. Stern subsp. *rhodia* (Stearn) Tzanoudakis  
*Paeonia officinalis* L. subsp. *banatica* (Rachel) Soo  
*Paeonia parnassica* Tzanoudakis

**PALMAE**

*Phoenix theophrasti* Greuter

**PAPAVERACEAE**

*Corydalis gotlandica* Lidén  
*Papaver laestadianum* (Nordh.) Nordh.  
*Papaver radicum* Rottb. subsp. *hyperboreum* Nordh.
PLANTAGINACEAE

*Plantago algarbiensis* Sampaio (*Plantago bracteosa* (Willk.) G. Sampaio)
*Plantago almogravensis* Franco

PLUMBAGINACEAE

*Armeria berlengensis* Daveau
*Armeria helodes* Martini & Pold
*Armeria neglecta* Girard
*Armeria pseudarmeria* (Murray) Mansfeld
*Armeria rouyana* Daveau
*Armeria soleirolii* (Duby) Godron
*Armeria velutina* Welw. ex Boiss. & Reuter
*Limonium dodartii* (Girard) O. Kuntze subsp. *lusitanicum* (Daveau) Franco
*Limonium insulare* (Beg. & Landi) Arrig. & Diana
*Limonium lanceolatum* (Hoffmans. & Link) Franco
*Limonium multiflorum* Erben
*Limonium pseudolaetum* Arrig. & Diana
*Limonium strictissimum* (Salzmann) Arrig.

POLYGONACEAE

*Persicaria foliosa* (H. Lindb.) Kitag.
*Polygonum praelongum* Coode & Cullen
*Rumex rupestris* Le Gall

PRIMULACEAE

*Androsace mathildae* Levier
*Androsace pyrenaica* Lam.
* Cyclamen fatrense* Halda et Sojak
* Primula apennina* Widmer
*Primula carniolica* Jacq.
*Primula nutans* Georgi
*Primula palinuri* Petagna
*Primula scandinavica* Bruun
*Soldanella villosa* Darracq.

RANUNCULACEAE

*Aconitum corsicum* Gayer (*Aconitum napellus* subsp. *corsicum*)
*Aconitum firmum* (Reichenb.) Neilr subsp. *moravicum* Skalicky
*Adonis distorta* Ten.
*Aquilegia bertolonii* Schott
*Aquilegia kitaibellii* Schott

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* Aquilegia pyrenaica D.C. subsp. cazorlensis (Heywood) Galiano
* Consolida samia P.H. Davis
* Delphinium caseyi B.L. Burtt
* Pulsatilla grandis Wenderoth Pulsatilla patens (L.) Miller
* Pulsatilla pratensis (L.) Miller subsp. hungarica Soo
* Pulsatilla slavica G. Reuss.
* Pulsatilla subslavica Futak ex Gialiasova
Pulsatilla vulgaris Hill. subsp. gotlandica (Johans.) Zaemelis & Paegle
Ranunculus kykkoensis Meikle
Ranunculus lapponicus L.
* Ranunculus weyleri Mares

RESEDACEAE

*Reseda decursiva Forssk.

ROSACEAE

Agrimonia pilosa Ledebour
Potentilla delphinensis Gren. & Godron
Potentilla emilii-popii Nyárády
* Pyrus magyarica Terpo
Sorbus teodorii Liljefors

RUBIACEAE

* Galium cracoviense Ehrend.
* Galium litorale Guss.
Galium moldavicum (Dobrescu) Franco
* Galium sudeticum Tausch
* Galium viridiflorum Boiss. & Reuter

SALICACEAE

Salix salvifolia Brot. subsp. australis Franco

SANTALACEAE

Thesium ebracteatum Hayne

SAXIFRAGACEAE

Saxifraga berica (Beguinot) D.A. Webb
Saxifraga florulenta Moretti
Saxifraga hirculus L.
Saxifraga osloënsis Knaben
Saxifraga tombeanensis Boiss. ex Engl.
SCROPHULARIACEAE

* Antirrhinum charidemi Lange
* Chaenorrhinum serpyllifolium (Lange) Lange subsp. lusitanicum R. Fernandes
* Euphrasia genargentea (Feoli) Diana
* Euphrasia marchesetii Wettst. ex Marches.
* Linaria algarviana Chav.
* Linaria coutinhoi Valdés
* Linaria loeselii Schweigger
* Linaria ficalhoaana Rouy
* Linaria flava (Poiret) Desf.
* Linaria hellenica Turrill
* Linaria pseudolaxiflora Lojacono
* Linaria ricardoi Cout.
* Linaria tursica B. Valdés & Cabezudo Odontites granatensis Boiss.
* Pedicularis sudetica Willd.
* Rhinanthis oesilensis (Ronniger & Saarsoo) Vassilcz
* Tozzia carpathica Wol.
* Verbascum litigiosum Samp.
* Veronica micrantha Hoffmanns. & Link
* Veronica oetaea L.-A. Gustavsson

SOLANACEAE

* Atropa baetica Willk.

THYMELAEACEAE

* Daphne arbuscula Celak
* Daphne petraea Leybold
* Daphne rodriguezii Texidor

ULMACEAE

* Zelkova abelicea (Lam.) Boiss.

UMBELLIFERAE

* Angelica heterocarpa Lloyd
* Angelica palustris (Besser) Hoffm.
* Apium bermejoi Llorens
* Apium repens (Jacq.) Lag.
* Athamanta cortiana Ferrari
* Bupleurum capillare Boiss. & Heldr.
* Bupleurum kakiskalae Greuter
Eryngium alpinum L.
* Eryngium viviparum Gay
* Ferula sadleriana Lebed.
Hladnikia pastinacifolia Reichenb.
* Laserpitium longiradiatum Boiss.
* Naufraga balearica Constans & Cannon
* Oenanthe conioides Lange
Petagnia saniculifolia Guss.
Rouya polygama (Desf.) Coincy
* Seseli intricatum Boiss.
Seseli leucospernum Waldst. et Kit
Thorella verticillatinundata (Thore) Briq.

VALERIANACEAE

Centranthus trinervis (Viv.) Beguinot

VIOLACEAE

Viola delphinantha Boiss.
* Viola hispida Lam.
Viola jaubertiana Mares & Vigneix
Viola rupestris F.W. Schmidt subsp. relicta Jalas

LOWER PLANTS

BRYOPHYTA

Bruchia vogesiaca Schwaegr. (o)
Bryhnia novae-angliae (Sull & Lesq.) Grout (o)
* Bryoerythrophyllum campyllocarpum (C. Müll.) Crum.
(Bryoerythrophyllum machadoanum (Sergio) M. O. Hill) (o)
Buxbaumia viridis (Moug.) Moug. & Nestl. (o)
Cephalozia macounii (Aust.) Aust. (o)
Cynodontium suecicum (H. Arn. & C. Jens.) I. Hag. (o)
Dichelyma capillaceum (Dicks) Myr. (o)
Dicranum viride (Sull. & Lesq.) Lindb. (o)
Distichophyllum carinatum Dix. & Nich. (o)
Drepanoecladus (Hamatocaulis) vernicosus (Mitt.) Warnst. (o)
Encalypta mutica (I. Hagen) (o)
* Marsupella profunda Lindb. (o)
Meesia longiseta Hedw. (o)
Nothothylas orbicularis (Schwein.) Sull. (o)
Ochyraea tatrensis Vana (o)
Orthotheicum lapponicum (Schimp.) C. Hartm. (o)
Orthotrichum rogeri Brid. (o)
Petalophyllum ralfsii (Wils.) Nees & Gott. (o)
Plagiomnium drummondii (Bruch & Schimp.) T. Kop. (o)
Riccia breidleri Jur. (o)
Riella helicophylla (Bory & Mont.) Mont. (o)
Scapania massolongi (K. Müll.) K. Müll. (o)
Sphagnum pylaisii Brid. (o)
Tayloria rudolphiana (Garov) B. & S. (o)
Tortella rigens (N. Alberts) (o)

SPECIES FOR MACARONESIA

PTERIDOPHYTA

HYMENOPHYLLACEAE

Hymenophyllum maderensis Gibby & Lovis

DRYOPTERIDACEAE

* Polystichum drepanum (Sw.) C. Presl.

ISOETACEAE

Isoetes azorica Durieu & Paiva ex Milde

MARSILEACEAE

* Marsilea azorica Launert & Paiva

ANGIOSPERMAE

ASCLEPIADACEAE

Caralluma burchardii N. E. Brown
* Ceropegia chrysantha Svent.

BORAGINACEAE

Echium candicans L. fil.
* Echium gentianoides Webb & Coiney
Myosotis azorica H. C. Watson
Myosotis maritima Hochst. in Seub.

CAMPANULACEAE
* Azorina vidalii (H. C. Watson) Feer
  * Musschia aurea (L. f.) DC.
  * Musschia wollastonii Lowe

CAPRIFOLIACEAE

* Sambucus palmensis Link

CARYOPHYLLACEAE

Spergularia azorica (Kindb.) Lebel

CELASTRACEAE

Maytenus umbellata (R. Br.) Mabb.

CHENOPODIACEAE

Beta patula Ait.

CISTACEAE

Cistus chinamadensis Banares & Romero
  * Helianthemum bystropogophyllum Svent.

COMPOSITAE

Andryala crithmifolia Ait.
  * Argyranthemum lidii Humphries
  * Argyranthemum thalassophyllum (Svent.) Hump.
  * Argyranthemum winterii (Svent.) Humphries
  * Atractylis arbuscula Svent. & Michaelis
  * Atractylis preauxiana Schultz.
  * Calendula maderensis DC.
  * Cheirolophus duranii (Burchard) Holub
  * Cheirolophus ghomerytus (Svent.) Holub
  * Cheirolophus junonianus (Svent.) Holub
  * Cheirolophus massonianus (Lowe) Hansen & Sund.
  * Cirsium latifolium Lowe
  * Helichrysum gossypinum Webb
  * Helichrysum monogynum Burtt & Sund.
  * Hypochoeris oligocephala (Svent. & Bramw.) Lack
  * Lactuca watsoniana Trel.
  * Onopordum nogalesii Svent.
  * Onopordum carduelinum Bolle
  * Pericallis hadrosoma (Svent.) B. Nord.
  * Phagnalon benettii Lowe
  * Stemmacantha cyanaroides (Chr. Son. in Buch) Ditt
Sventenia bupleuroides Font Quer
* Tanacetum ptarmiciflorum Webb & Berth

CONVOLVULACEAE

* Convolvulus caput-medusae Lowe
* Convolvulus lopez-socasii Svent.
* Convolvulus massonii A. Dietr.

CRASSULACEAE

Aeonium gomeraense Praeger
Aeonium saundersii Bolle
Aichryson dumosum (Lowe) Praeg.
Monanthes wildpretii Banares & Scholz
Sedum brissemoretii Raymond-Hamet

CRUCIFERAE

* Crambe arborea Webb ex Christ
Crambe laevigata DC. ex Christ
* Crambe sventenii R. Petters ex Bramwell & Sund.
* Parolinia schizogynoides Svent.
Sinapidendron rupestre (Ait.) Lowe

CYPERACEAE

Carex malato-belizii Raymond

DIPSACACEAE

Scabiosa nitens Roemer & J. A. Schultes

ERICACEAE

Erica scoparia L. subsp. azorica (Hochst.) D. A. Webb

EUPHORBIACEAE

* Euphorbia handiensis Burchard
Euphorbia lambii Svent.
Euphorbia stygiana H. C. Watson

GERANIACEAE

* Geranium maderense P. F. Yeo

GRAMINEAE
Deschampsia maderensis (Haeck. & Born.) Buschm.
Phalaris maderensis (Menezes) Menezes

GLOBULARIACEAE

* Globularia ascanii D. Bramwell & Kunkel
* Globularia sarcophylla Svent.

LABIATAE

* Sideritis cystosiphon Svent.
* Sideritis discolor (Webb ex de Noe) Bolle
  Sideritis infernalis Bolle
  Sideritis marmorea Bolle
  Teucrium abutiloides L’Hér.
  Teucrium betonicum L’Hér.

LEGUMINOSAE

* Anagyris latifolia Brouss. ex. Willd.
  Anthyllis lemanniana Lowe
* Dorycnium spectabile Webb & Berthel
* Lotus azoricus P. W. Ball
  Lotus callis-viridis D. Bramwell & D. H. Davis
  Lotus kunkelii (E. Chueca) D. Bramwell & al.
* Teline rosmarinifolia Webb & Berthel.
* Teline salsoloides Arco & Acebes.
  Vicia dennesiana H. C. Watson

LILIACEAE

* Androcymbium psammophilum Svent.
  Scilla maderensis Menezes
  Semele maderensis Costa

LORANTHACEAE

Arceuthobium azoricum Wiens & Hawksw.

MYRICACEAE

* Myrica rivas-martinezii Santos.

OLEACEAE

Jasminum azoricum L.
Picconia azorica (Tutin) Knobl.
ORCHIDACEAE

Goodyera macrophylla Lowe

PITTOSPORACEAE

* Pittosporum coriaceum Dryand. ex. Ait.

PLANTAGINACEAE

Plantago malato-belizii Lawalree

PLUMBAGINACEAE

* Limonium arborescens (Brouss.) Kuntze
  Limonium dendroides Svent.
* Limonium spectabile (Svent.) Kunkel & Sunding
* Limonium sventenii Santos & Fernández Galván

POLYGONACEAE

Rumex azoricus Rech. fil.

RHAMNACEAE

Frangula azorica Tutin

ROSACEAE

* Bencomia brachystachya Svent.
  Bencomia sphaerocarpa Svent.
* Chamaemeles coriacea Lindl.
  Dendriopoterium pulidoi Svent.
  Marcetella maderensis (Born.) Svent.
  Prunus lusitanica L. subsp. azorica (Mouillef.) Franco
  Sorbus maderensis (Lowe) Dode

SANTALACEAE

Kunkeliella subsucculenta Kammer

SCROPHULARIACEAE

* Euphrasia azorica H.C. Watson
  Euphrasia grandiflora Hochst. in Seub.
* Isoplexis chalcantha Svent. & O’Shanahan
  Isoplexis isabelliana (Webb & Berthel.) Masferrer
Odontites holliana (Lowe) Benth.
Sibthorpi a peregrina L.

SOLANACEAE

* Solanum lidi i Sunding

UMBELLIFERAE

Ammi trifoliatum (H. C. Watson) Trelease
Bupleurum handiense (Bolle) Kunkel
Chaerophyllum azoricum Trelease
Ferula latipinna Santos
Melanoselinum decipiens (Schrader & Wendl.) Hoffm.
Monizia edulis Lowe
Oenanthe divaricata (R. Br.) Mabb.
Sanicula azorica Guthnick ex Seub.

VIOLACEAE

Viola paradoxa Lowe

LOWER PLANTS

BRYOPHYTA

* Echinodium spinosum (Mitt.) Jur. (o)
* Thamnobryum fernandesii Sergio (o).

ANNEX III

CRITERIA FOR SELECTING SITES ELIGIBLE FOR IDENTIFICATION AS SITES OF COMMUNITY IMPORTANCE AND DESIGNATION AS SPECIAL AREAS OF CONSERVATION

STAGE 1: Assessment at national level of the relative importance of sites for each natural habitat type in Annex I and each species in Annex II (including priority natural habitat types and priority species)

A. Site assessment criteria for a given natural habitat type in Annex I

(a) Degree of representativity of the natural habitat type on the site.

(b) Area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within national territory.
(c) Degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities.

(d) Global assessment of the value of the site for conservation of the natural habitat type concerned.

B. Site assessment criteria for a given species in Annex II

(a) Size and density of the population of the species present on the site in relation to the populations present within national territory.

(b) Degree of conservation of the features of the habitat which are important for the species concerned and restoration possibilities.

(c) Degree of isolation of the population present on the site in relation to the natural range of the species.

(d) Global assessment of the value of the site for conservation of the species concerned.

C. On the basis of these criteria, Member States will classify the sites which they propose on the national list as sites eligible for identification as sites of Community importance according to their relative value for the conservation of each natural habitat type in Annex I or each species in Annex II.

D. That list will show the sites containing the priority natural habitat types and priority species selected by the Member States on the basis of the criteria in A and B above.

STAGE 2: Assessment of the Community importance of the sites included on the national lists

1. All the sites identified by the Member States in Stage 1 which contain priority natural habitat types and/or species will be considered as sites of Community importance.

2. The assessment of the Community importance of other sites on Member States' lists, i.e. their contribution to maintaining or re-establishing, at a favourable conservation status, a natural habitat in Annex I or a species in Annex II and/or to the coherence of Natura 2000 will take account of the following criteria:

(a) relative value of the site at national level;

(b) geographical situation of the site in relation to migration routes of species in Annex II and whether it belongs to a continuous ecosystem situated on both sides of one or more internal Community frontiers;
(c) total area of the site;

(d) number of natural habitat types in Annex I and species in Annex II present on the site;

(e) global ecological value of the site for the biogeographical regions concerned and/or for the whole of the territory referred to in Article 2, as regards both the characteristic or unique aspect of its features and the way they are combined.

ANNEX IV

ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST IN NEED OF STRICT PROTECTION

The species listed in this Annex are indicated:

— by the name of species or subspecies, or
— by the body of species belonging to a higher taxon or to a designated part of that taxon.

The abbreviation “spp.” after the name of a family or genus designates all the species belonging to that family or genus.

(a) ANIMALS

VERTEBRATES

MAMMALS

INSECTIVORA

Erinaceidae

Erinaceus algirus

Soricidae

Crocidura canariensis

Crocidura sicula

Talpidae

Galemys pyrenaicus

MICROCHIROPTERA

All species

MEGACHIROPTERA
Pteropodidae

*Rousettus aegyptiacus*

**RODENTIA**

Gliridae

All species except *Glis glis* and *Eliomys quercinus*

Sciuridae

*Marmota marmota latirostris*
*Pteromys volans* (*Sciuropterus russicus*)
*Spermophilus citellus* (*Citellus citellus*)
*Spermophilus suslicus* (*Citellus suslicus*)
*Sciurus anomalus*

Castoridae

*Castor fiber* (except the Estonian, Latvian, Lithuanian, Polish, Finnish and Swedish, populations)

Cricetidae

*Cricetus cricetus* (except the Hungarian populations)
*Mesocricetus newtoni*

Microtidae

*Dinaromys bogdanovi*
*Microtus cabrerae*
*Microtus oeconomus arenicola*
*Microtus oeconomus mehelyi*
*Microtus tatricus*

Zapodidae

*Sicista betulina*
*Sicista subtilis*

Hystricidae

*Hystrix cristata*

**CARNIVORA**

Canidae

*Alopex lagopus*
*Canis lupus* (except the Greek populations north of the 39th parallel; Estonian populations, Spanish populations north of the Duero; Bulgarian, Latvian, Lithuanian, Polish, Slovak populations and Finnish populations within the reindeer management area as defined
in paragraph 2 of the Finnish Act No 848/90 of 14 September 1990 on reindeer management)

Ursidae

_Ursus arctos_

Mustelidae

_Lutra lutra_
_Mustela eversmanii_
_Mustela lutreola_
_Vormela peregusna_

Felidae

_Felis silvestris_

_Lynx lynx_ (except the Estonian population)

_Lynx pardinus_

Phocidae

_Monachus monachus_
_Phoca hispida saimensis_

ARTIODACTYLA

Cervidae

_Cervus elaphus corsicanus_

Bovidae

_Bison bonasus_
_Capra aegagrus_ (natural populations)
_Capra pyrenaica pyrenaica_
_Ovis gmelini musimon_ (_Ovis ammon musimon_) (natural populations — Corsica and Sardinia)
_Ovis orientalis ophion_ (_Ovis gmelini ophion_)
_Rupicapra pyrenaica ornata_ (_Rupicapra rupicapra ornata_)
_Rupicapra rupicapra balcanica_
_Rupicapra rupicapra tatrica_

CETACEA

All species

REPTILES

TESTUDINATA

Testudinidae

_Testudo graeca_
_Testudo hermanni_

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Testudo marginata

Cheloniidae
- Caretta caretta
- Chelonia mydas
- Lepidochelys kempii
- Eretmochelys imbricata

Dermochelyidae
- Dermochelys coriacea

Emydidæ
- Emys orbicularis
- Mauremys caspica
- Mauremys leprosa

SAURIA

Lacertidae
- Algyroides fitzingeri
- Algyroides marchi
- Algyroides moreoticus
- Algyroides nigropunctatus
- Dalmatolacerta oxycephala
- Dinarolacerta mosorensis
- Gallotia atlantica
- Gallotia galloti
- Gallotia galloti insulanagae
- Gallotia simonyi
- Gallotia stehlini
- Lacerta agilis
- Lacerta bedriagae
- Lacerta bonnali (Lacerta monticola)
- Lacerta monticola
- Lacerta danfordi
- Lacerta dugesi
- Lacerta graeca
- Lacerta horvathi
- Lacerta schreiberi
- Lacerta trilineata
- Lacerta viridis
- Lacerta vivipara pannonica
- Ophisops elegans
- Podarcis erhardii
- Podarcis filfolensis
- Podarcis hispanica atrata
- Podarcis lilfordi
- Podarcis melisellensis

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Nature Protection

Podarcis milensis
Podarcis muralis
Podarcis peloponnesiaca
Podarcis pityusensis
Podarcis sicula
Podarcis taurica
Podarcis tiliguerta
Podarcis wagleriana

Scincidae
Ablepharus kitaibelii
Chalcides bedriagai
Chalcides ocellatus
Chalcides sexlineatus
Chalcides simonyi (Chalcides occidentalis)
Chalcides viridianus
Ophiomorus punctatissimus
Gekkonidae
Cyrtopodion kotschyi
Phyllodactylus europaeus
Tarentola angustimentalis
Tarentola boettgeri
Tarentola delalandii
Tarentola gomerensis

Agamidae
Stellio stellio

Chamaeleontidae
Chamaeleo chamaeleon

Anguidae
Ophisaurus apodus

OPHIDIA
Colubridae
Coluber caspius
Coluber cypriensis
Coluber hippocrepis
Coluber jugularis
Coluber laurenti
Coluber najadum
Coluber nummifer
Coluber viridiflavus
Coronella austriaca
Eirenis modesta
Elaphe longissima
Elaphe quatuorlineata

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Elaphe situla
Natrix natrix cetti
Natrix natrix corsa
Natrix natrix cypriaca
Natrix tessellata
Telescopus falax

Viperidae
Vipera ammodytes
Macrovipera schweizeri (Vipera lebetina schweizeri)
Vipera seoanni (except Spanish populations)
Vipera ursinii
Vipera xanthina

Boidae
Eryx jaculus

AMPHIBIANS

CAUDATA

Salamandridae
Chioglossa lusitanica
Euproctus asper
Euproctus montanus
Euproctus platycephalus
Mertensiella luschani (Salamandra luschani)
Salamandra atra
Salamandra aurorae
Salamandra lanzai
Salamandrina terdigitata
Triturus carnifex (Triturus cristatus carnifex)
Triturus cristatus (Triturus cristatus cristatus)
Triturus italicus
Triturus karelinii (Triturus cristatus karelinii)
Triturus marmoratus
Triturus montandoni
Triturus vulgaris amplexensis

Proteidae
Proteus anguinus

Plethodontidae
Hydromantes (Speleomantes) ambrosii
Hydromantes (Speleomantes) flavus
Hydromantes (Speleomantes) genei
Hydromantes (Speleomantes) imperialis
Hydromantes (Speleomantes) strinatii (Hydromantes
(Speleomantes) italicus
Hydromantes (Speleomantes) supramontis

ANURA
Discoglossidae
Alytes cisternasii
Alytes muletensis
Alytes obstetricans
Bombina bombina
Bombina variegata
Discoglossus galganoi (including Discoglossus “jeanneae”)
Discoglossus montalentii
Discoglossus pictus
Discoglossus sardus

Ranidae
Rana arvalis
Rana dalmatina
Rana graeca
Rana iberica
Rana italicca
Rana latastei
Rana lessonae
Pelobatidae
Pelobates cultripes
Pelobates fuscus
Pelobates syriacus

Bufonidae
Bufo calamita
Bufo viridis
Hylidae
Hyla arborea
Hyla meridionalis
Hyla sarda

FISH

ACIPENSERIFORMES

Acipenseridae
Acipenser naccarii
Acipenser sturio

SALMONIFORMES

Coregonidae
Coregonus oxyrhynchus (anadromous populations in certain sectors of the North Sea, except the Finnish populations)

CYPRINIFORMES

Cyprinidae
   Anaecypris hispanica
   Phoxinus percnurus

ATHERINIFORMES

Cyprinodontidae
   Valencia hispanica

PERCIFORMES

Percidae
   Gymnocephalus baloni
   Romanichthys valsanicola
   Zingel asper

INVERTEBRATES

ARTHROPODS

CRUSTACEA

Isopoda
   Armadillidium ghardalamensis

INSECTA

Coleoptera
   Bolbelasmus unicornis
   Buprestis splendens
   Carabus hampei
   Carabus hungaricus
   Carabus olympiae
   Carabus variolosus
   Carabus zawadszkii
   Cerambyx cerdo
   Cucujus cinnaberinus
   Dorcadion fulvum cervae
   Duvalius gebhardtii
   Duvalius hungaricus
   Dytiscus latissimus
   Graphoderus bilineatus
   Leptodirus hochenharti
   Pilemia tigrina
Osmoderma eremita
Phryganophilus ruficollis
Probaticus subrugosus
Propomacrus cypriacus
Pseudogaurotina excellens
Pseudoseriscius cameroni
Pytho kolwensis
Rosalia alpina
Lepidoptera
Apatura metis
Arytrura musculus
Catapta thrips
Chondrosoma fiduciarium
Coenonympha hero
Coenonympha oedippus
Colias myrmidone
Cucullia mixta
Dioszeghyana schmidtii
Erannis ankeraria
Erebia calcaria
Erebia christi
Erebia sudetica
Eriogaster catax
Fabriciana elisa
Glyphipterix loricatella
Gortyna borelii lunata
Hypodryas maturna
Hyles hippophaes
Leptidea morsei
Lignyoptera fumidaria
Lopinga achine
Lycaena dispar
Lycaena helle
Maculinea arion
Maculinea nausithous
Maculinea teleius
Melanargia arge
Nymphalis vaualbum
Papilio alexanor
Papilio hospiton
Parnassius apollo
Parnassius mnemosyne
Phyllometra culminaria
Plebicula golgus
Polyommatus rufocincta isolata
Polyommatus eroides
Proserpinus Proserpina
Proterebia afra dalmata
Pseudophilotes bavius
Xylomoia strix
Zerynthia polyxena

Mantodea
Apteromantis aptera

Odonata
Aeshna viridis
Cordulegaster heros
Cordulegaster trinacriae
Gomphus graslinii
Leucorrhinia albifrons
Leucorrhinia caudalis
Leucorrhinia pectoralis
Lindenia tetraphylla
Macromia splendens
Ophiogomphus cecilia
Oxygastra curtisii
Stylurus flavipes
Sympecma braueri

Orthoptera
Baetica ustulata
Brachytrupes megacephalus
Isophya costata
Isophya harzi
Isophya stysi
Myrmecophilus baronii
Odontopodisma rubripes
Paracaloptenus caloptenoides
Pholidoptera transsylvanica
Saga pedo
Stenobothrus (Stenobothrodes) eurasius

ARACHNIDA

Araneae
Macrothele calpeiana

MOLLUSCS

GASTROPODA
Anisus vorticulus
Caseolus calculus
Caseolus commixta
Caseolus sphaerula
Chilostoma banaticum
Discula leacockiana
Discula tabellata
Discula testudinalis
Discula turricula
Discus defloratus
Discus guerinianus
Elona quimperiana
Geomalacus maculosus
Geomitra moniziana
Gibbula nivosa
Hygromia kovacsi
Idiomela (Helix) subplicata
Lampedusa imitatrix
Lampedusa melitensis
Leiostyla abbreviata
Leiostyla cassida
Leiostyla corneocostata
Leiostyla gibba
Leiostyla lamellosa
Paladilhia hungarica
Patella ferruginea
Sadleriana pannonica
Theodoxus prevostianus
Theodoxus transversalis

BIVALVIA

Anisomyaria
Lithophaga lithophaga
Pinna nobilis

Unionoida
Margaritifera auricularia
Unio crassus

Dreissenidae
Congeria kusceri

ECHINODERMATA

Echinoidea
Centrostephanus longispinus

(b) PLANTS

Annex IV (b) contains all the plant species listed in Annex II (b)(*) plus those mentioned below:

(*) Except bryophytes in Annex II (b).
PTERIDOPHYTA

ASPLENIACEAE

Asplenium hemionitis L.

ANGIOSPERMAE

AGAVACEAE

Dracaena draco (L.) L.

AMARYLLIDACEAE

Narcissus longispathus Pugsley
Narcissus triandrus L.

BERBERIDACEAE

Berberis maderensis Lowe

CAMPANULACEAE

Campanula morettiana Reichenb.
Physoplexis comosa (L.) Schur.

CARYOPHYLLACEAE

Moehringia fontqueri Pau

COMPOSITAE

Argyranthemum pinnatifidum (L.f.) Lowe subsp. succulentum
(Lowe) C. J. Humphries
Helichrysum sibthorpii Rouy
Picris willkommii (Schultz Bip.) Nyman
Santolina elegans Boiss. ex DC.
Senecio caespitosus Brot.
Senecio lagascanus DC. subsp. lusitanicus (P. Cout.) Pinto da Silva
Wagenitzia lancifolia (Sieber ex Sprengel) Dostal

CRUCIFERAE

Murbeckiella sousae Rothm.

EUPHORBIACEAE

Euphorbia nevadensis Boiss. & Reuter
GESNERIACEAE

*Jankaea heldreichii* (Boiss.) Boiss.
*Ramonda serbica* Pancic

IRIDACEAE

*Crocus etruscus* Parl.
*Iris boissieri* Henriq.
*Iris marisca* Ricci & Colasante

LABIATAE

*Rosmarinus tomentosus* Huber-Morath & Maire
*Teucrium charidemi* Sandwith
*Thymus capitellatus* Hoffmanns. & Link
*Thymus villosus* L. subsp. *villosus* L.

LILIACEAE

*Androcymbium europaeum* (Lange) K. Richter
*Bellevalia hackelli* Freyn
*Colchicum corsicum* Baker
*Colchicum cousturieri* Greuter
*Fritillaria conica* Rix
*Fritillaria drenovskii* Degen & Stoy.
*Fritillaria gussichiae* (Degen & Doerfler) Rix
*Fritillaria obliqua* Ker-Gawl.
*Fritillaria rhodocanakis* Orph. ex Baker
*Ornithogalum reverchonii* Degen & Herv.-Bass.
*Scilla beirana* Samp.
*Scilla odorata* Link

ORCHIDACEAE

*Ophrys argolica* Fleischm.
*Orchis scopulorum* Simsmerh.
*Spiranthes aestivalis* (Poiret) L. C. M. Richard

PRIMULACEAE

*Androsace cylindrica* DC.
*Primula glaucescens* Moretti
*Primula spectabilis* Tratt.

RANUNCULACEAE
ANNEX V

ANIMAL AND PLANT SPECIES OF COMMUNITY INTEREST WHOSE TAKING IN THE WILD AND EXPLOITATION MAY BE SUBJECT TO MANAGEMENT MEASURES

The species listed in this Annex are indicated:

— by the name of the species or subspecies, or
— by the body of species belonging to a higher taxon or to a designated part of that taxon.
The abbreviation “spp.” after the name of a family or genus designates all the species belonging to that family or genus.

(a) **ANIMALS**

**VERTEBRATES**

**MAMMALS**

**RODENTIA**

Castoridae

*Castor fiber* (Finnish, Swedish, Latvian, Lithuanian, Estonian and Polish populations)

Cricetidae

*Cricetus cricetus* (Hungarian populations)

**CARNIVORA**

Canidae

*Canis aureus*

*Canis lupus* (Spanish populations north of the Duero, Greek populations north of the 39th parallel, Finnish populations within the reindeer management area as defined in paragraph 2 of the Finnish Act No 848/90 of 14 September 1990 on reindeer management, Bulgarian, Latvian, Lithuanian, Estonian, Polish and Slovak populations)

Mustelidae

*Martes martes*

*Mustela putorius*

Felidae

*Lynx lynx* (Estonian population)

Phocidae

*All species not mentioned in Annex IV*

Viverridae

*Genetta genetta*

*Herpestes ichneumon*

**DUPLICIDENTATA**

Leporidae

*Lepus timidus*
ARTIODACTYLA

Bovidae
  
  Capra ibex
  Capra pyrenaica (except Capra pyrenaica pyrenaica)
  Rupicapra rupicapra (except Rupicapra rupicapra balcanica,
  Rupicapra rupicapra ornata and Rupicapra rupicapra tatrica)

AMPHIBIANS

ANURA

Ranidae
  
  Rana esculenta
  Rana perezi
  Rana ridibunda
  Rana temporaria

FISH

PETROMYZONIFORMES

Petromyzonidae
  
  Lampetra fluviatilis
  Lethenteron zanandrai

ACIPENSERIFORMES

Acipenseridae
  
  All species not mentioned in Annex IV

CLUPEIFORMES

Clupeidae
  
  Alosa spp.

SALMONIFORMES

Salmonidae
  
  Thymallus thymallus
  Coregonus spp. (except Coregonus oxyrynchus — anadromous
  populations in certain sectors of the North Sea)
  Hucho hucho
  Salmo salar (only in fresh water)

CYPRINIFORMES
Cyprinidae
   *Aspius aspius*
   *Barbus spp.*
   *Pelecus cultratus*
   *Rutilus friesii meidingeri*
   *Rutilus pigus*

SILURIFORMES

Siluridae
   *Silurus aristotelis*

PERCIFORMES

Percidae
   *Gymnocephalus schraetzer*
   *Zingel zingel*

INVERTEBRATES

COELENTERATA

CNIDARIA

   *Corallium rubrum*

MOLLUSCA

GASTROPODA — STYLOMMATOPHORA

   *Helix pomatia*

BIVALVIA — UNIONOIDA

Margaritiferidae
   *Margaritifera margaritifera*

Unionidae
   *Microcondylaea compressa*
   *Unio elongatulus*

ANNELIDA

HIRUDINOIDEA — ARHYNCHOBDELLAE

   *Hirudinidae*
   *Hirudo medicinalis*

ARTHROPODA
CRUSTACEA — DECAPODA

Aстacidae
  Astacus astacus
  Austropotamobius pallipes
  Austropotamobius torrentium

Scyllaridae
  Scyllarides latus

INSECTA — LEPIDOPTERA

Saturniidae
  Graellsia isabellae

(b) PLANTS

ALGAE

RHODOPHYTA

CORALLINACEAE

  Lithothamnium coralloides Crouan frat.
  Phymatholithon calcarium (Poll.) Adey & McKibbin

LICHIENES

CLADONIACEAE

  Cladonia L. subgenus Cladina (Nyl.) Vain.

BRYOPHYTA

MUSCI

LEUCOBRYACEAE

  Leucobryum glaucum (Hedw.) AAngstr.

SPHAGNACEAE

  Sphagnum L. spp. (except Sphagnum pylaisii Brid.)

PTERIDOPHYTA

  Lycopodium spp.
ANGIOSPERMAE

AMARYLLIDACEAE

*Galanthus nivalis* L.  
*Narcissus bulbocodium* L.  
*Narcissus juncifolius* Lagasca

COMPOSITAE

*Arnica montana* L.  
*Artemisia eriantha* Tem  
*Artemisia genipi* Weber  
*Doronicum plantagineum* L. subsp. *tournefortii* (Rouy) P. Cout.  
*Leuzea rhaponticoides* Graells

CRUCIFERAE

*Alyssum pintadasilvae* Dudley.  
*Malcolmia lacera* (L.) DC. subsp. *graccilima* (Samp.) Franco  
*Murbeckiella pinnatifida* (Lam.) Rothm. subsp. *herminii* (Rivas-Martinez) Greuter & Burdet

GENTIANACEAE

*Gentiana lutea* L.

IRIDACEAE

*Iris lusitanica* Ker-Gawler

LABIATAE

*Teucrium salviastrum* Schreber subsp. *salviastrum* Schreber

LEGUMINOSAE

*Anthyllis lusitanica* Cullen & Pinto da Silva  
*Dorycnium pentaphyllum* Scop. subsp. *transmontana* Franco  
*Ulex densus* Welw. ex Webb.

LILIACEAE

*Lilium rubrum* Lmk  
*Ruscus aculeatus* L.

PLUMBAGINACEAE
Armeria sampaio (Bernis) Nieto Feliner

ROSACEAE

Rubus genevieri Boreau subsp. herminii (Samp.) P. Cout.

SCROPHULARIACEAE

Anarrhinum longipedicelatum R. Fernandes
Euphrasia mendonçae Samp.
Scrophularia grandiflora DC. subsp. grandiflora DC.
Scrophularia herminii Hoffmanns & Link
Scrophularia sublyrata Brot.

ANNEX VI

PROHIBITED METHODS AND MEANS OF CAPTURE AND KILLING AND MODES OF TRANSPORT

(a) Non-selective means

MAMMALS

— Blind or mutilated animals used as live decoys

— Tape recorders

— Electrical and electronic devices capable of killing or stunning

— Artificial light sources

— Mirrors and other dazzling devices

— Devices for illuminating targets

— Sighting devices for night shooting comprising an electronic image magnifier or image converter

— Explosives

— Nets which are non-selective according to their principle or their conditions of use

— Traps which are non-selective according to their principle or their conditions of use
— Crossbows

— Poisons and poisoned or anaesthetic bait

— Gassing or smoking out

— Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition

**FISH**

— Poison

— Explosives

**(b) Modes of transport**

— Aircraft

— Moving motor vehicles
SCHEDULE 6
Section 17V

ANIMALS WHICH MAY NOT BE TAKEN OR KILLED IN CERTAIN WAYS

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbel</td>
<td>Barbus barbus</td>
</tr>
<tr>
<td>Seal, Mediterranean Monk</td>
<td>Monachus monachus</td>
</tr>
</tbody>
</table>

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

SCHEDULE 7
Repealed
SCHEDULE 8


Section 2

DIRECTIVE 2009/147/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 30 November 2009
on the conservation of wild birds
(codified version)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

(1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds has been substantially amended several times. In the interests of clarity and rationality the said Directive should be codified.


(3) A large number of species of wild birds naturally occurring in the European territory of the Member States are declining in number, very rapidly in some cases. This decline represents a serious threat to the conservation of the natural environment, particularly because of the biological balances threatened thereby.
(4) The species of wild birds naturally occurring in the European territory of the Member States are mainly migratory species. Such species constitute a common heritage and effective bird protection is typically a trans-frontier environment problem entailing common responsibilities.

(5) The conservation of the species of wild birds naturally occurring in the European territory of the Member States is necessary in order to attain the Community’s objectives regarding the improvement of living conditions and sustainable development.

(6) The measures to be taken must apply to the various factors which may affect the numbers of birds, namely the repercussions of man’s activities and in particular the destruction and pollution of their habitats, capture and killing by man and the trade resulting from such practices; the stringency of such measures should be adapted to the particular situation of the various species within the framework of a conservation policy.

(7) Conservation is aimed at the long-term protection and management of natural resources as an integral part of the heritage of the peoples of Europe. It makes it possible to control natural resources and governs their use on the basis of the measures necessary for the maintenance and adjustment of the natural balances between species as far as is reasonably possible.

(8) The preservation, maintenance or restoration of a sufficient diversity and area of habitats is essential to the conservation of all species of birds. Certain species of birds should be the subject of special conservation measures concerning their habitats in order to ensure their survival and reproduction in their area of distribution. Such measures must also take account of migratory species and be coordinated with a view to setting up a coherent whole.

(9) In order to prevent commercial interests from exerting a possible harmful pressure on exploitation levels, it is necessary to impose a general ban on marketing and to restrict all derogation to those species whose biological status so permits, account being taken of the specific conditions obtaining in the different regions.

(10) Because of their high population level, geographical distribution and reproductive rate in the Community as a whole, certain species may be hunted, which constitutes acceptable exploitation where certain limits are established and respected, as such hunting must be compatible with maintenance of the population of these species at a satisfactory level.

(11) The various means, devices or methods of large-scale or non-selective capture or killing and hunting with certain forms of transport must be banned because of the excessive pressure which they exert or may exert on the numbers of the species concerned.
(12) Because of the importance which may be attached to certain specific situations, provision should be made for the possibility of derogations on certain conditions and subject to monitoring by the Commission.

(13) The conservation of birds and, in particular, migratory birds still presents problems which call for scientific research. Such research will also make it possible to assess the effectiveness of the measures taken.

(14) Care should be taken in consultation with the Commission to see that the introduction of any species of wild bird not naturally occurring in the European territory of the Member States does not cause harm to local flora and fauna.

(15) The Commission will every three years prepare and transmit to the Member States a composite report based on information submitted by the Member States on the application of national provisions introduced pursuant to this Directive.

(16) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

(17) In particular, the Commission should be empowered to amend certain Annexes in the light of scientific and technical progress. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(18) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the directives set out in Annex VI, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation. 2. It shall apply to birds, their eggs, nests and habitats.

Article 2

Member States shall take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking
account of economic and recreational requirements, or to adapt the population of these species to that level.

Article 3

1. In the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.

2. The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:

   (a) creation of protected areas;

   (b) upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;

   (c) re-establishment of destroyed biotopes;

   (d) creation of biotopes.

Article 4

1. The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.

In this connection, account shall be taken of:

   (a) species in danger of extinction;

   (b) species vulnerable to specific changes in their habitat;

   (c) species considered rare because of small populations or restricted local distribution;

   (d) other species requiring particular attention for reasons of the specific nature of their habitat.

Trends and variations in population levels shall be taken into account as a background for evaluations.

Member States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species in the geographical sea and land area where this Directive applies.
2. Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

3. Member States shall send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that the areas provided for in paragraphs 1 and 2 form a coherent whole which meets the protection requirements of these species in the geographical sea and land area where this Directive applies.

4. In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.

Article 5

Without prejudice to Articles 7 and 9, Member States shall take the requisite measures to establish a general system of protection for all species of birds referred to in Article 1, prohibiting in particular:

(a) deliberate killing or capture by any method;
(b) deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
(c) taking their eggs in the wild and keeping these eggs even if empty;
(d) deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant having regard to the objectives of this Directive;
(e) keeping birds of species the hunting and capture of which is prohibited.

Article 6

1. Without prejudice to paragraphs 2 and 3, Member States shall prohibit, for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds.
2. The activities referred to in paragraph 1 shall not be prohibited in respect of the species referred to in Annex III, Part A, provided that the birds have been legally killed or captured or otherwise legally acquired.

3. Member States may, for the species listed in Annex III, Part B, allow within their territory the activities referred to in paragraph 1, making provision for certain restrictions, provided that the birds have been legally killed or captured or otherwise legally acquired.

Member States wishing to grant such authorisation shall first of all consult the Commission with a view to examining jointly with the latter whether the marketing of specimens of such species would result or could reasonably be expected to result in the population levels, geographical distribution or reproductive rate of the species being endangered throughout the Community. Should this examination prove that the intended authorisation will, in the view of the Commission, result in any one of the aforementioned species being thus endangered or in the possibility of their being thus endangered, the Commission shall forward a reasoned recommendation to the Member State concerned stating its opposition to the marketing of the species in question. Should the Commission consider that no such risk exists, it shall inform the Member State concerned accordingly.

The Commission’s recommendation shall be published in the *Official Journal of the European Union*.

Member States granting authorisation pursuant to this paragraph shall verify at regular intervals that the conditions governing the granting of such authorisation continue to be fulfilled.

**Article 7**

1. Owing to their population level, geographical distribution and reproductive rate throughout the Community, the species listed in Annex II may be hunted under national legislation. Member States shall ensure that the hunting of these species does not jeopardise conservation efforts in their distribution area.

2. The species referred to in Annex II, Part A may be hunted in the geographical sea and land area where this Directive applies.

3. The species referred to in Annex II, Part B may be hunted only in the Member States in respect of which they are indicated.

4. Member States shall ensure that the practice of hunting, including falconry if practised, as carried on in accordance with the national measures in force, complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that this practice is compatible
as regards the population of these species, in particular migratory species, with the measures resulting from Article 2.

They shall see in particular that the species to which hunting laws apply are not hunted during the rearing season or during the various stages of reproduction.

In the case of migratory species, they shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds.

Member States shall send the Commission all relevant information on the practical application of their hunting regulations.

Article 8

1. In respect of the hunting, capture or killing of birds under this Directive, Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds or capable of causing the local disappearance of a species, in particular the use of those listed in Annex IV, point (a).

2. Moreover, Member States shall prohibit any hunting from the modes of transport and under the conditions mentioned in Annex IV, point (b).

Article 9

1. Member States may derogate from the provisions of Articles 5 to 8, where there is no other satisfactory solution, for the following reasons:

   (a) — in the interests of public health and safety,
       — in the interests of air safety,
       — to prevent serious damage to crops, livestock, forests, fisheries and water,
       — for the protection of flora and fauna;

   (b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;

   (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.
2. The derogations referred to in paragraph 1 must specify:

(a) the species which are subject to the derogations;

(b) the means, arrangements or methods authorised for capture or killing;

(c) the conditions of risk and the circumstances of time and place under which such derogations may be granted;

(d) the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom;

(e) the controls which will be carried out. 3. Each year the Member States shall send a report to the Commission on the implementation of paragraphs 1 and 2.

4. On the basis of the information available to it, and in particular the information communicated to it pursuant to paragraph 3, the Commission shall at all times ensure that the consequences of the derogations referred to in paragraph 1 are not incompatible with this Directive. It shall take appropriate steps to this end.

Article 10

1. Member States shall encourage research and any work required as a basis for the protection, management and use of the population of all species of bird referred to in Article 1. Particular attention shall be paid to research and work on the subjects listed in Annex V.

2. Member States shall send the Commission any information required to enable it to take appropriate measures for the coordination of the research and work referred to in paragraph 1.

Article 11

Member States shall see that any introduction of species of bird which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna. In this connection they shall consult the Commission.

Article 12

1. Member States shall forward to the Commission every three years, starting from 7 April 1981, a report on the implementation of national provisions taken under this Directive.
2. The Commission shall prepare every three years a composite report based on the information referred to in paragraph 1. That part of the draft report covering the information supplied by a Member State shall be forwarded to the authorities of the Member State in question for verification. The final version of the report shall be forwarded to the Member States.

Article 13

Application of the measures taken pursuant to this Directive may not lead to deterioration in the present situation as regards the conservation of the species of birds referred to in Article 1.

Article 14

Member States may introduce stricter protective measures than those provided for under this Directive.

Article 15

Such amendments as are necessary for adapting Annexes I and V to technical and scientific progress shall be adopted. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(2).

Article 16

1. The Commission shall be assisted by the Committee for Adaptation to Technical and Scientific Progress.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 17

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 18

Directive 79/409/EEC, as amended by the acts listed in Annex VI, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex VI, Part B. References to the repealed Directive shall be construed
Nature Protection

as references to this Directive and shall be read in accordance with the correlation table in Annex VII.

Article 19

This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

Article 20

This Directive is addressed to the Member States.
ANNEX I

GAVIIFORMES

Gaviidae
   Gavia stellata
   Gavia arctica
   Gavia immer

PODICIPEDIFORMES

Podicipedidae
   Podiceps auritus

PROCELLARIIFORMES

Procellariidae
   Pterodroma madeira
   Pterodroma feae
   Bulweria bulwerii
   Calonectris diomedea
   Puffinus puffinus mauretanicus (Puffinus mauretanicus)
   Puffinus yelkouan
   Puffinus assimilis

Hydrobatidae
   Pelagodroma marina
   Hydrobates pelagicus
   Oceanodroma leucorhoa
   Oceanodroma castro

PELECANIFORMES

Pelecanidae
   Pelecanus onocrotalus
   Pelecanus crispus

Phalacrocoracidae
   Phalacrocorax aristotelis desmarestii
   Phalacrocorax pygmeus

CICONIIFORMES

Ardeidae
   Botaurus stellaris
   Ixobrychus minutus
   Nycticorax nycticorax
   Ardeola ralloides
Egretta garzetta
Egretta alba (Ardea alba)
Ardea purpurea

Ciconiidae
   Ciconia nigra
   Ciconia ciconia

Threskiornithidae
   Plegadis falcinellus
   Platalea leucorodia

PHOENICOPTERIFORMES

Phoenicopteridae
   Phoenicopterus ruber

ANSERIFORMES

Anatidae
   Cygnus bewickii (Cygnus columbianus bewickii)
   Cygnus cygnus
   Anser albifrons flavirostris
   Anser erythropus
   Branta leucopsis
   Branta ruficollis
   Tadorna ferruginea
   Marmaronetta angustirostris
   Aythya nyroca
   Polysticta stelleri
   Mergus albellus (Mergellus albellus)
   Oxyura leucocephala

FALCONIFORMES

Pandionidae
   Pandion haliaetus

Accipitridae
   Pernis apivorus
   Elanus caeruleus
   Milvus migrans
   Milvus milvus
   Haliaeetus albicilla
   Gypaetus barbatus
   Neophron percnopterus
   Gyps fulvus
   Aegypius monachus
Circaetus gallicus
Circus aeruginosus
Circus cyaneus
Circus macrourus
Circus pygargus
Accipiter gentilis arrigonii
Accipiter nisus granti
Accipiter brevipes
Buteo rufinus
Aquila pomarina
Aquila clanga
Aquila heliaca
Aquila adalberti
Aquila chrysaetos
Hieraaetus pennatus
Hieraaetus fasciatus

Falconidae
Falco naumanni
Falco vespertinus
Falco columbarius
Falco eleonorae
Falco biarmicus
Falco cherrug
Falco rusticolus
Falco peregrinus

GALLIFORMES

Tetraonidae
Bonasa bonasia
Lagopus mutus pyrenaicus
Lagopus mutus helveticus
Tetrao tetrix tetrix
Tetrao urogallus

Phasianidae
Alectoris graeca
Alectoris barbara
Perdix perdix italicca
Perdix perdix hispaniensis

GRUIFORMES

Turnicidae
Turnix sylvatica

Gruidae
Grus grus

Rallidae
  Porzana porzana
  Porzana parva
  Porzana pusilla
  Crex crex
  Porphyrio porphyrio
  Fulica cristata

Otididae
  Tetrax tetrax
  Chlamydotis undulata
  Otis tarda

CHARADRIIFORMES

Recurvirostridae
  Himantopus himantopus
  Recurvirostra avosetta

Burhinidae
  Burhinus oedicnemus

Glareolidae
  Cursorius cursor
  Glareola pratincola

Charadriidae
  Charadrius alexandrinus
  Charadrius morinellus (Eudromias morinellus)
  Pluvialis apricaria
  Hoplopterus spinosus

Scolopacidae
  Calidris alpina schinzii
  Philomachus pugnax
  Gallinago media
  Limosa lapponica
  Numenius tenuirostris
  Tringa glareola
  Xenus cinereus (Tringa cinerea)
  Phalaropus lobatus

Laridae
  Larus melanocephalus
  Larus genei
  Larus audouinii
  Larus minutus

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Sternidae
  Gelochelidon nilotica (Sterna nilotica)
  Sterna caspia
  Sterna sandvicensis
  Sterna dougallii
  Sterna hirundo
  Sterna paradisaea
  Sterna albifrons
  Chlidonias hybridus
  Chlidonias niger

Alcidae
  Uria aalge ibericus

PTEROCLIFORMES

Pteroclididae
  Pterocles orientalis
  Pterocles alchata

COLUMBIFORMES

Columbidae
  Columba palumbus azorica
  Columba trocaz
  Columba bollii
  Columba junoniae

STRIGIFORMES

Strigidae
  Bubo bubo
  Nyctea scandiaca
  Surnia ulula
  Glaucidium passerinum
  Strix nebulosa
  Strix uralensis
  Asio flammeus
  Aegolius funereus

CAPRIMULGIFORMES

Caprimulgidae
  Caprimulgus europaeus

APODIFORMES
Apodidae
   *Apus caffer*

CORACIIFORMES

Alcedinidae
   *Alcedo atthis*

Coraciidae
   *Coracias garrulus*

PICIFORMES

Picidae
   *Picus canus*
      *Dryocopus martius*
      *Dendrocopos major canariensis*
      *Dendrocopos major thanneri*
      *Dendrocopos syriacus*
      *Dendrocopos medius*
      *Dendrocopos leucotos*
      *Picoides tridactylus*

PASSERIFORMES

Alaudidae
   *Chersophilus duponti*
      *Melanocorypha calandra*
      *Calandrella brachydactyla*
      *Galerida theklae*
      *Lullula arborea*

Motacillidae
   *Anthus campestris*

Troglodytidae
   *Troglodytes troglodytes fridariensis*

Muscicapidae (Turdinae)
   *Luscinia svecica*
   *Saxicola dacotiae*
   *Oenanthe leucura*
   *Oenanthe cypriaca*
   *Oenanthe pleschanka*

Muscicapidae (Sylviinae)
   *Acrocephalus melanopogon*
Acrocephalus paludicola
Hippolais olivetorum
Sylvia sarda
Sylvia undata
Sylvia melancholica
Sylvia ruthveni
Sylvia nisoria

Muscicapidæ (Muscicapidæ)
Ficedula parva
Ficedula semitorquata
Ficedula albicollis

Paridae
Parus ater cypriotes

Sittidae
Sitta krueperi
Sitta whiteheadi

Certhiidae
Certhia brachydactyla dorotheae

Laniidae
Lanius collurio
Lanius minor
Lanius nubicus

Corvidae
Pyrrhocorax pyrrhocorax

Fringillidae (Fringillinae)
Fringilla coelebs ombriosa
Fringilla teydea

Fringillidae (Carduelinae)
Loxia scotica
Bucanetes githagineus
Pyrrhula murina (Pyrrhula pyrrhula murina)

Emberizidae (Emberizinae)
Emberiza cineracea
Emberiza hortulana
Emberiza caesia

ANNEX II
PART A
ANSERIFORMES

Anatidae
  Anser fabalis
  Anser anser
  Branta canadensis
  Anas penelope
  Anas strepera
  Anas crecca
  Anas platyrhynchos
  Anas acuta
  Anas querquedula
  Anas clypeata
  Aythya ferina
  Aythya fuligula

GALLIFORMES

Tetraonidae
  Lagopus lagopus scoticus et hibernalis
  Lagopus mutus

Phasianidae
  Alectoris graeca
  Alectoris rufa
  Perdix perdix
  Phasianus colchicus

GRUIFORMES

Rallidae
  Fulica atra

CHARADRIIFORMES

Scolopacidae
  Lymnocryptes minimus
  Gallinago gallinago
  Scolopax rusticola

COLUMBIFORMES

Columbidae
  Columba livia
  Columba palumbus

PART B
ANSERIFORMES

Anatidae
 Cygnus olor
 Anser brachyrhynchus
 Anser albifrons
 Branta bernicla
 Netta rufina
 Aythya marila
 Somateria mollissima
 Clangula hyemalis
 Melanitta nigra
 Melanitta fusca
 Bucephala clangula
 Mergus serrator
 Mergus merganser

GALLIFORMES

Meleagridae
 Meleagris gallopavo

Tetraoniidae
 Bonasa bonasia
 Lagopus lagopus lagopus
 Tetrao tetrix
 Tetrao urogallus

Phasianidae
 Francolinus francolinus
 Alectoris barbara
 Alectoris chukar
 Coturnix coturnix

GRUIFORMES

Rallidae
 Rallus aquaticus
 Gallinula chloropus

CHARADRIIFORMES

Haematopodidae
 Haematopus ostralegus

Charadriidae
 Pluvialis apricaria
Nature Protection

*Pluvialis squatarola*
*Vanellus vanellus*

Scolopacidae
*Calidris canutus*
*Philomachus pugnax*
*Limosa limosa*
*Limosa lapponica*
*Numenius phaeopus*
*Numenius arquata*
*Tringa erythropus*
*Tringa totanus*
*Tringa nebularia*

Laridae
*Larus ridibundus*
*Larus canus*
*Larus fuscus*
*Larus argentatus*
*Larus cachinnans*
*Larus marinus*

COLUMBIFORMES

Columbidae
*Columba oenas*
*Streptopelia decaocto*
*Streptopelia turtur*

PASSERIFORMES

Alaudidae
*Alauda arvensis*

Muscicapidae
*Turdus merula*
*Turdus pilaris*
*Turdus philomelos*
*Turdus illiacus*
*Turdus viscivorus*

Sturnidae
*Sturnus vulgaris*

Corvidae
*Garrulus glandarius*
*Pica pica*
*Corvus monedula*
Corvus frugilegus
Corvus corone
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**Note:** The table contains protected species with codes indicating the level of protection across different countries.

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ANNEX III

PART A

ANSERIFORMES

Anatidae
   Anas platyrhynchos

GALLIFORMES

Tetraonidae
   Lagopus lagopus lagopus, scoticus et hibernicus

Phasianidae
   Alectoris rufa
   Alectoris barbara
   Perdix perdix
   Phasianus colchicus

COLUMBIFORMES

Columbidae
   Columba palumbus

PART B

ANSERIFORMES

Anatidae
   Anser albifrons albifrons
   Anser anser
   Anas penelope
   Anas crecca
   Anas acuta
   Anas clypeata
   Aythya ferina
   Aythya fuligula
   Aythya marila
   Somateria mollissima
   Melanitta nigra

GALLIFORMES

Tetraonidae
   Lagopus mutus
   Tetrao tetrix britannicus
   Tetrao urogallus
GRUIFORMES

Rallidae
Fulica atra

CHARADRIIFORMES

Charadriidae
Pluvialis apricaria

Scolopacidae
Lymnocryptes minimus
Gallinago gallinago
Scolopax rusticola.

ANNEX IV

(a)
— Snares (with the exception of Finland and Sweden for the capture of Lagopus lagopus lagopus and Lagopus mutus north of latitude 58° N), limes, hooks, live birds which are blind or mutilated used as decoys, tape recorders, electrocuting devices,

— artificial light sources, mirrors, devices for illuminating targets, sighting devices for night shooting comprising an electronic image magnifier or image converter,

— explosives,

— nets, traps, poisoned or anaesthetic bait,

— semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition;

(b)
— aircraft, motor vehicles,

— boats driven at a speed exceeding five kilometres per hour. On the open sea, Member States may, for safety reasons, authorise the use of motor-boats with a maximum speed of 18 kilometres per hour. Member States shall inform the Commission of any authorisations granted.

ANNEX V
(a) National lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution.

(b) Listing and ecological description of areas particularly important to migratory species on their migratory routes and as wintering and nesting grounds.

(c) Listing of data on the population levels of migratory species as shown by ringing.

(d) Assessing the influence of methods of taking wild birds on population levels.

(e) Developing or refining ecological methods for preventing the type of damage caused by birds.

(f) Determining the role of certain species as indicators of pollution.

(g) Studying the adverse effect of chemical pollution on population levels of bird species.

ANNEX VI

PART A

REPEALED DIRECTIVE WITH LIST OF ITS SUCCESSIVE AMENDMENTS

(referred to in Article 18)

(OJ L 103, 25.4.1979, p. 1)

1979 Act of Accession, Annex I, point XIII.1.F
(OJ L 291, 19.11.1979, p. 111)

(OJ L 319, 7.11.1981, p. 3)

(OJ L 233, 30.8.1985, p. 33)

1985 Act of Accession, Annex I, points X.1.(h) and X.6
(OJ L 302, 15.11.1985, p. 218)

(OJ L 100, 16.4.1986, p. 22)

Commission Directive 91/244/EEC
(OJ L 115, 8.5.1991, p. 41)

(OJ L 164, 30.6.1994, p. 9)

1994 Act of Accession, Annex I, point VIII.E.1
PART B

LIST OF TIME LIMITS FOR TRANSPOSITION INTO NATIONAL LAW

(REFERRED TO IN ARTICLE 18)

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ANNEX VII

CORRELATION TABLE

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SCHEDULE 9

WILD BIRDS WHICH RE-USE THEIR NESTS

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<th>Common Name</th>
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<tr>
<td>Lesser Kestrel</td>
<td>Falco naumanni</td>
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<tr>
<td>Shag</td>
<td>Phalacrocorax aristotelis</td>
</tr>
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<td>desmarestii</td>
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</table>

NOTE: The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

SCHEDULE 10

Sections 24A and 24B

Admission Fees.

1.(1) Subject to paragraph 2, the fee for admission to the Upper Rock Nature Reserve shall be as follows—

(a) £5.00 per person entering by foot at Jews’ Gate (Engineer Road and Lathbury Barracks), Willis’s Road or Devil’s Gap Battery, or any cable car station who otherwise have not paid a fee under subparagraph (1)(e) or (f);

(b) £13.00 per person aged 12 years or over entering via Jews’ Gate or Willis’s Road;

(c) £8.00 per person aged from 5 to 11 years inclusive entering via Jews’ Gate or Willis’s Road;

(d) £8.00 per person for entry at Jews’ Gate or Willis’s Road in a taxi or as part of a tour group with a tour operator;

(e) £13.00 per person aged 12 years and over for entry from any cable car station;

(f) £8.00 per child aged from 5 to 11 years inclusive for entry from any cable car station.
Nature Protection

(g) £5.00 per person aged 5 years or over entering with a bicycle via Jews’ Gate (Engineer Road and Lathbury Barracks), Willis’s Road or Devil’s Gap Battery, or any cable car station;

(h) £8.00 per person aged 5 years or over entering with a bicycle as part of a tour group with a tour operator via Jews’ Gate (Engineer Road and Lathbury Barracks), Willis’s Road or Devil’s Gap Battery, or any cable car station.

(2) Subject to section 24A(2), the fees for admission to the tourist sites within the Upper Rock Nature Reserve shall be as follows–

(a) £8.00 for each person aged 12 years and over who entered the Upper Rock Nature Reserve by foot at Jews’ Gate, Willis’s Road or Devil’s Gap Battery (applicable to all tourist sites with the exception of lower St Michael’s Cave and the World War II Tunnels);

(b) £3.00 for each child aged from 5 to 11 years inclusive who entered the Upper Rock Nature Reserve by foot at Jews’ Gate, Willis’s Road or Devil’s Gap Battery (applicable to all tourist sites with the exception of lower St Michael’s Cave and the World War II Tunnels);

(c) for entering lower St Michael’s Cave–

   (i) £25.00 per person;

   (ii) £15.00 per person holding a valid Gibraltar identity card or MOD identity document;

(d) for entering the World War II Tunnels–

   (i) £8.00 per person aged 12 years and over;

   (ii) £4.00 per child aged from 5 to 11 years inclusive;

   (iii) £4.00 per person holding a valid Gibraltar identity card or MOD identity document;

   (iv) £4.00 per person in a taxi or forming part of a tour group with a tour operator.

(3) Subject to section 24A(2), the fees in subparagraphs (1) and (2) are cumulative.
(4) The fees set out in subparagraphs (1)(b) and (c) shall be reduced by £3.00 where the person concerned has previously paid £3.00 for entry to the 100 Ton Gun on that same day.

2.(1) A person holding a valid Gibraltar identity card relating to that person may enter the Upper Rock Nature Reserve and all tourist sites within the Upper Rock Nature Reserve, with the exception of lower St Michael’s Cave and the World War II Tunnels (the fees for which are set out in paragraphs 1(2)(c)(ii) and (d)(iii) respectively), without paying a fee on production of that card.

(2) A child aged under 5 years may enter the Upper Rock Nature Reserve and all tourist sites within the Upper Rock Nature Reserve without paying a fee.

(3) Passengers in a taxi engaged for a city service journey shall be exempted from payment of the fee in paragraph 1(1)(d) and shall for the purposes of paragraph 1(2) be deemed to have entered the Upper Rock Nature Reserve by foot at Jew’s gate or Moorish Castle.

(4) In subparagraph (3) “city service journey” means a one-way fare which is either–

(a) to or from a specific residence in the Upper Rock Nature Reserve for a resident or visitor to that residence; or

(b) in respect of a public or private function occurring in the Upper Rock Nature Reserve which is not part of the general tourist attraction of the Upper Rock Nature Reserve and which does not involve a stop at or a visit to any part of the Upper Rock Nature Reserve except where the event is occurring.