ACORD
PRIVIND CONSERVAREA LILIECILOR ÎN EUROPA*

ADOPTAT LA LONDRA, LA 4 DECEMBRIE 1991

AGREEMENT ON THE CONSERVATION OF BATS IN EUROPE, EUROBATS, 1991

ADOPTED AT LONDON, ON DECEMBER 4, 1991

**În vigoare pentru Republica Moldova din 4 martie 2001.*

THE CONTRACTING PARTIES

RECALLING the Convention on the Conservation of Migratory Species of Wild Animals opened for signature in Bonn on 23 June 1979;

RECOGNISING the unfavourable conservation status of bats in Europe and non-European Range States and in particular the serious threat to them from habitat degradation, disturbance of roosting sites and certain pesticides;

CONSCIOUS that the threats facing bats in Europe and non-European Range States are common to both migratory and non-migratory species and that roosts are often shared by migratory and non-migratory species;

RECALLING that the first meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals held in Bonn in October 1985 agreed to add European species of CHIROPTERA (Rhinolophidae and Vespertilionidae) to Appendix II of the Convention and instructed the Secretariat of the Convention to take appropriate measures to develop an Agreement for these species;

CONVINCED that the conclusion of an Agreement for these species would greatly benefit the conservation of bats in Europe;

HAVE AGREED AS FOLLOWS:

ARTICLE I

Scope and Interpretation

For the purposes of this Agreement:

(a) "Convention" means the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979);

(b) "Bats" means European populations of CHIROPTERA (Rhinolophidae and Vespertilionidae) occurring in Europe and non-European Range States;

(c) "Range State" means any State (whether or not it is a Party to the Convention) that exercises jurisdiction over any part of the range of a species covered by this Agreement;

(d) "Regional Economic Integration Organisation" means an organisation constituted by sovereign States to which this Agreement applies and which

has competence in matters covered by this Agreement and has been duly authorised, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it;

(e) "Parties" means, unless the context otherwise indicates, Parties to this Agreement;

(f) "In Europe" means the continent of Europe.

ARTICLE II

General Provisions

1. This Agreement is an AGREEMENT within the meaning of paragraph 3 of Article IV of the Convention.

2. The provisions of this Agreement shall not relieve Parties of their obligations under any existing treaty, convention or agreement.

3. Each Party to this Agreement shall designate one or more competent authorities to whom it shall assign responsibility for the implementation of this Agreement. It shall communicate the name and address of its authority or authorities to the other Parties to this Agreement.

4. Appropriate administrative and financial support for this Agreement shall be determined by its Parties in consultation with the Parties to the Convention.

ARTICLE III

Fundamental Obligations

1. Each Party shall prohibit the deliberate capture, keeping or killing of bats except under permit from its competent authority.

2. Each Party shall identify those sites within its own area of jurisdiction which are important for the conservation status, including for the shelter and protection, of bats. It shall, taking into account as necessary economic and social considerations, protect such sites from damage or disturbance. In addition, each Party shall endeavour to identify and protect important feeding areas for bats from damage or disturbance.

3. When deciding which habitats to protect for general conservation purposes each Party shall give due weight to habitats that are important for bats.

4. Each Party shall take appropriate measures to promote the conservation of bats and shall promote public awareness of the importance of bat conservation.

5. Each Party shall assign to an appropriate body responsibilities for the provision of advice on bat conservation and management within its territory particularly with regard to bats in buildings. Parties shall exchange information on their experiences in this matter.

6. Each Party shall take such additional action as it considers necessary to safeguard populations of bats which it identifies as being subject to threat and shall report under Article VI on the action taken.

7. Each Party shall, as appropriate, promote research programmes relating to the conservation and management of bats. Parties shall consult each other on such research programmes, and shall endeavour to co-ordinate such research and conservation programmes.

8. Each Party shall, wherever appropriate, consider the potential effects of pesticides on bats, when assessing pesticides for use, and shall endeavour to replace timber treatment chemicals which are highly toxic to bats with safer alternatives.

ARTICLE IV

National Implementation

1. Each Party shall adopt and enforce such legislative and administrative measures as may be necessary for the purpose of giving effect to this Agreement.

2. The provisions of this Agreement shall in no way affect the right of Parties to adopt stricter measures concerning the conservation of bats.

ARTICLE V

Meetings of the Parties

1. There shall be periodic meetings of the Parties to this Agreement. The Government of the United Kingdom shall call the first meeting of the Parties to the Agreement not later than three years after the date of entry into force of the Agreement. The Parties to the Agreement shall adopt rules of procedure for their meetings and financial rules, including the provisions on the budget and the scale of contributions for the next financial period. Such rules shall be adopted by a two-thirds majority of the Parties present and voting. Decisions taken under the financial rules shall require a three-quarters majority of the Parties present and voting.

2. At their meetings the Parties may establish such scientific and other working groups as they see fit.

3. Any Range States or Regional Economic Integration Organisation not a Party to this Agreement, the Secretariat of the Convention, the Council of Europe in its capacity as the Secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats and similar intergovernmental organisations may be represented by observers at meetings of the Parties. Any agency or body technically qualified in the conservation and management of bats may be represented by observers at meetings of the Parties unless at least one-third of the Parties present object. Only Parties may vote at meetings of the Parties.

4. Except as provided for in paragraph 5 below, each Party to this Agreement shall have one vote.

5. Regional Economic Integration Organisations which are Parties to this Agreement shall, in matters within their competence, exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Agreement and present at the time of the vote. A Regional Economic Integration Organisation shall not exercise its right to vote if its Member States exercise theirs, and vice versa.

ARTICLE VI

Reports on Implementation

Each Party shall present to each meeting of the Parties an up-to-date report on its implementation of this Agreement. It shall circulate the report to the Parties not less than 90 days before the opening of the ordinary meeting.

ARTICLE VII

Amendment of the Agreement

1. This Agreement may be amended at any meeting of the Parties.

2. Proposals for amendment may be made by any Party.

3. The text of any proposed amendment and the reasons for it shall be communicated to the Depositary at least 90 days before the opening of the meeting. The Depositary shall transmit copies forthwith to the Parties.

4. Amendments shall be adopted by a two-thirds majority of the Parties present and voting and shall enter into force for those Parties which have accepted them 60 days after the deposit of the fifth instrument of acceptance of the amendment with the Depositary. Thereafter, they shall enter into force for a Party 30 days after the date of deposit of its instrument of acceptance of the amendment with the Depositary.

ARTICLE VIII

Reservations

The provisions of this Agreement shall not be subject to general reservations. However, a Range State or Regional Economic Integration Organisation may, on becoming a Party in accordance with Article X or XI, enter a specific reservation with regard to any particular species of bat.

ARTICLE IX

Settlement of Disputes

Any dispute which may arise between Parties with respect to the interpretation or application of the provisions of this Agreement shall be subject to negotiations between the Parties involved in the dispute.

ARTICLE X

Signature, Ratification, Acceptance and Approval

This Agreement shall be open to signature by Range States or Regional Economic Integration Organisations who may become Parties either by:

(a) signature without reservation in respect of ratification, acceptance or approval; or

(b) signature with reservation in respect of ratification, acceptance or approval, followed by ratification, acceptance or approval.

Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

This Agreement shall remain open for signature until the date of entry into force of the Agreement.

ARTICLE XI

Accession

This Agreement shall be open for accession by Range States or Regional Economic Integration Organisations after the date of entry into force of the Agreement. Instruments of accession shall be deposited with the Depositary.

ARTICLE XII

Entry into Force

This Agreement shall enter into force on the ninetieth day following the date on which five Range States have become Parties in accordance with Article X. Thereafter it shall enter into force for a signatory or acceding State on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.

ARTICLE XIII

Denunciation and Termination

Any Party may denounce this Agreement by written notification to the Depositary at any time. The denunciation shall take effect twelve months after the date on which the Depositary has received the notification. The

Agreement shall remain in force for at least ten years, and thereafter shall terminate on the date on which there cease to be at least five Parties thereto.

ARTICLE XIV

Depositary

The original of the Agreement in English, French and German, each version being equally authentic, shall be deposited with the Government of the United Kingdom, which shall be the Depositary and shall transmit certified copies thereof to all States and any Regional Economic Integration Organisations that have signed the Agreement or deposited instruments of ratification, acceptance, approval or accession.

The Depositary shall inform all Range States and Regional Economic Integration Organisations of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of this Agreement, amendments thereto, reservations and notifications of denunciation.

In witness thereof, the undersigned, being duly authorised to that effect have signed this Agreement.

Done at London this fourth day of December in the year one thousand nine hundred and ninety-one.