COUNCIL REGULATION (EEC) No 1422/87

of 21 May 1987

amending Regulation (EEC) No 3626/82 on the implementation in the Community of the Convention on international trade in endangered species 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 235 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 inclusion of all species of birdwing butterflies in part 1 of Annex C to Council Regulation (EEC) No 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora (4), as last amended by Commission Regulation (EEC) No 2384/85 (5), means that imports of specimens of these species into the Community are prohibited if they are primarily for commercial purposes;

Whereas ranching operations involving birdwing butterflies are generally considered beneficial to the conservation of these species by contributing to the increase of their population in the wild;

Whereas the success of such ranching operations in developing countries depends heavily on the availability of commercial outlets for their products; whereas, however, this argument cannot be used to justify a general down-listing of species from part 1 to part 2 of Annex C to the aforementioned Regulation;

Whereas it is therefore necessary to allow imports of ranched specimens of birdwing butterflies; whereas their transfer from part 1 to part 2 of the said Annex C opens that possibility whilst maintaining adequate safeguards for the prevention of imports of specimens of endangered species and populations of birdwing butterflies;

Whereas the most endangered species of birdwing butterfly, *Ornithoptera alexandrae,* requires the strictest possible protection and should therefore remain in part 1 of the said Annex C,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3626/82 is hereby amended as follows:

1. In Annex A, the text under the heading INSECTA-LEPIDOPTERA shall be replaced by the following:

'*LEPIDOPTERA*

Butterflies and moths	*Ornithoptera* spp. = 356	(C2)
Papilionidae	*Ornithoptera alexandrae*	(C1)
Swallowtails	Birdwing butterflies	
	Parnassius apollo	(C1)
	Apollo butterfly or mountain apollo	
	Trogonoptera spp. = 356	(C2)
	Birdwing butterflies	
	Troides spp. = 356	(C2)
	Birdwing butterflies.'	

2. In part 1 of Annex C, under the heading *INSECTA-LEPIDOPTERA:*

— '*Ornithoptera* spp. = 356' shall be replaced by '*Ornithoptera alexandrae*' and

— '*Trogonoptera* spp. = 356' and '*Troides* spp. = 356' shall be deleted.

3. In part 2 of Annex C, the following text shall be inserted before the heading *ANTHOZOA:*

'*INSECTA*

LEPIDOPTERA

Papilionidae

Ornithoptera spp. = 356 (with the exception of *Ornithoptera alexandrae,* which is included in part 1)

Trogonoptera spp. = 356

Troides spp. = 356'.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

(1) OJ No C 97, 25. 4. 1986, p. 7.
(2) OJ No C 7, 12. 1. 1987, p. 115.
(3) OJ No C 207, 18. 8. 1986, p. 27.
(4) OJ No L 384, 31. 12. 1982, p. 1.
(5) OJ No L 231, 29. 8. 1985, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 May 1987.

For the Council

The President

M. SMET