

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3482 of 18 July, 2005



I ASSENT,
FRANCIS RICHARDS,
GOVERNOR.

14th July, 2005.



GIBRALTAR

No. 41 of 2005

AN ORDINANCE to amend the Nature Protection Ordinance 1991 to further transpose Council Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora and Council Directive 79/409/EC on conservation of wild birds.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Ordinance may be cited as the Nature Protection (Amendment) Ordinance 2005.

Amendments to the Nature Protection Ordinance 1991.

2.(1) The Nature Protection Ordinance 1991 is amended in accordance with this section.

(2) In section 2—

(a) after the definition of “advertisement” insert—

““animal of a European protected species” means an animal listed in Annex IV(a) to the Habitats Directive, which is reproduced in Schedule 5 for information purposes;”;

(b) for the definition of “Habitats Directive” substitute—

““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;”;

(c) after the definition of “pick” insert—

“plant of a European protected species” means a plant listed in Annex IV(b) to the Habitats Directive, which is reproduced in Schedule 7 for information purposes;”;

(d) for the definition of “Wild Birds Directive” substitute—

““Wild Birds Directive” means Council Directive 79/409/EEC on the conservation of wild birds as the same may from time to time be amended;”;

(e) after the definition of “Wild Birds Directive” insert—

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

(3) In section 5(1)—

- (a) at the end of paragraph (e) insert “or”; and
 - (b) delete paragraph (ee).
- (4) Sections 17S and 17W are repealed.
- (5) After section 17X insert the following section—

“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 Annex III/1 of the Wild Birds Directive (which is reproduced in Schedule 8 for information purposes); and
 - (b) has been captured, killed or otherwise acquired in another member State and in accordance with the laws of that member State.”.
- (6) In section 17Y for “and 17X” substitute “, 17X and 17XA”.
- (7) For section 23 substitute—
- “23. The Minister may amend the Schedules by notice in the Gazette.”.
- (8) For Schedule 5 substitute the following—

“Schedule 5

section 2

This Schedule reproduces Annex IV(a) to the Habitats Directive.

The species listed in this Schedule 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.

A- European Protected Species of 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 ruscicus*)

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)

Microtidae

Microtus cabrerai

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; 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 eversmannii

Mustela lutreola

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)

Rupicapra pyrenaica ornata (*Rupicapra rupicapra ornata*)

Rupicapra rupicapra balcanica

Rupicapra rupicapra tatraica

CETACEA

All species

REPTILES

TESTUDINATA

Testudinidae

Testudo graeca

Testudo hermanni

Testudo marginata

Cheloniidae

Caretta caretta

Chelonia mydas

Lepidochelys kempii

Eretmochelys imbricata

Dermochelyidae

Dermochelys coriacea

Emydidae

Emys orbicularis

Mauremys caspica

Mauremys leprosa

SAURIA

Lacertidae

Algyroides fitzingeri

Algyroides marchi

Algyroides moreoticus

Algyroides nigropunctatus

Gallotia atlantica

Gallotia galloti

Gallotia galloti insulanagae
Gallotia simonyi
Gallotia stehlini
Lacerta agilis
Lacerta bedriagae
Lacerta danfordi
Lacerta dugesi
Lacerta graeca
Lacerta horvathi
Lacerta bonnali (Lacerta monticola)
Lacerta mnticola
Lacerta schreiberi
Lacerta trilineata
Lacerta viridis
Lacerta vivipara pannonica
Ophisops elegans
Podarcis erhardii
Podarcis filfolensis
Podarcis hispanica atrata
Podarcis lilfordi
Podarcis melisellensis
Podarcis milensis
Podarcis muralis
Podarcis peloponnesiaca
Podarcis pityusensis
Podarcis sicula
Podarcis taurica
Podarcis tiliguerta

Podarcis wagleriana

Scincidae

Ablepharus kitaibelli

Chalcides bedriagai

Chalcides ocellatus

Chalcides sexlineatus

Chalcides simonyi (Chalcides occidentalis)

Chalcides viridianus

Ophiomorus punctatissimus

Gekkonidae

Cyrtopodion kotschy

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
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

Proteidae

Proteus anguinus

Plethodontidae

Hydromantes (Speleomantes) ambrosii
Hydromantes (Speleomantes) flavus
Hydromantes (Speleomantes) genei
Hydromantes (Speleomantes) imperialis
Hydromantes (Speleomantes) strinatii (Hydromantes
(Speleomantes) italicus)
Hydromantes (Speleomantes) supramontes

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 italica

Rana latastei

Rana lessonae

Pelobatidae

Pelobates cultripes

Pelobates fuscus

Pelobates syriacus

Buфонidae

Bufo calamita

Bufo viridis

Hylidae

Hyla arborea

Hyla meridionalis

Hyla sarda

FISH

ACIPENSERIFORMES

Acipenseridae

Acipenser naccarii

Acipenser sturio

ATHERINIFORMES

Cyprinodontidae

Valencia hispanica

CYPRINIFORMES

Cyprinidae

Anaocypris hispanica

Phoxinus phoxinus

PERCIFORMES

Percidae

Zingel asper

Gymnocephalus baloni

SALMONIFORMES

Coregonidae

Coregonus oxyrinchus (anadromous populations in certain sectors of the North Sea, except the Finnish populations).

INVERTEBRATES

ARTHROPODS

CRUSTACEA

Isopoda

Armadillidium ghardalamensis

INSECTA

Coleoptera

Bolbelasmus unicornis

Buprestis splendens

Carabus olympiae

Carabus hampei

Carabus variolosus

Carabus zawadzskii

Cerambyx cerdo

Cucujus cinnaberinus

Dorcadion fulvum cervae

Duvalis gebhardti

Duvalis hungaricus

Dytiscus latissimus

Graphoderus bilineatus

Leptodirus hochenwarti

Pilemia tigrina

Osmoderma eremita

Phryganophilus ruficollis

Probaticus subrugosus

Propomacrus cypriacus

Pseudogaurotina excellens

Pseudoseriscius cameroni

Pytho kolwensis

Rosalia alpina

Lepidoptera

Apatura metis

Arytrura musulus

Catopta 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

Lignyopectera fumidaria

Lopinga achine

Lycaena dispar

Lycanea helle

Maculinea arion

Maculinea nausithous
Maculinea teleius
Melanagria arge
Nymphalis vaualbum
Papilio alexanor
Papilio hospiton
Parnassius apollo
Parnassius mnemosyne
Phyllometra cluminaria
Plebicula golgus
Polymixis rufocincta isolata
Polyommatus eroides
Proserpinus proserpina
Xylomoia strix
Zerynthia polyxena

Mantodea

Apteromantis aptera

Odonata

Aeshna viridis
Cordulegaster heros
Cordulegaster trinacriae
Gomphus graslinii
Leucorrhina albifrons
Leucorrhina caudalis
Leucorrhina pectoralis
Lindenia tetraphylla
Macromia splendens
Ophiogomphus cecilia

Oxygastra curtisii

Stylurus flavipes

Sympecma braueri

Orthoptera

Baetica ustulata

Brachytrupes megacephalus

Isophya costata

Isophya stysi

Myrmecophilus baronii

Odontopodisma rubripes

Paracaloptenus caloptenoides

Pholidoptera transsylvanica

Saga pedo

Stenobothrus (Stenobothrodes) eurasius

ARACHNIDA

Araneae

Macrothele calpeiana

MOLLUSCS

GASTROPODA

Prosobranchia

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 kovasci
Idomela (Helix) subplicata
Lampedusa imitatrix
Lampedusa melitensis
Leiostyla abbreviata
Leiostyla cassida
Leiostyla corneocostata
Leiostyla gibba
Leiostyla lamellose
Paladilhia hungarica
Patella feruginea
Sadleriana pannonica
Theodoxus prevostianus
Theodoxus transversalis

BIVALVIA

Anisomyaria

Lithophaga lithophaga

Pinna nobilis

Unionoida

Margaritifera auricularia

Unio crassus

Dreissenidae

Congeria kusceri

ECHINODERMATA

Echinoidea

Centrostephanus longispinus”;

(9) For Schedule 7 substitute—

“SCHEDULE 7

section 2

EUROPEAN PROTECTED PLANT SPECIES

This Schedule reproduces Annex IV(b) to the Habitats Directive.

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 europeum (Lange) K. Richter
Bellevalia hackelli Freyn
Colchicum corsicum Baker
Colchicum cousturieri Greuter
Fritillaria conica Rix
Fritillaria drenovskii Dogen & 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

Aquilegia alpina L.

SAPOTACEAE

Sideroxylon marmulano Banks ex Lowe

SAXIFRAGACEAE

Saxifraga cintrana Kuzinsky ex Willk.

Saxifraga portosanctana Boiss.

Saxifraga presolanensis Engl.

Saxifraga valdensis DC.

Saxifraga vayredana Luizet

SCROPHULARIACEAE

Antirrhinum lopesianum Rothm.

Lindernia procumbens (Krocker) Philcox

SOLANACEAE

Mandragora officinarum L.

THYMELAEACEAE

Thymelaea broterana P. Cout.

UMBELLIFERAE

Bunium brevifolium Lowe

VIOLACEAE

Viola athois W. Becker

Viola cazorlensis Gandoger

Viola delphinantha Boiss.”.

(10) After Schedule 7 insert–

“Schedule 8

section 17XA

This Schedule reproduces Annex III/1 of the Wild Birds Directive

European Protected Birds

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”.

Passed by the Gibraltar House of Assembly on the 30th day of June, 2005.

D. J. REYES,

Clerk to the Assembly.

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