



## 8<sup>th</sup> SESSION OF THE MEETING OF THE PARTIES

5 - 9 October 2021, Budapest, Hungary

### REPORT OF THE DEPOSITARY

This report provides the latest information on the accession of Range States to the Agreement and on reservations made by Parties following the Session of the 7<sup>th</sup> Meeting of the Parties to AEWA (MOP 7) in Durban, 4-8 December 2018, as well as other depositary news.

#### ACCESSIONS OF RANGE STATES

Since MOP 7 was held in December 2018, Serbia, Malawi, Armenia and Turkmenistan acceded to the Agreement (see below, listed in chronological order). The acceding states did not make any reservations at the moment of deposit of their instruments of accession.

#### Parties

Party	Accession	Entry into force
Serbia	13-12-2018	01-03-2019
Malawi	25-06-2019	01-09-2019
Armenia	09-04-2020	01-07-2020
Turkmenistan	27-10-2020	01-01-2021

#### AMENDMENTS ADOPTED DURING THE 7<sup>TH</sup> MEETING OF THE PARTIES TO AEWA (MOP 7)

On 22 February 2019 the depositary published the amendments to the Annexes 2 and 3 and to Table 1 to the Agreement, which were adopted during MOP 7. Subsequently the depositary published corrections of the adopted amendments on 14 June 2019, and it published the updated Arabic translation of the Agreement, incorporating the amendments adopted during MOP 7, on 6 November 2019.

The following **reservations** were received by the depositary concerning the amendments adopted during MOP 7, in chronological order. The date of receipt of the reservation is printed behind the name of the state.

##### **Norway**, 01-02-2019

“The Kingdom of Norway hereby wishes to enter a reservation with respect to the inclusion of the population of *Somateria mollissima mollissima* Common Eider as listed for Norway & Russia in Annex 3, table 1 and Column A to the Agreement. We therefore still consider this species to be placed in Column C of Table 1.”

**Switzerland, 20-02-2019**

“Switzerland enters a reservation with respect to the adopted amendment to the Annex 3, by which the North-east Europe/North-west Europe and Central & NE Europe/Black- Sea & Mediterranean populations of the Common Pochard (*Aythya ferina*) that have been uplisted from Category 2c on Column B to Category 1b on Column A of Table 1 in Annex 3, pending the fulfilment of the domestic procedures necessary before this amendment can enter into force for Switzerland.”

**Czech Republic, 27-02-2019**

“The Czech Republic makes a reservation due to impossibility to accomplish the internal approval procedures concerning the Amendments to Annexes 2 and 3 to the Agreement, as accepted at the 7th Session of the Meeting of the Parties to the Agreement, within the ninety days period.”

**Denmark, 04-03-2019**

“Denmark hereby wishes to enter a reservation with respect to the inclusion of Atlantic Puffin (*Fratercula arctica*) in Category 1b of Column A, Razorbill (*Alca torda islandica*) in Category 4 of Column A, Common Pochard (*Aythya ferina*) in Category 1b of Column A and Common Eider (*Somateria mollissima mollissima*) in Category 4 of Column A.”

**Iceland, 07-03-2019**

“Iceland hereby enters a reservation, pursuant to Article XV, with respect to the inclusion of the populations of *Rissa tridactyla* (Black-legged Kittiwake), *Fratercula arctic* (Atlantic puffin) and *Alca torda islandica* (Razorbill) in Column A of Table 1 in Annex 3 to the Agreement. Iceland therefore still considers *Rissa tridactyla* to be placed in Column B and *Fratercula arctica* and *Alca torda islandica* to be placed in Column C of Table 1.”

On 15 March 2019 the depositary issued Depositary Notification [Migratory Waterbirds No. 02/2019](#), which specified that in accordance with article X, paragraphs 5 and 6, the amendments to the Annexes entered into force on the ninetieth day after the date of its adoption, that is on 8 March 2019, except for the abovementioned Parties which entered a reservation within the period of ninety days.

On 22 March 2019, i.e. after the expiry of the period of ninety days, the depositary received the following reservation from the European Union regarding the amendments adopted during MOP 7.

**European Union, 22-03-2019**

“The amendments adopted at the last Meeting of the Parties (MOP7, 4-8 December 2018) concerning the nine following species, the Common Eider *Somateria Mollissima*, the Red-breasted Merganser *Mergus serrator*, the Common Pochard *Aythia farina*, the Eurasian Oystercatcher *Haematopus ostralegus*, the Northern Lapwing *Vanellus vanellus*, the Bar-tailed Godwit *Limosa lapponica*, the Black-tailed Godwit *Limosa limosa*, the Red Knot *Calidris canutus*, and the Spotted Redshank *Tringa erythropus*, cannot be implemented in the EU without a prior change in EU law, in particular of the Birds Directive.”

On 29 March 2019 the depositary issued Depositary Notification [Migratory Waterbirds No. 03/2019](#), informing the Parties of this late reservation and informing them that pursuant to Articles 19 and 20 of the Vienna Convention on the Law of Treaties, although the reservation was received after the deadline of 8 March 2019, it may still be considered legal and deemed to have been accepted by the Parties as of the date on which it was made, in the absence of any objection on the part of one of the Parties, either to the deposit itself or to the procedure envisaged, by the end of a period of twelve months from the date of the depositary notification informing the Parties of the late reservation, that is on 30 March 2020.

Following the depositary notification of 29 March 2019 informing the Parties of the late reservation, the EU deposited the following declaration with the depositary on 10 April 2019, which was published by the depositary on 11 April 2019 in Depositary Notification [Migratory Waterbirds No. 04/2019](#).

#### **European Union, 10-04-2019**

“In relation to the Depositary’s notice of 29 March 2019, informing Parties to AEWA of the EU late reservation submitted on 22 March 2019 regarding nine species, it is the EU understanding of the notice that the EU reservation has taken legal effect immediately, but it may be subject to objection by another Party to the Agreement up to 30 March 2020.

The late notification of the EU reservation, shortly after the expiry of the period of ninety days (8 March 2019) provided for in Article X of the Agreement, is due to a clerical error.

There should be no question of the intent or good faith of the EU in relation to this matter. The minutes of the Meeting of the Parties (MOP) in Durban reflect the intention expressed by the EU to enter a reservation. They acknowledge that the EU would enter a reservation in relation to the proposed amendments concerning the nine species and that the EU could consider lifting the reservation with regard to the Common Eider, the Eurasian Oystercatcher, the Northern Lapwing, the Bar-tailed Godwit and the Red Knot once an adaptive harvest management mechanism under an international body, consistent with the requirements of Article 7 of the Birds Directive, would be in place.

No party to the Agreement raised objections to this EU declaration of intent at the MOP.

The EU does not oppose the substance of the changes that were decided at the MOP. The reason for entering the reservation is that the EU cannot change its legislation within ninety days to align it with the decision taken at MOP7. The EU will continue its work to achieve the objective that any future hunting of the species concerned is sustainable and consistent with the decision taken at the MOP.”

Within the twelve-month objection period, no objection on the part of any of the Parties, either to the late deposit of the EU reservation itself or to the chosen procedure, was received by the depositary. The EU reservation is thus deemed to have been accepted by the Parties to the Agreement as of the date on which it was made, as was communicated by means of Depositary Notification [Migratory Waterbirds No. 01/2020](#) of 7 April 2020.

#### **OTHER NEWS**

- In 2019 North Macedonia was registered as the new name for The former Yugoslav Republic of Macedonia.
- By means of Depositary Notification [Migratory Waterbirds No. 07/2019](#) of 6 November 2019, the depositary published the consolidated Arabic version of the Agreement, including Annexes and Table, as in force since 8 March 2019.
- By means of Depositary Notification [Migratory Waterbirds No. 03/2020](#) of 7 May 2020, the depositary published the consolidated Russian version of the Agreement, including Annexes and Table, as in force since 8 March 2019.

#### **TREATY DATABASE**

The depositary kindly refers the Parties to the Treaty Database of the Kingdom of the Netherlands, where all the relevant information of the Agreement, including all the depositary notifications, certified true copies and an up to date list of Parties, can be found:

<https://verdragenbank.overheid.nl/en/Treaty/Details/007342.html>

