

- 7. 06. 2004

Brussels,
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Dr. Caroline Lucas MEP
European Parliament
Office 8G103
Rue Wiertz
B-1047 Brussels

Dear Dr. Lucas,

Your letter of 4 May 2004 has received my fullest attention, since it refers to a possible breach in Cyprus of Directive 79/409/EEC on the conservation of wild birds.

From 1 May 2004 Cyprus, as well the new Member States, is required to fully implement and enforce EC legislation, including the Birds Directive. No transition period has been given and no specific derogations have been requested by Cyprus. It has to be stressed, however, that EC legislation does not apply to the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus.

As a guardian of the Treaties, the Commission is responsible for ensuring that EC law is correctly applied. The application of the Birds Directive involves the communication to the Commission of national measures transposing the Directive, the complete and correct transposition of the provisions of the Directive, and its implementation and enforcement.

In October 2003, Cyprus adopted Law 152(I)/2003 for the protection and management of wild birds and game species, which transposes the requirements of the Birds Directive. A preliminary assessment of this legislative act shows that the transposition of the Directive's provisions is generally faithful in terms of the results to be achieved. However, the conformity of the Cypriot legislation with the Directive will be thoroughly assessed by my services.

The use of certain bird-trapping methods, like the ones involving the use of mist nets and lime sticks, which leads to a large-scale or non-selective capture or killing of birds, is incompatible with the Birds Directive. The Cypriot authorities are determined to eradicate these illegal activities and, since 2002, a series of measures have been taken.

The enforcement of the new legislation has been effective, with the deployment of wardens having been increased in critical areas, while strict controls and frequent inspections in restaurants have also taken place. Furthermore, information campaigns were launched and the Cypriot authorities have also been cooperating with NGOs.

In addition, the recent Law 152(I)/2003 makes prosecution easier and introduces dissuasive penalties for offenders. The fines were increased from £2,000 to £10,000 and the term of imprisonment increased to 3 years. The legislation also allows for automatic confiscation of all equipment used in illegal activities.

I would like to assure you that the Commission, within the limits of its powers, will continue monitoring the implementation of this legislation in Cyprus and will take all appropriate measures to ensure the correct application of Community environmental law.

I trust that this information will be of assistance to you.

Yours sincerely,



Margot Wallström