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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

**European Conference on Illegal Killing of Birds
/
Conférence européenne sur la mise à mort illégale
des oiseaux**

Larnaca, Cyprus, 6-8 July 2011
/
Larnaca, Chypre, 6-8 juillet 2011

**NATIONAL REPORTS /
RAPPORTS NATIONAUX**

*Document prepared by
the Directorate of Democratic Governance, Culture and Diversity*

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The Compilation of National Reports comprises reports submitted on a voluntary basis from seventeen Contracting Parties to the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention).

For the purposes of the reporting the scope of “Illegal Killing of Birds” was limited to:

“Activities which are illegal under national or regional law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non respect of bag limits, deliberate poisoning... ”

Contracting Parties were requested to submit a concise, general overview of the most relevant law enforcement mechanisms in their country, and to inform – as far as possible – on the following specific issues:

1. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)?
2. How exact is the evidence?
3. What are the scale and trend of the problem?
4. Who are the actors concerned?
5. What are the main drivers of the concerned illegal activities?
6. What are the main obstacles to eradicate these?
7. What have been the most recent successes?
8. What were the reasons of these successes?

The information included in this work is the responsibility of the authors.

1. ANDORRA / ANDORRE



Govern d'Andorra
Departament d'Agricultura i Patrimoni Natural

In order to inform the Secretariat on the general situation on the illegal killing activities on wild birds in Andorra, we are glad to report the following considerations:

- The law about animal protection, voted on 30th June 1998 is the general reference text for the protection of wild birds. This law is now in a revision process in order to introduce new items related to new protection status of some species and to some population dynamics changes.
- The modification of the Andorran penal code during 2005 introduced new concepts related to illegal activities regarding wildlife and increased the punishments.
- There's no evidence that allow us to consider that illegal killing activities on wild birds are a common fact In Andorra. The number of recorded cases per year is less than 1 case/year.

Landry Riba Mandicó
Cap d'Àrea d'Hàbitats i Fauna
Departament d'Agricultura i Patrimoni Natural
Govern d'Andorra.

2. ALBANIA / ALBANIE



NATIONAL REPORT ON THE KILLING OF BIRDS ALBANIA

I. GENERAL OVERVIEW

The national legislation related to the wild fauna protection in Albania has been enacted in recent years in the framework of the approximation of the national legislation with the 'environmental *acquis*' of the EU in the process of the country's integration to the EU.

The concerned legislation consist on the Law "On the protection of wild fauna" no. 10006, dated 23.10.2008 and the more recently approved Law "On hunting" no.10253, dated 11.3.2010, that together transpose the provisions of the Bird Directive 2009/147/EEC (consolidated version). Specific provisions in the above-mentioned laws deal with establishment of mechanisms to ensure law enforcement. In concrete terms the Forestry Police in 36 Directorates of Forestry Districts is the body in charge of enforcement of legal provisions.

Only bird species listed in the list of huntable species of Albania (approved by a Government Decree which was revised in July 2010) can be hunted during the hunting season that is determined for each species individually. Actually during the last revision 3 bird species were taken off the list of birds that can be hunted, so only 14 species can be hunted actually.

In the same time hunting is prohibited in the following Protected Areas categories: all wetlands of international importance (Ramsar sites), Strict Nature Reserves (IUCN cat. I), National Parks (IUCN cat. II), Nature Monuments (IUCN cat. III) as well as all wetlands designates as SPA for birds according to the Birds Directive criteria.

Other efforts to put in place good mechanisms to limit illegal hunting include the lowering of daily limits for each species that can be hunted in most cases from 5 to 3 individuals per day. The shortening of hunting season by 15 day is another measure that will contribute to the better management and control of hunting activity. There are also determined three days during the week, namely Friday, Saturday and Sunday allowed for hunting.

II. DETAILED INFORMATION

The main ongoing illegal activity involves the killing of migratory birds, often in the form of exiting the daily limit or hunting during the week days, during which it is prohibit to hunt. In a number of cases light hunting or bird song registration is used to perform the illegal activity.

The evidences taken by the Forestry Police that together with the staff of the Directorates of Forestry Services in 36 districts of the country are in charge of control of the law enforcement are not always accurate. This is due to the lack of human and financial resources. There are also capacity strengthening issues to be addressed in the future.

As for the scale and the trend of the problem it must be stressed that there is a positive development. It must be recalled that some ten years ago the phenomenon was wide-spread, but as the result of serious efforts taken the results are improving and figures on illegal killings are coming down each year. A stronger commitment is required to ensure better enforcement of the legal provisions.

Actors concerned include the staff of Forestry Police in districts, the staff of the Directorates of Forestry Services in Districts, the hunters' community, land owners, owners of communal forests as well as foreign hunters.

The main drivers of the concerned illegal activity are related to the economic benefits given the poverty especially in rural areas of the country. Concerning foreign hunters the opinion that law enforcement is not in the required levels in the country is an additional reason not to respect the rules.

Again the economic situation of the population in rural areas is the main factor to be overcome. The low scale of awareness rising of the population, including hunters' community is another factor. Lack of human and financial resources of control bodies contribute as well.

The most recent successes include better knowledge of the new legal framework and enforcement driven by the fact that EU integration of the country requires a lot of efforts and concrete results. Cooperation with the Hunters Federation proved to be successful as well in terms of awareness rising among hunters.

As for foreign hunters better control and increased number of fines accompanied by stricter penalties for the respective association of touristic hunting that brought them into the country is paying off.

The reasons of these successes include heavier sanctions foreseen by the new legal framework up to the confiscation of the hunting gun and the eradication of the hunting license. Also better motivation of the control staff and the sense of responsibility in the context of more challenges and efforts to be undertaken to fulfill obligations required to reach European standards applied in the Member States.

Biodiversity Directorate
Ministry of Environment, Forests and Water Administration
Tirana - Albania

3. AZERBAIJAN / AZERBAÏDJAN

THE CODE OF THE AZERBAIJAN REPUBLIC ON ADMINISTRATIVE VIOLATIONS

Article 111. Violation of regulation on preservation of fauna

111.2. Gross violation of regulations of hunting (hunting without a proper license, or hunting on the prohibited areas, or unauthorised periods, unauthorised instruments or means), and also systematic violation of other regulations on hunting—

- Shall be punished by confiscation of the item being an instrument for perpetration or a direct object of the administrative violation or shall involve penalisation at the rate of one thousand to two thousand *manats* with confiscation or restriction of rights for hunting from six months to two years.

Criminal Code of the Azerbaijan Republic

Article 258. Illegal hunting

258.1. The hunting which has been carried out without appropriate sanction either in prohibited zones or in forbidden time, or by forbidden instruments and ways, causing damage in the significant amount – is punished by the penalty at a rate from hundred up to five hundred of nominal financial unit, or public works for the term up to hundred sixty hours, or corrective works for the term up to one year.

258.2. The same act committed:

258.2.1. by causing damage in the large amount;

258.2.2. with use of explosives or different ways of mass destruction of birds and animals;

258.2.3. concerning birds and animals, hunting on which is forbidden completely;

258.2.4. on territory of reserve or in zone of ecological disaster or in a zone of an extreme ecological situation – is punished by the penalty at a rate from hundred up to one thousand of nominal financial unit, or corrective works for the term up to one year, or imprisonment for the term up to two years.

258.3. The act provided by article 258.1 of the present Code, committed:

258.3.1. by official with use of the service position;

258.3.2. on preliminary arrangement by group of persons or organized group – is punished by the penalty at a rate from six hundred up to one thousand of nominal financial unit, or restriction of freedom up to two years, or with imprisonment for the term from two up to five years with deprivation of the right to hold the certain posts or to engage in the certain activity for the term up to three years or without it.

NOTE: “The significant amount” in article 258.1 of the present Code is understood as the sum at a rate of from four hundred up to one thousand, and as “the large amount” in article 258.2.1 - over one thousand sizes of nominal financial unit.

Calculation of “The significant amount” in units (1 unit =1 Euro)

(Cab Min of Azerbaijan Republic, Decree № 176, 6 november 2004)

1. *Pelecanus crispus*- 500
2. *Pelecanus onocrotalus*- 500
3. *Platalea leucorodia*- 500
4. *Ciconia nigra*- 500
5. *Phoenicopterus ruber*- 500
6. *Cygnus cygnus*- 500
7. *Cygnus olor*- 500
8. *Anser erythropus*- 500

9. Branta ruficollis- 500
10. Marmaronetta angusti rostris- 300
11. Aythya nyroco- 300
12. Oxyura leucocephala- 300
13. Pandion haliaetus- 300
14. Haliaeetus albicilla- 300
15. Accipiter Gentilis- 300
16. Accipiter badius cenchroides- 300
17. Aquila rapax- 300
18. Aquila clanga- 300
19. Aquila heliaca- 500
20. Aquila chrysaetos- 500
21. Gypaetus barbatus- 500
22. Aegypius monachus- 300
23. Circaetus gallicus- 300
24. Circus macrourus- 300
25. Falco naumanni- 300
26. Falco cherrug- 700
27. Falco peregrinus- 1000
28. Tetraogallus caucasicus- 300
29. Tetraogallus caspius- 300
30. Francolinus francolinus- 300
31. Phasianus colchicus talischensis- 500
32. Tetrao mlokosiewiczi- 500
33. Crex crex- 100
34. Porphyrio porphyrio- 300
35. Grus leucogeranus- 500
36. Otis tarda- 500
37. Chlamydotis undulate- 500
38. Tetrax tetrax- 300
39. Chettusia gragaria- 100
40. Vanellus leucura- 100
41. Gallinago media- 100
42. Numenius tenuirostris- 100
43. Glareola nordmanni- 100
44. Pterocles orientalis- 300
45. Parus lugubris- 100
46. Phodopechys gitadineus- 100
47. Jrania gutturalis- 100

Note- If abovementioned birds killed or caught in National Parks and State Reserves (Prohibited areas) calculated "The significant amount" will calculate 3 times more.

Every picked egg is equivalent to 50 % of "The significant amount" of specie which it belong.

Report of 2010 year in the field of protection of birds

At the result of proper application according to the current legislation of state regulation in the field of fauna (birds) protection for 2010 year, there were compiled 56 acts and 68 minutes, there was declared a penalty in the amount of 64145 *manats* on 73 cases in general against juridical and natural persons for breaking the law and there were paid 10351 *manats* from that amount. There was laid a claim in the amount of 4383.32 about 10 cases related with environmental damages done and there was ensured 1981.14 *manats* to be paid. There were held appropriate measures by reading 3 of 10 cases sent to law machinery, 1 case sent to court and 4 of 39 cases sent to Court Executing Officers for taking measures.

In Azerbaijan protected birds killed/shooted by legal or illegal hunters which don't know birds or don't know difference between species. It happens in autumn and winter seasons generally. Generally

it happens in wetlands. In several cases killed/shooted protected birds are little bustards, purple swamps, black francolins, marbled ducks, lesser white-fronted geese, mute and whooper swans etc.

Illegal catching alive of birds may happen in autumn. In this season some people wants to catch some kinds of falcons for falconry. There is not any permission to catch them legally in Azerbaijan. This activity may happen 1 or 2 times per year in Azerbaijan.

4. CROATIA / CROATIE

Republic of Croatia

WRITTEN CONTRIBUTION ON ILLEGAL KILLING OF BIRDS IN CROATIA FOR THE EUROPEAN CONFERENCE ON ILLEGAL KILLING OF BIRDS

Larnaca, Cyprus, 6-8 July 2011

*Prepared by the Ministry of Culture, Nature Protection Directorate and Directorate for Nature
Protection Inspection, June 2011*

GENERAL OVERVIEW OF THE LAW ENFORCEMENT MECHANISMS

According to the Nature Protection Act (Official Gazette 70/05, 139/08, 57/11), 304 native bird species and breeding populations of 2 species are strictly protected, 36 native species and non-breeding populations of 2 species are protected, out of which 20 species and non-breeding populations of 2 species are also listed as game according to the Hunting Act (OG 140/05, 75/09) and can be hunted. Seven bird species are not protected (*Columba livia domestica*, *Larus cachinnans*, *Larus ridibundus*, *Passer domesticus*, *Passer hispaniolensis*, *Passer montanus*, *Sturnus vulgaris*). All other bird species that occasionally appear on the territory of the Republic of Croatia are also under regime of strict protection.

In regards to strictly protected wild bird species, the Nature Protection Act prohibits deliberate capture and/or killing, deliberate destruction or damage to their nests, deliberate disturbance, particularly during the time of breeding, rearing and migration if such disturbance would be significant with regard to the objectives of protection, deliberate destruction of their eggs, taking them from nature or keeping as empty eggs, destruction of breeding or resting sites, hiding, keeping, breeding, trading, importing, exporting, transporting or acquiring in any other way. Generally, this act also prohibits the use of any devices for capturing and killing wild animal taxa as well as the use of agents that may induce local disappearance or severe disturbance of populations of such species. The enforcement is controlled by the nature protection inspectors and rangers in protected areas.

According to the Hunting act, the protection of game shall comprise the prevention of illegal hunting. It is prohibited to hunt or disturb feathery game nesting and feeding the offspring and game during hibernation, to destruct and seize the offspring, to destruct and damage the litter, nests and eggs of the game. It is also prohibited to move within the hunting ground with weapons without the approval by the authorised person of the right of hunting. Game hunting is prohibited during close season, which is stipulated with respect to game species by the Minister responsible for hunting and subject to prior opinion by the central state administration body competent for nature protection. The enforcement of the Hunting Act is controlled by the state and regional hunting inspectors.

The Criminal Code proscribes criminal penalties and imprisonment for hunting game during the closed season or within an area where hunting is forbidden, for hunting protected fauna species or wild game of a particular species without the special license required for such hunting, for hunting in a manner or with devices which are prohibited or which destroy game on a large scale.

SPECIFIC ISSUES

1. The main ongoing illegal activities that occur on the territory of Croatia include:

Illegal transit

- illegal transit through Croatia of birds killed in neighbouring countries being smuggled into Italy – thousands of birds, mostly *Anthus trivialis*, *Alauda arvensis*, *Coturnix coturnix* and often also *Streptopelia turtur*, *Streptopelia decaocto*, *Columba palumbus*, *Scolopax rusticola* and *Gallinago gallinago*; previously birds in illegal transit were mostly caught in Bulgaria and Rumania and since the last 3-4 years they mostly come from Serbia and Bosnia and Herzegovina. Other species including *Perdix perdix* are rarely recorded in illegal transit and most probably represent by-catch.

- illegal transit of live birds through Croatia, usually to Italy – mostly *Carduelis carduelis* used for breeding of hybrids with canaries
- ports of entry are mostly border crossings with Serbia, Montenegro and occasionally Bosnia and Herzegovina

Illegal hunting in Croatia

- illegal hunting of birds – mostly of game species *Coturnix coturnix* but with the use of prohibited acoustic lures, of protected species *Turdus merula* and *Turdus philomelos* which are not listed as game, of strictly protected breeding populations of *Gallinago gallinago* and *Scolopax rusticola*, but also of strictly protected *Perdix perdix* killed as by-catch; illegal hunting of water birds on fishponds with the use of illegal weapons and artificial floating lures
- conducted mostly by foreign illegal hunters but often also by Croatian citizens
- ports of exit of such illegally hunted birds are mostly road border crossings with Slovenia and ports in the Adriatic

Catching of live birds in Croatia

- singing birds, mostly strictly protected *Carduelis carduelis*, *Carduelis spinus* and *Carduelis chloris*, caught with traps or taken as nestlings to be used for breeding of hybrids with canaries
- birds of prey (all strictly protected), mostly *Accipiter gentilis*, *Falco peregrinus* and *Buteo buteo* are caught or taken from nests to be used for breeding or keeping in captivity

2. How exact are the evidences?

The evidences of illegal transit or possession of birds are exact and based on the confiscations at border crossings or at the premises of breeders or holders. The evidences of illegal hunting are also based on direct confiscations of illegally hunted birds and prohibited means for hunting and arrests of illegal hunters at the hunting grounds or procedures against the offenders at the border crossings.

The information on illegal hunting of water birds on fishponds is coming from different sources and can be considered indicative, although not confirmed.

3. What are the scale and the trend of the problem?

These illegal activities pose a serious problem, especially trapping and catching of live strictly protected singing birds and birds of prey, which is harder to control and detect than the illegal hunting.

4. Who are the actors concerned?

The perpetrators of illegal hunting, illegal transboundary movement and smuggling of dead birds are mostly foreign citizens (in most cases Italian hunters and their couriers). The perpetrators of illegal trapping and catching of live strictly protected singing birds and birds of prey are usually Croatian citizens. The important actors in illegal hunting are also the associations that organise illegal hunting for foreign or domestic hunters.

5. What are the main drivers of the concerned illegal activities?

In regards to the illegal hunting and smuggling of killed birds the main driver is the financial gain driven by the demand of gastronomy market. The main driver of illegal catching of live birds is the financial gain and prestige.

6. What are the main obstacles to eradicate these?

Illegal activities of trapping and catching live birds, especially of singing birds, are regarded by the enforcement agencies (police and hunting inspection) as being of secondary importance in regards to the other criminal offences. The sentences for misdemeanour and even criminal offences are small and sometimes symbolic. Inconsistency of legal provisions also poses a problem in some cases.

7. What have been the most recent successes?

In 2010 the Nature Protection Inspection conducted 278 inspections of traders, breeders and holders of protected species (mostly strictly protected animals), which resulted in 36 requests for instituting misdemeanour proceedings. The inspection and control of transboundary movement of protected species and their parts and derivatives has been carried out in cooperation with the customs and border police. 31 inspections have been conducted, resulting in 14 requests for instituting misdemeanour proceedings and 14 misdemeanour orders.

8. What were the reasons of these successes?

The enhanced cooperation between nature protection sector, border police and customs, intensive education and training, resulted in better detection of illegal transboundary movement of protected species, their parts and derivatives, at the border crossings. The availability of nature protection inspectors outside the regular working hours helped to support the police in cases of illegal hunting.

5. CYPRUS / CHYPRE

CYPRUS REPORT ON ILLEGAL KILLING OF BIRDS:

Illegal killing of birds in Cyprus is an important issue that has been tackled by the Republic of Cyprus for a number of years. The competent authority is the Game & Fauna Service of the Ministry of Interior which is also enforcing the relevant EU Wild Birds Directive and respective national legislation.

The Police anti-poaching unit has also been involved with the illegal poaching and trapping cases.

Cyprus has fully transposed the Birds Directive since 2003 and has allowed for heavy fines related to violations on trapping, trapping methods and the conservation of protected birds. Poachers or trappers may face up to 3 years in prison and / or up to 17,000 Euros of fine if convicted.

Trapping activity in Cyprus has been largely reduced over the past 7 years due to efforts by the Game & Fauna Department. According to Birdlife Cyprus it is estimated that the overall trapping activity has been reduced by about 70% comparing to the pre 2003 levels. The total number of poaching and trapping cases reported by the Game & Fauna Department may be seen in the attached table. During the time period 2000 – 2010, a total of 3.264 cases of poaching / trapping were reported. A large number of lime-sticks, nets and radio devices were confiscated. Out of these, 1.511 cases involved illegal trapping, netting and liming. An even larger number of the aforementioned apparatus was discovered but with no charges pursued, due to lack of evidence.

Furthermore, a number of incidents were involved with the illegal trading of wild birds in restaurants, while inspections at suspected outlets continue. In 2011 with the cooperation of the Police anti-poaching unit 10 restaurant owners have been prosecuted for offering wild birds in their restaurants.

Nevertheless of these important efforts, it is recognized that trapping is still a problem in Cyprus that has not been eliminated. There is still room for improvement and the general scope is to limit this illegal activity to a minimum. In doing so we have to take into account and plan accordingly for some difficulties faced.

- i) The Game & Fauna Service has been enforcing relevant legislation and within its resource capacities has achieved good results over the past years. But lack of sufficient staff has been limiting our capabilities to fully combat the problem. More staff is needed.
- ii) Society and the social attitude towards trapping and eating of these birds play an important role in solving the problem. Trapping of birds was embedded in the local culture for many years and these attitudes have to change, but it takes time for people to fully accept this.
- iii) Some politicians also play a counter-active role since their opinions and actions may not be in line with the law and certainly may be jeopardizing our actions and efforts to eliminate the problem.

Game and Fauna Service, Game Fund, Ministry of the Interior – CYPRUS.

POACHING AND ILLEGAL TRAPPING CASES REPORTED BY THE GAME & FAUNA SERVICE (2000 - 2010)			
Year	District	Total cases	Cases involved with illegal trapping, netting, liming or use of electronic calling devices
2000	Nicosia	52	16
	Lemessos	50	7
	Larnaca	62	25
	Ammochostos	18	15
	Paphos	59	13
	TOTAL	241	76

2001	Nicosia	52	9
	Lemessos	57	10
	Larnaca	97	53
	Ammochostos	50	46
	Paphos	70	14
	TOTAL	326	132
2002	Nicosia	79	36
	Lemessos	67	10
	Larnaca	93	50
	Ammochostos	33	24
	Paphos	77	10
	TOTAL	349	130
2003	Nicosia	35	11
	Lemessos	31	5
	Larnaca	72	40
	Ammochostos	41	29
	Paphos	47	3
	TOTAL	226	88
2004	Nicosia	41	14
	Lemessos	38	11
	Larnaca - Ammochostos	103	58
	Paphos	59	10
	TOTAL	241	93
2005	Nicosia	35	12
	Lemessos	30	7
	Larnaca - Ammochostos	100	32
	Paphos	70	48
	TOTAL	235	99
2006	Nicosia	56	18
	Lemessos	35	11
	Larnaca - Ammochostos	133	99
	Paphos	92	40
	TOTAL	316	168
2007	Nicosia	61	33
	Lemessos	50	18
	Larnaca - Ammochostos	147	131
	Paphos	80	34
	TOTAL	338	216
2008	Nicosia	75	37
	Lemessos	45	10
	Larnaca - Ammochostos	154	116
	Paphos	58	13
	TOTAL	332	176
2009	Nicosia	74	12
	Lemessos	34	4
	Larnaca - Ammochostos	208	151
	Paphos	45	15
	TOTAL	361	182
2010	Nicosia	77	28
	Lemessos	38	9
	Larnaca - Ammochostos	157	112
	Paphos	27	2
	TOTAL	299	151

6. CZECH REPUBLIC / REPUBLIQUE TCHEQUE

A CONTRIBUTION TO THE EUROPEAN CONFERENCE ON ILLEGAL KILLING OF BIRDS - THE CURRENT STATE IN THE CZECH REPUBLIC

The information was prepared by the Ministry of the Environment of the Czech Republic with the expert support of the Czech Environmental Inspectorate and the Czech Society for Ornithology

1. General overview of the legal instruments in the Czech Republic, related to the illegal activities in wild birds

- **Act No. 114/1992 on the Protection of Nature and the Landscape, as amended later** - the main legal instrument for the nature conservation in the Czech Republic. In 2004, the requirements arising from the EU Birds Directive (2009/147/EC) were implemented to the act. The act defines the protection of the wild birds and prohibits their deliberate killing or capture, deliberate destruction or damaging of their nests and eggs or removal of their nests, collecting of their eggs, deliberate disturbance particularly during their period of breeding and rearing and keeping individuals of the bird species in which the hunting and capture is prohibited. Beside this, the act together with the Decree No. 395/1992 Coll. defines "Specially protected species" (national level of the special protection), including birds, and also defines prohibitions related to these species, which are in part more strict than those set by the EU Birds Directive.
- **Act No. 100/2004 on the Protection of Species of Wild Fauna and Flora by Regulating Trade therein and on Further Measures for Protection of These Species (Act on Trade in Endangered Species), as amended later** - the Act regulates protection of wild species of fauna and flora, which are or can be endangered due to wildlife trade, aiming at regulating trade pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and to the European Communities legislation regulating import and export of wild fauna and flora. This Act applies to the specified wildlife species, and products derived from animals and plants of these species, listed in the CITES and in the European Communities legislation on the protection of endangered species.
- **Act No. 246/1992 on the protection of animals against cruelty, as amended later** - the piece of legislation protects animals as the living entities able to feel the pain and suffering, against the cruelty, torture, damaging of their health and killing without a reason, caused by humans. Inter alia, it prohibits enumerated animal killing methods and also using of jaw traps and lime sticks.
- **Act No. 49/2001 on Hunting and Gamekeeping, as amended later** - the act deals with the game management in Czech Republic, hunting and related activities; in addition, it specifies the prohibited ways of hunting. Pursuant to the legal tool, hunting can be realized only in compliance with good hunting principles, nature conservation principles and the principles set by the Act on the protection of animals against cruelty.
- **The Criminal Code [No. 40/2009]** - inter alia, the act covers illegal disposing with wild animals and plants, particularly with the specially protected wild animals and plants, eradication and damaging wild animals and plants, animal torture and poaching (Section 299 - 304).
- **Legal enactments related to phytosanitary care**

2. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)?

Poisoning (mainly in birds of prey such as eagles, kites, buzzards, marsh harriers, but also corvids such as common ravens, rooks, magpies, etc.), shooting (mainly birds of prey), hawk traps and steel jaw traps, trading with illegally hunted stuffed birds.

How exact are the evidences?

Since 2000, the Czech Society for Ornithology has been managing the „Free Wings Database“, which includes the cases of illegal killing of birds. The database is unofficial and the collection of the data is not systematic. Nevertheless, currently it is the only information source for estimating illegal bird killing in the Czech Republic. From the above-mentioned activities, the best knowledge is of bird poisoning. The database includes 174 cases of the bird poisoning from 2004-2010, in 78 cases the poisoning was confirmed by laboratory analysis. The number is supposed to be just a small part of the cases which really happen. No case was successfully solved and no offender was found and punished.

In other illegal activities, the Czech Society for Ornithology recorded 78 cases of the bird crime in 2004 - 2010 (shooting in 46 cases, nest damage in 12 cases, hawk traps in 6 cases, steel jaw traps in 5 cases, other pursuit in 9 cases). The following bird species were involved: the Grey Heron *Ardea cinerea* (42 individuals), the Black-crowned Night Heron *Nycticorax nycticorax* (29 ind.), the Rook *Corvus frugilegus* (21 ind.), the Eurasian Eagle-owl *Bubo bubo* (18 ind.), the Common Buzzard *Buteo buteo* (17 ind.), the Common Kingfisher *Alcedo atthis* (16 ind.), the Common House Martin *Delichon urbica* (15 ind.), the Common Kestrel *Falco tinnunculus* (10 ind.), the Eurasian Spoonbill, the Goshawk *Accipiter gentilis*, the White-tailed Eagle *Haliaeetus albicilla*, the Peregrine *Falco peregrinus*, the Barn Owl *Tyto alba* (less than 10 ex., but often a serious negative impact on their populations). As well as in poisoning, we suppose that the cases we know about are just a small part of occurring cases - we estimate that we know about 5 % of really happened cases maximally. The number of bird victims per one year has almost overreached 1,000 of individuals, but the number can be definitely significantly higher. There is a lack of information about the influence of the mortality caused by bird crime on the population dynamics, but at the local scale the negative affect is clear (e.g., the damage to the Black-crowned Night Heron colony near *Pohořelice*, South Moravia, in 2006). Only the particular cases are sporadically investigated by Police and respective authorities. Identifying the offender of the bird crime is very complicated and unsuccessful in most cases. However, several offenders were identified, particularly in trap cases.

What are the scale and the trend of the problem?

Poisoning is very serious way of illegal activities. In 2004 - 2010 there is steady tendency in number of cases in Czech Republic, but there are also considerable fluctuations in the particular years, which can be caused by many factors, e.g., fluctuating number of birds of prey in the particular years, less motivation of offenders to place poisonous baits, conditions for the ability to find the cadavers (snow cover) and many random events, which relates to the fact, that this criminal activity happens secretly, without witnesses and finding of the cadaver is more or less accidental.

Other above-mentioned illegal activities are also very serious kind of the bird crime, but we are not able to describe the trend in them, because a small number of known cases which were investigated by Police and respective authorities. For example the killing of birds of prey by shooting is very hidden activity too. We just estimate that the long-time trend has been less or more steady. We also know, that it is not a local issue – in the Czech Republic, the bird crime happens in many areas and it is not rare.

Who are the actors concerned?

In poisoning, no offender has been identified, so it is hard to say exactly, who has been involved in these activities. On the other hand, there is a specific group of people who think of some animals as undesirable enemies, which cause damages on game, fish, poultry-raising etc. and do not search for another solution (preventive protective measures). Therefore, we estimate that possible offender can be within the group. The same people have been probably involved in the above illegal activities, e.g. using hawk traps and steel jaw traps. In the case of illegal killing and trading with stuffed birds, we are also not able to say exactly which groups of people are connected to, but one of the successfully examined case showed that the hunters participated in this illegal activity.

What are the main drivers of the concerned illegal activities?

See above

What are the main obstacles to eradicate these?

The legislation is sufficient. But this type of criminal activities is very hidden, so it is difficult to find the victims, footprints of the offenders soon after the criminal activity, previous to blind a trail. Until recently, the key problem in poisoning has been also the unwillingness of the Police to be concerned with the cases and to take special cognizance to the cases. Until recently, there was a gap in the police inquire procedure and the Police held an opinion, that it is not possible to investigate a suspicious case without a laboratory analysis, which proves using of the poison (often carbofuran) - but the time necessary for making an analysis is often sufficient for removing the footprints. Thus national authorities and the Czech Society for Ornithology appeal to investigate suspicious cases immediately after the finding of the cadaver or still living poisoned animal.

What have been the most recent successes?

An Improvement in cooperation with the Police Headquarters - bigger willingness to cooperate with other responsible authorities such as the Czech Environmental Inspectorate or with other specialists, particularly in poisoning. For example, at this time the Police Headquarters and the Czech Environmental Inspectorate has been preparing the staff training for the policemen and inspectors, which would markedly improve the investigation of the cases and strengthen the cooperation between both the bodies.

The Police was also successful in several cases related to trading with stuffed animals.

What were the reasons of these successes?

See above

7. FRANCE / FRANCE

MISE A MORT ILLEGALE D'OISEAUX Les prélèvements illicites d'oiseaux en France

Rapport de la France pour la réunion de Chypre (Lanarca, 6-8 juillet 2011)

I. CAS DES ESPECES D'OISEAUX CHASSABLES

Le Non-respect des dispositions de la Directive oiseaux et des dates de chasse

La fixation des dates de chasse du gibier d'eau et des oiseaux migrateurs doit respecter les dispositions de l'article 7 § 4 de la Directive dite « oiseaux » (2009/147/CE), qui interdit la chasse des oiseaux pendant la période de reproduction, de dépendance et, concernant les oiseaux migrateurs, pendant leur trajet de retour vers leurs lieux de nidification.

Ces principes se sont heurtés à certaines pratiques cynégétiques locales en France (ci-dessous décrites). Depuis 30 ans en effet, ces dates de chasse ont donné lieu à un contentieux abondant qui a entraîné l'intervention du juge communautaire, du juge administratif français jusqu'au Conseil d'Etat, et celle du législateur.

1. Le tir des oiseaux de passage en période de migration pré-nuptiale

Cas de:

➤ La chasse à la tourterelle des bois (*Streptopelia turtur*) en mai dans le Sud-Ouest (Médoc).

Le braconnage de la tourterelle en mai se caractérisait par l'occupation massive et ostensible de plus de 3 000 pylônes par des chasseurs à la fin des années 1980. Cette pratique est éteinte.

➤ La chasse à la palombe (*Columba palumbus*) en mars, dans les cols ardéchois

Le braconnage du pigeon ramier, se pratiquant traditionnellement en Ardèche au mois de mars, oppose depuis 20 ans chasseurs et écologistes. Les chasseurs se postent au sol, cachés dans des renforcements ou derrière des murets de pierres sèches sur les cols montagneux situés sous les couloirs de migration.

Descriptif de l'activité illégale (1) et responsables (5)

Il s'agit de prélèvements hors saison de chasse des colombidés réalisés par des chasseurs soit, en Gironde, à partir d'installations spécialisées soit en altitude dans les cols passivement au passage.

Quelles sont les preuves de ces pratiques (2) ?

Ces pratiques régionales ont été largement répandues dans le passé, visibles sur des milliers d'installations et correspondaient à tout un vocabulaire vernaculaire. Elles sont éteintes en Gironde depuis plusieurs années et en Ardèche depuis 2009.

Par ailleurs, les observateurs d'associations de protection de la nature qui ont effectué pendant cette période le comptage des oiseaux migrateurs se sont trouvés fréquemment confrontés aux actions illégales de chasseurs.

Acteurs concernés (4) et obstacles pour faire cesser ces activités (6)

Certains chasseurs et leurs représentants se sont opposés à l'autorité administrative (préfet et ses services) ainsi qu'à l'Office national de la chasse et de la faune sauvage (ONCFS) et à l'autorité judiciaire.

Depuis 2000, la saisie des armes utilisées pour le braconnage et leur confiscation définitive, accompagnées de fortes peines d'amende et l'inscription au casier judiciaire des décisions de Justice reconnaissant les délits, a progressivement démobilisé les auteurs de ces infractions.

Quelle est l'échelle de ce problème et quelle en est la tendance (3) ? Succès récents (7) et origine (8).

Plus de 3000 installations (pylônes) étaient recensées en Gironde à la fin des années 1980 ; à peine une quarantaine étaient dénombrées en 2004. Depuis 2005, aucune infraction n'a été relevée.

Par ailleurs le tir dans les cols ardéchois était une habitude ancienne. Cependant, un accord est intervenu entre les chasseurs, l'administration et les associations de protection de la nature en 2006 en vue d'un retour à la légalité sous trois ans. En 2009, les actes de braconnages collectifs ont cessé à l'occasion de la mise en place d'un moratoire et de comptages des pigeons. Fin 2010, de nouveaux comptages ont été réalisés qui ont permis de conclure que la chasse de pigeons en mars ne pouvait pas être justifiée par l'absence de cette espèce lors des périodes de chasse autorisées. Cette pratique est donc éteinte.

2. Le tir du gibier d'eau hors période de chasse

En droit français, les dates de chasse aux oiseaux de passage et au gibier d'eau sont fixées par arrêté du Ministre en charge de la chasse. Ces dates d'ouverture et de fermeture sont régulièrement contestées, quoique établies pour éviter les périodes de nidification et de dépendance des oiseaux et de migration. De fréquents recours sont lancés pour attaquer la légalité de ces actes réglementaires. On observe par ailleurs sur le terrain des actes de braconnage notamment par les chasseurs de gibier d'eau dans le Nord et en Camargue.

Cas

➤ **dans le Nord de la France**

Du fait du nombre d'installations anciennes semi enterrées (plusieurs centaines), et de leur étendue, la baie de Somme et la baie de Seine, tant sur le domaine public maritime qu'en amont, sont des régions qui se distinguent particulièrement par un braconnage nocturne.

➤ **en Camargue**

Les chasseurs de gibier d'eau camarguais revendiquent une pratique de chasse traditionnelle à compter du 15 août, et non à compter du 21 août comme le prévoient les arrêtés ministériels.

Descriptif de l'activité illégale (1) et responsables (5)

Il s'agit de contestation par les chasseurs des dates fixées pour l'ouverture et/ou la fermeture de la chasse et qui continuent de pratiquer des prélèvements hors période réglementaire, avant et après les dates officielles, souvent à partir d'installations semi enterrées (gabions, hutteaux...).

Quelles sont les preuves de ces pratiques (2) ?

Ces activités illégales sont connues et observables, mais multiples et éparpillées. Elles donnent lieu aussi à des rendez-vous de chasseurs dans les marais qui pratiquent des tirs de provocation et de braconnage.

Quelle est l'échelle de ce problème et quelle en est la tendance (3) ?

Elle concerne des personnes qui braconnent seules ou par petites équipes.

Si ces actes de braconnage sont reconnus, le niveau des prélèvements réalisés est difficile à évaluer. Il semble que désormais le problème soit contenu.

Acteurs concernés (4) et obstacles pour faire cesser ces activités (6)

Les acteurs concernés sont des titulaires du permis de chasser qui refusent les nouvelles contraintes de dates d'ouverture comme de fermeture, qui remettent en cause et réduisent l'ancienne période légale de chasse. Ceci peut s'expliquer par plusieurs dizaines d'années de contentieux juridiques sur les dates de chasse qui ont fini par durcir les réflexes d'opposition entre les associations de protection de la nature et les chasseurs.

La réduction de ces pratiques est particulièrement délicate du fait du nombre important des délinquants qui font corps et du caractère souvent nocturne des pratiques qui rend les contrôles difficiles. De plus, sur le plan technique, l'établissement des constats par les agents de contrôle nécessite de pénétrer à l'intérieur des huttes de chasse, dont l'accès est parfois défendu par des clôtures

et/ou interdit par le refus des mises en cause. Le relevé des infractions a parfois donné lieu à des troubles à l'ordre public accompagnés de violences et de dégradations.

Succès récents (7) et origine (8)

Au fil des années, du fait d'actions de contrôle suivies de condamnations, les actes de braconnage observés ont tendance à être transformés en manifestations publiques. Ainsi, depuis trois ans, ce braconnage est en nette diminution. Une opération de police de la chasse répressive conduite par l'ONCFS à l'été 2010 semble avoir fait exemple et permis de mettre un coup d'arrêt à ces activités dans le Sud (Camargue).

II. LE BRACONNAGE DES ESPECES D'OISEAUX NON CHASSABLES

1. Les prélèvements d'espèces d'oiseaux destinés à l'agrément

Ces prélèvements sont principalement exercés :

➤ **dans le Nord de la France pour la qualité du chant des passereaux**

Il s'agit d'une activité ancienne et discrète, suffisamment lucrative pour perdurer au vu des risques encourus. Elle alimente un marché de l'hybridation et de croisement, tant pour le chant que l'obtention de plumages remarquables.

➤ **dans les Bouches du Rhône pour l'ornement**

La tradition populaire serait ancienne et favorisée par les échanges trans-méditerranéens permanents.

Descriptif de l'activité illégale (1) et responsables (5)

Ces prélèvements sont réalisés au moyen de tenderies au filet, pratique illicite. 5 espèces protégées de passereaux sont principalement visées : le chardonneret, le tarin des aulnes, le verdier, le pinson et la linotte qui sont recherchés non seulement pour la qualité de leur chant, mais aussi pour la beauté de leur plumage.

Ces pratiques alimentent un trafic frauduleux où les oiseaux se négocient autour de 30 à 150 € pièce. Il dépasse largement le cadre national français, beaucoup d'oiseaux trouvant preneurs en Belgique. Les ventes ont souvent lieu à l'occasion de foires aux oiseaux ou sur des marchés traditionnels, soit par le biais de petites annonces, notamment via Internet.

Quelles sont les preuves de ces pratiques (2) ?

Si le trafic est pour une bonne part occulte, on peut cependant remarquer fréquemment sur les balcons marseillais des cages contenant des spécimens d'espèces sauvages en captivité. Localement, dans le Sud, le contrôle de marchés de plein air débouche régulièrement sur des constats de commercialisation.

Quelle est l'échelle de ce problème et quelle en est la tendance (3) ?

Ce problème est difficile à cerner. Dans le Nord, la répression s'est matérialisée par 31 procès-verbaux dressés entre 2006 et 2010 pour des actes de tenderies ou des détentions illicites. 371 oiseaux ont été saisis lors de ces procédures. Dans le Sud, malgré 10 à 15 procès-verbaux dressés chaque année, le trafic ne faiblit pas.

Acteurs concernés (4) et obstacles pour faire cesser ces activités (6)

Malgré les relevés réguliers d'infractions à l'encontre des auteurs de captures, il est difficile de faire cesser ces trafics tant que la demande existe hors des frontières, notamment en Belgique, au travers de réseaux de revente d'oiseaux chanteurs.

De plus, la nature des infractions relevées peut paraître mineure ou banale au regard d'autres affaires pour l'autorité judiciaire : les procès-verbaux sont ainsi souvent classés sans suite par la Justice qui considère que la protection de la faune sauvage n'est pas une priorité, ou les sanctions prononcées (essentiellement des amendes) ne sont pas dissuasives et en tout cas décalées par rapport aux bénéfices que génèrent de tels trafics.

Succès récents (7) et origine (8)

A titre d'exemple, le 13 septembre 2008, trois individus de nationalité belge ont été interpellés pour avoir capturé, à l'aide de 4 filets, 46 passereaux leurrés par 6 appelants. Des peines d'amende allant jusqu'à 6000 € ont été prononcées auxquelles il faut ajouter 3000 € de dommages et intérêts alloués aux parties civiles.

2. Le braconnage d'espèces destinées à être consommées

➤ **Cas des Bruants ortolans**

Ces prélèvements illicites s'exercent essentiellement dans le département des Landes et sont saisonniers.

La capture du Bruant ortolan correspond à la persistance d'une pratique ancienne fortement ancrée dans la tradition de la capture d'une espèce qui fut chassable mais qui est devenue protégée à la suite de son classement par la directive communautaire concernant la protection des oiseaux. Cette espèce est capturée dans les mêmes conditions que l'alouette des champs, espèce pour laquelle le caractère traditionnel de la chasse est reconnu officiellement.

Descriptif de l'activité illégale (1) et responsables (5)

À la fin de l'été et à l'automne, les oiseaux sont capturés vivants à l'aide de pièges (matoles). Les ortolans sont ensuite mis en cage pendant 20 jours pour leur engraissement, avant d'être occis et consommés.

Ces captures illégales trouvent essentiellement leur intérêt dans le débouché commercial lucratif que continuent d'entretenir certains restaurants.

Quelles sont les preuves de ces pratiques (2) ?

Les dispositifs de capture nécessitent des aménagements fixes et discrets mais repérables par la présence de leurres vivants tenus en cage à proximité, ce qui permet de matérialiser les délits. Mais les accès aux installations restent difficiles. Certaines ont été filmées ou même ont été détruites par des associations de protection de la nature, comme la LPO. Du fait de la pression renforcée de contrôle, les installations sont de moins en moins nombreuses mais de mieux en mieux cachées. La découverte régulière d'installations de capture, d'entreposage de pièges, d'engraissement d'oiseaux, de quantités très importantes d'oiseaux dans les congélateurs de restaurateurs ou des délinquants confirment la poursuite de l'activité de la filière.

Quelle est l'échelle de ce problème et quelle en est la tendance (3) ?

La capture du Bruant ortolan se limite exclusivement au département des Landes. Les contrôles renforcés, les nombreux procès-verbaux et les condamnations significatives ont provoqué une diminution sensible du nombre d'installations présentes sur le terrain. Le nombre de postes de capture diminuerait si on se réfère au nombre des installations contrôlées, passant de 220 en 2005 à 98 en 2010. Par ailleurs, cette activité semble ne plus recruter et reste le fait de personnes non actives.

Acteurs concernés (4) et obstacles pour faire cesser ces activités (6)

Même s'il s'agit d'une pratique très ancrée au sein de la population rurale landaise, les autorités limitent énergiquement cette activité en :

- luttant de façon intensive et affichée contre la commercialisation de l'espèce ;
- faisant respecter la réglementation en mobilisant d'importants moyens de contrôle sur le terrain ;
- sensibilisant fortement les autorités judiciaires au problème, ce qui se traduit par de nombreux constats d'infractions, souvent suivis de condamnations significatives.

Cependant certaines installations sont implantées dans des espaces inaccessibles aux investigations des services (jardins privés, espaces clôturés, lotissements).

Succès récents (7) et origine (8)

En 2009, l'ONCFS a consacré 339 jours/agents aux contrôles de 116 installations différentes (contre 110 installations contrôlées en 2008 et 133 en 2007).

A l'automne 2010, les opérations de contrôle ont débouché sur 6 procédures judiciaires dont l'une d'elle a été dressée en novembre 2010 à l'encontre d'un tendeur exploitant deux tenderies de 82 et 86 matoles. Une perquisition au domicile du contrevenant, a permis de découvrir 761 passereaux d'espèces protégées, pour un poids de 11,300 kg, stockés dans des congélateurs et réfrigérateurs.

Malgré la probable diminution de l'activité de braconnage d'année en année, les gardes de l'ONCFS ont néanmoins rédigé 10 procédures judiciaires au cours de l'été 2010 pour 435 jours/agents consacrés au contrôle : 144 communes ont été prospectées conduisant au contrôle de 98 installations. Les saisies opérées ont permis de libérer 89 passereaux vivants dont 88 ortolans et de saisir 49 passereaux morts dont 13 ortolans, ainsi que plus de 700 engins de captures et de détention.

➤ **Cas du Rouge-gorge dans le Sud de la France**

Très similaire à celles en usage dans les Landes, la pratique des prélèvements de Rouges-gorges, espèce protégée, s'observe encore dans les départements des Bouches du Rhône, du Vaucluse et du Var. L'espèce y reste très prisée par les vieilles générations. Les oiseaux sont capturés au moyen de pièges à rats et sont commercialisés, conditionnés ou non, au prix de 36 € la douzaine

Cette pratique serait en forte diminution, attachée aux usages de personnes âgées, mais délaissée par les plus jeunes.

Néanmoins, elle donne lieu à des opérations de police d'envergure qui sont conduites tous les ans en octobre et novembre contre la commercialisation de l'espèce. L'ONCFS a ainsi dressé, entre 2008 et 2010, 7 procès-verbaux relatifs à des prélèvements de rouges-gorges sur 19 portant sur des petits oiseaux.

III. LES PHENOMENES DIFFUS

Les prélèvements illicites hors temps de chasse

Indépendamment de cas précis, bien identifiés et d'envergure cités au chapitre I, la lutte contre la chasse en dehors de la période d'ouverture de la chasse ou de périodes de chasse spécifiques, la chasse de nuit, la chasse certains jours, dans des lieux ou à des heures interdits (pour favoriser le repeuplement du gibier), dans certaines circonstances climatiques (neige, gel prolongé, incendies, inondations) est une attitude récurrente, année après année, mais elle concerne des actes diffus, souvent isolés et individuels, discrets et qui visent toutes les espèces chassables ou non. Cela peut être assimilé à un bruit de fond.

Les prélèvements illicites à l'aide de moyens ou accessoires prohibés

Ces prélèvements peuvent s'opérer à l'aide de :

- moyens prohibés : véhicule, bateaux, téléphones portables, magnétophones, utilisation de projectiles non réglementaires (ex : plomb dans les zones humides), sources lumineuses et miroirs, pièges;
- d'appellants vivants ou artificiels.

L'utilisation de certains procédés de chasse

La chasse à tir à l'agraine de la perdrix, du faisan, du gibier d'eau, ou la chasse de la bécasse à la passée (à la croûle) correspondent également à des prélèvements illicites au moyen de procédés ou dans des circonstances prohibées.

La destruction d'oiseaux d'espèces protégées ou non

Il s'agit souvent du prélèvement hors du cadre d'autorisations ou de dérogations d'espèces en concurrence avec les activités humaines, comme les rapaces (souvent dénoncés par certains chasseurs ou éleveurs), le héron cendré, le grand cormoran ou le martin pêcheur (exerçant une prédation sur la pisciculture), les corvidés, les ramiers ou les bernaches cravants sur les jeunes semis (et accusés de dégâts agricoles), les canards marins (eiders et macreuses) dans les parcs conchylicoles, les turridés et corvidés dans les plantations fruitières ou viticoles, etc.

Le désairage

Cette pratique possible mais à titre dérogatoire, au cas par cas, sur certaines espèces de rapaces nécessite une autorisation de détention, de transport et d'utilisation ainsi qu'une dérogation. En outre, elle ne peut être faite qu'en présence d'un "agent habilité à constater les infractions" (arrêté du 29 avril 2009).

Cependant le désairage illicite, qui reste une pratique rare, est épisodiquement mis en évidence par les services officiels de contrôle ainsi que par les associations de protection de l'environnement.

La lutte contre le e-commerce des prélèvements illicites

Descriptif de l'activité illégale (1) et responsables (5)

Internet et les sites de petites annonces spécialisées sont devenus un formidable vecteur d'échanges commerciaux, y compris d'animaux d'espèces sauvages.

Quelles sont les preuves de ces pratiques (2) ?

Les petites annonces, proposant à la vente des spécimens, vivants ou morts, d'espèces dont la commercialisation est interdite, sont omniprésentes.

Acteurs concernés (4) et obstacles pour faire cesser ces activités (6)

Afin de pouvoir relever des infractions, plusieurs difficultés sont à lever :

- s'assurer du caractère illégal de la vente ;
- identifier l'auteur de la vente ;
- matérialiser les faits.

Quelle est l'échelle de ce problème et quelle en est la tendance (3) ?

Dans ce contexte et pour rationaliser son intervention, l'ONCFS a défini en 2008, avec la Ligue de protection des oiseaux (LPO), un protocole d'intervention opérationnel pour assurer une veille sur Internet.

Succès récents (7) et origine (8)

309 signalements ont été traités depuis 2008 qui portent essentiellement sur des ventes de rapaces diurnes et nocturnes, naturalisés. Quelques ventes se rapportent au trafic d'oiseaux chanteurs. Cependant, il apparaît que plus d'une information sur deux est inexploitable. Elles font donc l'objet de retrait des sites Internet. Sur l'ensemble des signalements, 107 ont débouché sur un procès-verbal d'infraction.

IV. LA LUTTE CONTRE LE BRACONNAGE EN FRANCE

La lutte contre le braconnage et les prélèvements illicites repose sur les fédérations départementales des chasseurs, les agents assermentés des services de garderie privée, la gendarmerie nationale, les douanes, mais aussi et essentiellement sur l'ONCFS. De façon complémentaire dans le cas de délinquance organisée avérée, la coordination est assurée par un service spécialisé de la gendarmerie nationale : l'Office central de lutte contre les atteintes à l'environnement et à la santé publique (OCLAESP) créé par décret n° 2004-612 du 24 juin 2004.

L'ONCFS : un service de police spécialisé en matière de police de la nature

L'Office National de la Chasse et de la Faune Sauvage est un établissement public sous tutelle conjointe des ministères respectivement en charge de l'environnement et de l'agriculture.

Dans chaque département existe un service de l'ONCFS, piloté par dix délégations inter-régionales, y compris dans les départements d'outre mer.

Moyens de lutte et résultats :

Pour ses missions et lutter contre les phénomènes de prélèvements illicites circonscrits ou diffus, l'établissement dispose de 1400 agents de terrain, commissionnés et assermentés, qui consacrent 70% de leur temps aux missions de police. Il a également développé des compétences spécifiques en matière de contrôle des dispositions de la Convention de Washington (CITES) pour contrôler toutes les formes de trafics liés à la faune sauvage.

Les agents de l'ONCFS constatent annuellement 16 000 infractions en dressant 11 000 procès-verbaux, tous transmis ensuite aux autorités judiciaires chargées de l'instruction des affaires. Sur ces 16 000 infractions relevées, 20% correspondent à des délits, le complément à des contraventions.

Enfin 2 000 infractions sont relevées au titre de la protection de la faune et de la flore (dont celles relatives aux détentions irrégulières de faune sauvage). Toutes espèces animales confondues, les agents de l'ONCFS relèvent annuellement 300 délits, toutes espèces animales confondues (oiseaux, mammifères, reptiles, etc.), liés à des actes de destruction, de mutilation ou d'enlèvement d'espèces protégées. Ces statistiques (moyenne de constatation sur les années 2008/2009/2010) ne permettent cependant pas d'identifier la part d'infractions portant sur des oiseaux.

Des outils juridiques

L'inversion de la charge de la preuve :

Les contrôles des agents de l'ONCFS sont facilités en raison des dispositions de l'arrêté ministériel du 29 octobre 2009 fixant les listes des oiseaux protégés qui prévoit que le détenteur d'oiseaux appartenant à l'espèce protégée doit apporter les éléments justifiant l'origine du ou des spécimens détenus i.e. qu'ils ne sont pas issus du milieu naturel.

Le prélèvement maximal autorisé :

Pour encadrer les prélèvements et faciliter les contrôles avec des dispositifs de gestion de la faune (tel que le plan de gestion cynégétique ou le plan de chasse) pour les espèces d'oiseaux chassables, un prélèvement maximal autorisé est prévu. Il fixe notamment un nombre maximal d'oiseaux à prélever par chasseur (cas de la bécasse des bois), ou par région (chasses traditionnelles), ou pendant une période limitée associée à des obligations déclaratives (tenue d'un carnet de prélèvement à déclarer à la fin de la saison de chasse) et éventuellement, selon le cas, à une obligation de marquage des oiseaux prélevés. Implicitement les prélèvements non déclarés et ou non marqués sont illicites.

Le marquage des spécimens détenus en captivité :

Aux fins d'encadrement de leur détention, les arrêtés du 10 août 2004 relatifs à la détention des oiseaux sauvages en captivité imposent que tous les spécimens d'oiseaux d'espèces protégées doivent être identifiés par bague fermée ou puce électronique (y compris les passéridés). De plus, leurs détenteurs doivent disposer d'un certificat de capacité et d'une autorisation préfectorale d'ouverture de l'établissement (sauf pour les passéridés).

[*ENGLISH VERSION*]

ILLEGAL KILLING OF BIRDS

The illegal offtakes of birds in France

France report for the Cyprus meeting (Lanarca, Cyprus, 6-8 July 2011)

I. SITUATION OF HUNTABLE BIRD SPECIES

The non-enforcement of the Bird Directive provisions and of the hunting season dates

Fixing the hunting dates for waterfowls and migratory birds must be done in compliance with the provisions of Article 7 § 4 of the Bird Directive (2009/147/CE), which forbids the hunting of birds during the period of reproduction and dependence of young birds and, for migratory birds, on their way back to their breeding sites.

These principles met the opposition of some local hunting practices in France (described here-below). Indeed, the issue of hunting season dates has constituted a significant matter of dispute for the last 30 years, which involved the intervention of the Community Judge, of the French administrative judge up to the Council of the State (*Conseil d'Etat*), and of the legislator.

1. Shooting of passing birds during the pre-nuptial migration period

The issue of:

- **The hunting of the European Turtle Dove (*Streptopelia turtur*) in May in the South-West (Médoc).**

The poaching of the European Turtle Dove in May was characterised by the massive and open occupation of more than 3000 masts by hunters at the end of the 80s. This practice is now extinct.

- **The hunting of the Common Wood-Pigeon (*Columba palumbus*) in March, in the cols of Ardèche**

The poaching of the Common Wood-Pigeon, traditionally carried out in *Ardèche* in March, has opposed hunters and conservationists for 20 years. Hunters hide on the ground in trenches or behind small dry stone walls in the mountain cols located right under the migration flyways.

Description of the illegal activities (1) and of the main drivers (5)

The illegal activities consist of offtakes of duivens (*colombidae*) outside the hunting season carried out by hunters, either in *Gironde* using a specific equipment, or in mountainous areas when the migrating birds are passing over the cols.

Actors concerned (4) and main obstacles to eradicate these activities (6)

Some hunters and their representatives were opposed to the administrative authority (*préfet* and services) as well as to the National Office for Hunting and Wildlife (ONCFS) and to the judicial authority.

Since 2000, the seizure of the weapons used for poaching and their final confiscation, heavy infringement fines and the recording in the judicial file of the legal decision describing the offence have progressively discouraged the authors of these illegal activities.

What are the scale and the trend of the problem (3)? Recent successes (7) and the reasons of such successes (8)?.

More than 3000 devices (masts) were recorded in *Gironde* at the end of the 80s and hardly 40 in 2004. Since 2005, not a single infringement was recorded.

Besides, the shooting of migratory birds in the cols of Ardèche was an old custom. In 2006, however, an agreement was reached between the hunters, the administrative Authority and the nature conservation NGOs to put a stop to any illegal activity within the next three years. In 2009, collective poaching activities ceased when a moratorium and pigeons counting were established. At the end of 2010, new counting operations were undertaken and revealed the non-occurrence of the species during the hunting season. The hunting of the pigeon in March could therefore not be justified. The practice is now extinct.

2. Shooting of waterfowls outside the hunting period

In French Law, the hunting dates for passing birds and waterfowls are fixed by a decree (*arrêté*) of the Minister in charge of hunting. The opening and closing dates of the hunting season, although established to avoid the breeding, nesting, the young bird dependence and the migrating periods, are regularly challenged. Frequent appeals are launched to contest the legality of the regulations. Protest is also observed on the ground, in particular through poaching activities in the North of France and in *Camargue*.

The issue

➤ **in the North of France**

With their numerous half-buried hides (several hundreds) and their size, the Bay of the Somme and the Bay of the Seine are regions where night poaching is carried out, not only in the Public Maritim Area but also upstream.

➤ **in Camargue**

The hunters of waterfowls in *Camargue* claim the right to carry out traditional hunting practices from 15 August onward, and not from 21 August as provided for in the ministerial decrees.

Description of the illegal activities (1) and of the main drivers (5)

The hunters challenge the fixed dates for the opening and/or the closing of the hunting period and therefore continue to hunt outside the regulatory period, before and after the official dates, often from half-buried structures (gabions, huts, etc.).

What are the evidences of such partices (2)?

The illegal activities are well known and can be easily observed, but they are also diverse and dispersed. Some hunters organised gathering in the marshes and wetlands and shoot or poach as deliberate provocation

What are the scale and the trend of the problem (3)?

The deliberate illegal activities are carried out by individual hunters or small groups. However, the level of offtake is difficult to assess.

It seems that the problem is now contained.

Actors concerned (4) and main obstacles to eradicate these activities (6)

The actors concerned are hunters holding a legal hunting permit who refuse to comply with the new opening and closing hunting dates that reduce the former legal hunting period. Several decades of legal dispute on the issue of the hunting dates have certainly exacerbated the opposing reactions of both the nature protection NGOs and the hunters.

A real reduction of these illegal practices is tricky to achieve considering the significant number of offenders supporting each others and the fact that they are mostly carried out at night, which hampers effective controls. Moreover, from the technical point of view, in order to make their statements the control agents have to enter the hunting huts, but access is denied with fences and/or by strong opposition. Infringement recording is sometimes coupled with public disorders or acts of violence and destruction.

Recent successes (7) and the reasons of such successes (8) ?

Over the years, as a result of control activities followed by convictions, the observed poaching activities tend to turn into public protests. Indeed, poaching has dropped significantly over the last three years. A hunting police operation conducted by ONCFS in summer 2010 has put a stop to these activities in the South (*Camargue*).

II. POACHING OF NON HUNTABLE SPECIES

1. The taking of bird species for hobby and ornamental purposes

Main regions where these activities are carried out:

➤ in the North of France for the song quality of passerines

It is a old and discreet activity, but profitable enough to continue despite the risks run. It supplies a market of cross-breeding not only for the bird songs, but also to obtain remarkable plumage.

➤ In the *Bouches du Rhône* for ornamental purposes

It is said to be an old popular tradition that is boosted by permanent trans-Mediterranean exchanges.

Description of the illegal activities (1) and of the main drivers (5)

The takings are carried out by means of nests (*tenderies au filet*), an illegal practice. Five protected species of passerines are particularly targeted: the Goldfinch, the Eurasian siskin, the Greenfinch, the Chaffinch and the Linnet. They are sought after for the quality of their song and for the beauty of their plumage.

These practices supply an illegal market where the birds are negotiated between € 30 to € 150 per specimen. This trafficking goes largely beyond the French borders. Many birds are purchased in Belgium. The sales are taking place during bird fairs or in traditional markets, or through advertisements, in particular via Internet.

What are the evidences of such practices (2) ?

Although most of the illegal trade is underground, wild bird species in cages can often be seen on the balconies in *Marseille*. In the South, control of open air market regularly leads to statement of bird trading.

What are the scale and the trend of the problem (3)?

It is difficult to identify the problem. In the North, repression measures have led to 31 police reports, drawn up between 2006 and 2010, referring to nest hunting or illegal possession of birds. 371 bird specimens were seized during these operations. In the South, despite the 10 to 15 police reports drawn up annually; the illegal trade is not decreasing.

Actors concerned (4) and main obstacles to eradicate these activities (6)

Despite the regular infringements established against the authors of the captures, it is difficult to halt this type of trafficking as long as there is an ongoing demand outside the French borders, in particular in Belgium, through networks of singing bird resale.

Moreover, the nature of this type of infringements can appear to be of lesser importance as compared to other cases for the judicial authorities. The police reports are often shelved with no follow-up by the legal authority which consider that wildlife protection is not a priority. In other cases, the established penalties (mainly fines) are not dissuasive enough and certainly minor as compared to the profit generated by such illegal trade.

Recent successes (7) and the reasons of such successes (8) ?

As an example, on 13 September 2008, three Belgian individuals were arrested after the capture with the help of four nets of 46 passerines lured by six decoys. Fine penalties up to € 6000 were pronounced, in addition to € 3000 as damage compensation for the civil plaintiffs.

2. The poaching of birds for consumption purposes

➤ The poaching of Ortolan buntings

The illegal offtakes are mainly taking place in the department of the *Landes* and correspond to seasonal activities.

The capture of ortolan buntings is the result of an old and persistent practice firmly rooted in the tradition of capturing a species which was previously a huntable species, but became protected when it was listed in the EU Directive on the conservation of birds. The species is captured in the same conditions as for the Skylark, a species of which the traditional nature of its hunt is officially recognised.

Description of the illegal activities (1) and of the main drivers (5)

At the end of the summer and autumn, the birds are captured alive with the help of traps (*matoles*). The Ortolan buntings are then put into cages during 20 days for fattening before killing and eventually consumption.

The only interest of such illegal captures is that they continue to profitably supply some local restaurants.

What are the evidences of such partices (2) ?

The capture devices require fixed and discreet installations, but which can be spotted thanks to living decoy in cages placed in the targetted area. The offences are therefore easily identified. However, access to the installations remains difficult. Some have been filmed or even destroyed by nature protection NGOs, such as the *Ligue pour la Protection des Oiseaux* (LPO). Due to an increasing pressure exercised by frequent controls, the number of traps is decreasing, but the installations are better hidden. The persistence of the illegal activity is confirmed by the regular discovery of capture devices, trap storing, fattening of birds, and significant quantities of birds in the freezers of restaurants or private offenders.

What are the scale and the trend of the problem (3)?

The capture of Ortolan buntings is geographically limited to the department of the *Landes*. Stricter controls, the number of police records and significant sentences have led to a drastic reduction of the number of capture installations on the ground. In 2005, 220 capture devices were identified and only 98 in 2010. Besides, it seems that the activity is no longer attractive and is now limited to a few retired persons.

Actors concerned (4) and main obstacles to eradicate these activities (6)

Although the activity is deeply rooted in the tradition of local people in the area, the authorities have put in place effective measures to limit it through:

- an intensive and open fight against the species trading;
- a strong enforcement policy mobilising important means of control on the ground;
- a strong public awareness campaign vis-à-vis the judicial authorities, resulting in a great number of infringements, often followed by heavy sentences.

Nevertheless, some installations are set up in areas that are not accessible to the investigators of the concerned authorities (private gardens, fenced areas, housing estates).

Recent successes (7) and the reasons of such successes (8)?

In 2009, the ONCFS allocated 63 men/days to control 114 diverse installations in 34 communal areas (57 installations were controlled in 2008 and 58 in 2007).

In autumn 2010, the control operations led to 6 cases brought to Court. One in particular was against an individual who was operating with two big installations of respectively 82 and 86 traps (matoles). A search carried out at the offender's house resulted in the discovery of 761 passerines of protected species, for a total weight of 11,300 kg, stocked in deep-freezers and refrigerators.

Despite the probable reduction of the poaching activities over the years, the ONCFS agents have however launched ten judicial procedures over the summer 2010 and allocated 435 men/days to controls: 144 *communes* were investigated which resulted in the control of 98 installations. The seizures carried out have permitted to release 89 passerines, alive, among which 88 Ortolan buntings, and to seize 49 dead passerines, among which 13 Ortolan buntings, as well as more than 700 capture and detention devices.

➤ **The poaching of the European Robin in the South of France**

The practice used to take European robins, a protected species, is very similar to the one seen in the *Lande*. It is still observed in the department of *Bouches du Rhône*, *Vaucluse* and *Var*. The species is much appreciated by older generations. The birds are captured with rat traps and are put on the market, pre-packed or not, at a price of € 36 for a dozen.

This practice, mostly concerning elder people, is disappearing and not attracting the younger generations. However, it still concerns important police operations carried out every year in October and November and targeting illegal trade in the species. Between 2008 and 2010, ONCFS has thus drawn up seven police reports concerning offtakes of robins out of a total of 19 concerning small birds.

III. OCCASIONAL ILLEGAL PRACTICES

Illegal taking outside the hunting periods

Besides the clearly defined and important cases mentioned in Chapter I, the fight against hunting outside the hunting period or outside specific hunting periods, night hunting, hunting during prohibited days, places or hours (to foster game restocking) or during specific weather conditions (snow, frost, fires, inundations) is a reccurent occupation, but it concerns occasional, isolated and discreet activities which target all the species, huntable or not. It can be compared to a background noise.

Deleted: n ongoing

Illegal takings with prohibited means or accessories

Takings can be carried out with the help of:

- Prohibited means: vehicle, boats, mobile phones, tape recorders, use of non-authorised projectiles (ie: lead shot in wetlands), light sources and mirrors, traps;
- Living or artificial decoys.

The use of specific hunting methods

Bait shooting (*chasse à tir à l'agraine*) of partridges, pheasants, waterfowls, or dusk hunting (*chasse à la passée*) of woodcock (*à la croûle*: roding woodcock) also correspond to illegal takings by means of prohibited methods or circumstances.

The destruction of protected bird species or non protected bird species

It concerns takings outside the regulatory framework or derogations for species disturbing or damaging human activities, such as raptors (often blamed by some hunters or breeders), Grey herons, Great cormorans or Common kingfishers (causing significant predations to fish breeding), corvines, woodpigeons or Canada geese on young sowings (and accused of agricultural damages), sea ducks (eiders and scoters) on shellfish farms, thrushes and corvines on fruit trees and vineyards, etc.

Taking of chicks from their nest (*desairage*)

This practice is possible only under strict derogation, on a case-by-case basis, on some raptor species. It requires a permit for possession, transport and use of the specimen, as well as derogation. Moreover, it can only be carried out in the presence of “an authorised agent able to record infringements” (decree of 29 April 2009).

However, illegal takings of chicks in their nest are occasionally highlighted by the control authorities and by environment NGOs.

The fight against electronic trading of illegal offtakes

Description of the illegal activities (1) and of the main drivers (5)

Internet and specialised advertising websites have become incredible tools for commercial exchanges, including of wild species animals.

What are the evidences of such partices (2)?

Advertisements proposing alive or dead specimens of species that cannot be traded are omnipresent.

Actors concerned (4) and main obstacles to eradicate these activities (6)

In order to identify and record the infringement, several difficulties must be solved:

- make sure that the sale is illegal;
- identify the author of the sale;
- describe the facts.

What are the scale and the trend of the problem (3)?

In this context and in order to rationalise their operations, the ONCFS, in cooperation with the LPO, developed a protocol of operational interventions in 2008 in order to ensure Internet monitoring.

Recent successes (7) and the reasons of such successes (8)?

309 cases have been examined since 2008. They mainly concern sales of stuffed diurnal and nocturnal birds of prey. Some sales concern illegal trade of singing birds. However, it appears that more than one collected piece of information out of two cannot be used. They are deleted from the websites. Overall, 107 described activities have led to infringement notices.

IV. THE FIGHT AGAINST POACHING IN FRANCE

The fight against poaching and illegal offtakes is the responsibility of the federation of hunters of each department, authorised agents of private guarding services, the national police, Customs, but above all the ONCFS. In addition, in case of organised crimes, coordination is ensured by special services of the national police: the “*Office central de lutte contre les atteintes à l’environnement et à la santé publique*” (OCLAESP) created by Decree N° 2004-612 of 24 June 2004.

The ONCFS: a police service specialised in nature-related issues

The National Office for Hunting and Wildlife (ONCFS) is a public entity under the joint supervision of the Ministries in charge of environment and agriculture.

There is an ONCFS office in each department, directed by ten inter-regional directorates, including in the overseas territories.

Operational means and results:

In order to operate successfully and to fight against the illegal trade activities, the Agency comprises 1400 field agents, who spent 70% of their time for police operations. It has also developed specific enforcement capacities for CITES provisions aiming at controlling any kind of illegal wildlife related activities.

Each year, the ONCFS agents record 16 000 infringements and draw up 11 000 police reports, which are then transmitted to the judicial authorities responsible for preparing the cases. Among the 16 000 reported infringements, 20% concern offences, the rest to minor offences.

In particular, 2,000 infringements concern wildlife protection issues (including those related to illegal possession of wild animals). The ONCFS agents annually record 300 offences, whatever the animal species (birds, mammals, reptiles, etc.), linked to activities of destruction, mutilation or kidnapping of protected species. However, these statistics (average recording over the years 2008 to 2010) do not provide any indication of the number of offences concerning birds.

Legal tools

The reversal of the burden of proof:

The provisions of the Ministerial Decree of 29 October 2009 fixing the list of protected species assist the control operations of the ONCFS agents. Indeed, it stipulates that the possessor of a bird belonging to a protected species has to bring the elements justifying the origin of the specimen(s), i.e. that they have not been taken from the wild.

The maximum authorised hunting bag:

The maximum authorised hunting bag serves to control the offtakes and ease control operations with wildlife management tools (such as hunting management plan or hunting plan) for huntable bird species. In particular, it set the maximum number of birds that can be taken by each hunters (case of the Eurasian Woodcock), by region (traditional hunting), or during a limited period, coupled by declaration requirements (hunting offtake record book to be declared at the end of the hunting season) and, according to the case, the obligation of marking the taken birds. As a consequence, the non-declared offtakes or not marked hunted birds are considered as illegal.

The marking of the bird kept in captivity:

In order to monitor the possession of birds, Decrees of 10 August 2004 on the possession of captive wild birds provide that all the specimens of birds of protected species must be identified by means of a ring or an electronic chips (including for passerines). Moreover, the owner must hold a qualification certificate (*certificat de capacité*) and an official autorisation from the *préfet* to start its business (except for passerines).

8. HUNGARY / HONGRIE

ILLEGAL KILLING, TRAPPING AND TRADE OF BIRDS IN HUNGARY

1) A general overview of the most relevant law enforcement mechanisms in Hungary

A general overview of relevant law

In Hungary, nature conservation legislation is generally based on Act No. 53 of 1996 on Nature Conservation, while Act No. 159 of 1997 deals with more specific issues on the Hungarian ranger service.

Act No. 4 of 1978 on the Criminal Code identifies crime against nature and environment and their sanctioning. Under Article 281 of the Criminal Code, it is a crime to illegally acquire, possess, trade with, bring into the country, take out of the country, transit through the country, damage or destroy any specimen of a strictly protected species or a number of specimens of protected species whose total monetary value identified by separate law reaches the lowest monetary value of a strictly protected species (100,000 HUF), or a specimen listed in Annex A or B of Council Regulation (EC) No. 338/97. The violator of this law is to be punished by imprisonment up to three years, in qualified cases (destruction of large number of specimens, whose monetary value reaches 2 million HUF) up to five years.

Article 147 of Act No. 49 of 1999 on Petty Offences identifies minor offences to the natural heritage, for example the destruction of specimen(s) of protected species, whose total monetary value remains below the lowest monetary value of a strictly protected species. The penalty is a fine up to 150,000 HUF. In addition, the specimen must be confiscated.

Under Article 80 of Act No. 53 of 1996 on Nature Conservation, illegal damaging or destruction of a specimen of a protected or strictly protected species is to be punished by a nature conservation fine, whose amount is identified on the basis of the total monetary value of the specimen(s) and the severity of the violation (e.g. damage or destruction). This fine is additional to sanctions under the Criminal Code or under the Petty Offences Law.

The organisation of state nature conservation in Hungary

The Ministry of Rural Development is on top of the hierarchy for nature conservation. Within the Ministry, the Junior Minister for Environment is responsible for environment, nature and water affairs. The Department of National Parks and Landscape Protection under the Junior Minister is the **supervisory authority of the Hungarian Ranger Service**, and its professional coordinator as well. The ten National Park Directorates (NPD) in the country (operating in regions that do not overlap and in total cover the whole country) are responsible for the management of protected areas (such as National Parks, Landscape Protection Areas and Protected Areas, Natura 2000 sites) in terms of nature conservation and protection, and are the first degree authorities in petty offences against provisions of laws in nature protection. **Rangers are employed by the NPDs.**

The National Inspectorate for Environment, Nature and Water is the second degree authority authorized to proceed with appeals in these three sectors. The ten Regional Inspectorates for Environment, Nature and Water operate in regions that do not overlap and in total cover the whole country (but are not the same regions as those of the NPDs). They are the regional first degree authorities (permitting and sanctioning in the field of environment, nature and water).

The hierarchy and legal ground of the Hungarian Ranger Service (employed by the NPDs)

The Ranger Service was established 40 years ago. Rangers are civil servants since 1992 and officials with a huge range of competence since 1998. The Ranger Service is incorporated into the organization structure of the National Park Directorates. The jurisdiction of a National Park Directorate is divided into a few larger units of landscape-scale. Each landscape-scale unit is then divided into smaller units; these are the called districts and are the operational unit of one ranger. Local governments are also authorized to employ rangers (organization is separate from NPDs, but there are

few examples). Civil nature guards also exist (more than one thousand) and they help the rangers on a voluntary basis (they also get special training and operate under agreements with the NPD).

The duties of the ranger service include the protection of nature conservation areas of national importance (National Parks, Landscape Protection Areas, Nature Protection Areas, National Monuments: in total 842.495 ha), as well as the protection of protected natural assets (e.g. protected plants, fungi (735 species in total) and animals (965 species in total), caves, mineral formations, etc. inside and outside of the protected areas), i.e. guarding, preservation and prevention from being damaged.

Rights and obligations of rangers:

- To control whether laws concerning nature protection are kept by civil or legal persons and to initiate an official procedure at the NPD, the Inspectorate or the Police (which can finally result in imposition of a fine, or other kind of penalty) when noticing offences. During their work rangers are obliged to and/or authorized for:
- Restrictive official measures:
 - Holding up and personal identification,
 - Checking their clothes and luggage,
 - Holding up cars and checking the load and persons,
 - Arresting persons caught in the act of crime or resisting against the ranger's measures and to apply physical force or other means
 - Retaining illegally obtained natural assets and archaeological findings, and also to hold back tools used by the committer to obtain these.
 - Imposition of a fine

Table 1: Main data about the operational areas of rangers (March 2011)

	Country's territory (ha)	Nature conservation areas (ha)	Natura 2000 sites (ha)	Number of rangers	Operational area per ranger (ha)	Nature conservation area per ranger (ha)	Natura 2000 per ranger (ha)
Total/average	9 303 000	842 495	1 965 932	259	35 919	3 253	7 590

Table 2: Number of rangers in the last ten years

Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total number	226	237	234	235	202	202	266	266	264	259

Rangers are equipped with: state service-uniform with service-specific signs and service badge, service certificate and other documents (service diary, blank for imposing a fine, blank for notification, laws printed), 4WD car, binoculars, digital camera, portable computer, GPS, chemical shocker, handcuff, hand gun, side pack, backpack, protective clothing.

2) Informing – as much as possible – on the following specific issues:

1. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)?

Wildlife poisoning incidents and other illegal activities were reported from all 19 counties of Hungary during the last five years. The main ongoing illegal activity in Hungary is **illegal poisoning** and it affects many raptor species and a high number of individuals (see details below). **Illegal trapping and shooting** have been reported to occur in the case of the Goshawk (*Accipiter gentilis*) at pigeon cages and pheasant farms. Occasionally, **shooting of specimens or at nests** (destroying whole

clutches) also occurs: for example, since 2005, 4 specimens of Imperial Eagle (*Aquila heliaca*) and 2 nests with clutches of the same species were shot. One Saker Falcon (*Falco cherrug*), satellite-tagged in the frame of a LIFE Nature project, was also found shot down in recent years. A clutch of White Storks (*Ciconia ciconia*) was destroyed by arrows in 2009. **Illegal shooting and/or transportation through the country** of songbirds and other small birds (e.g. Turtle Dove *Streptopelia turtur* and Quail *Coturnix coturnix*) also occurs occasionally, primarily by foreign (mainly Italian) hunters, usually in late summer – early autumn, as evidenced by some cases when such transports were caught. Most of these transports, however, originate from other countries, with Hungary only being a transit country. The situation is similar to the **illegal trade** of birds intended for the pet market: Hungary is usually a transit country. A more prominent event in this respect occurred two years ago, when a total of 28 young Rollers (*Coracias garrulus*) were found in an illegal transport, collected from nestboxes in Serbia and fitted with closed rings to sell in Western Europe as pet birds. Other illegal activities, such as logging of nesting trees and even nest robbing, have also been reported, but are relatively rare.

All in all, however, the major illegal activity in Hungary that still clearly may have a population-scale effect on several species is poisoning. The scale of illegal shooting and trapping is minor if considered on a population scale, except in the case of the Goshawk. Single events, such as the above case with the Roller nestlings, have become rarer, but this particular event may have also had a serious effect on the local population, and due to the species concerned (usually common songbirds), population level effect is difficult to prove. It must be mentioned, however, that this presently declining trend of illegal shooting and trapping can be the result of two factors: 1. many of the illegal events may go undetected after Hungary's accession to the Schengen area; 2. strong conservation efforts have been taken since the late 1990s to eliminate illegal killing of birds in Hungary. Such measures had to be taken as serious crimes were detected in the late 1990s and early 2000s: tens of thousands of specimens were found in illegal transports on the borders, mainly *Alauda arvensis*, *Streptopelia turtur*, *Emberiza spp.*, *Turdus spp.* etc.

2. How exact are the evidences?

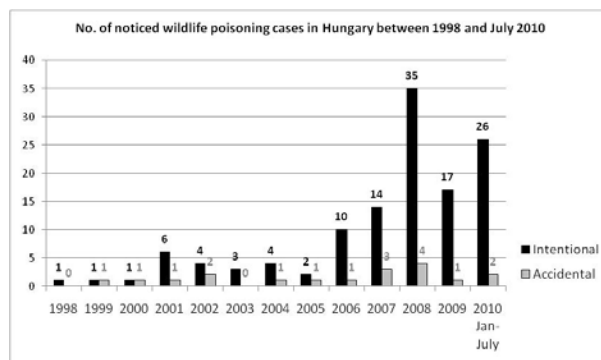
MME BirdLife Hungary maintains a database on illegal activities against birds based on actually found cases and specimens (carcasses found and mortality factor identified). See Figure 1 for summary below.

3. What are the scale and the trend of the problem?

The major illegal activity in Hungary that may have a population scale effect on several species is poisoning. The scale of illegal shooting and trapping is minor if considered on a population scale, except in the case of the Goshawk. Single events, such as the above case with the Roller nestlings, are rare, but this particular event may have also had a serious effect on the local population.

Between 1998 and July 2010 all together 124 intentional and 18 accidental wildlife poisoning cases have been reported in Hungary (see Figure 1), and the number of undetected cases is undoubtedly much higher.

Figure 1:



Altogether 977 protected birds belonging to 21 different species (e.g. 45 *Aquila heliaca*, 65 *Haliaeetus albicilla*, 12 *Falco cherrug*, 271 *Buteo buteo*) have been found poisoned in Hungary during

the last ten years. And these numbers are just the tip of the iceberg, because it is estimated that in average less than 15% of all poison deaths are reported.

Recently, the favourable conservation status of the Imperial Eagle in Hungary is seriously threatened by the exponentially increasing trend of persecution incidents. Poisoning was not noticed as a mortality factor of Imperial Eagles in Hungary till 2005, but during the last five years 36 specimens were found poisoned and 9 more were assumed to die directly or indirectly due to poisoning. By 2010 poisoning became the reason for 37% of all identified mortality cases of Imperial Eagles in Hungary recorded since 1980 (this figure arose from 0% just in five years!), and therefore it became the primary mortality factor of the species. Moreover other types of intentional persecution of imperial eagles were also reported, as 4 specimens and 2 nests with clutches were shot. **Therefore, altogether most probably 54 Imperial Eagle specimens became the victim of persecution incidents during the last years, which is equal to 23.1% of the national and 14.2% of the EU's breeding population size in 2010.** If the recent intensity of such illegal activities remains or even continues to increase, it will very probably reverse the increasing population trend of the Imperial Eagle in Hungary and also in the neighbouring countries during the next few years.

4. Who are the actors concerned?

Actors are difficult to identify in most cases of illegal activities such as poisoning or illegal shooting. The lack of direct surveys and proper specialised investigations has resulted in the following problems during the detection and investigation of bird crime incidents: such incidents are rarely detected by relevant authorities; detected bird crime incidents are rarely reported to police; police rarely starts official investigations in reported bird crime cases; police investigations rarely result in accusation against possible perpetrators; court procedures rarely result in precedent judgements. Due to these reasons, out of the 124 recorded intentional poisoning incidents only one (0.8%) resulted with a precedent judgement, when a professional hunter was sentenced to 2.5 half years suspended jail, because of killing a white-tailed eagle and 60 further protected birds. Similarly only a couple of serious judgments have been sentenced in all other types of bird crime investigations.

Therefore, it is difficult to draw a conclusion as to which social groups contain the actors of these crimes. Illegal transports of birds (either for food or the pet trade) have been found in several cases with foreign (usually Italian) hunters.

5. What are the main drivers of the concerned illegal activities?

It can be suspected from the evidence (found carcasses, locations, lawsuit cases) that the driving force of most of the illegal activities, such as poisoning and shooting is to reduce the number of predators, including raptors, in order to save small game and domestic animals (Brown Hare, Pheasant, domestic pigeons such as homers etc.). Illegal shooting of songbirds and other small birds occurs to satisfy the demands of black market for wild bird meat, especially in Italy. Illegal collection of nestlings occurs to sell the birds as pets with closed rings and probably with false documents as legally bred specimens.

6. What are the main obstacles to eradicate these?

The main obstacle to eradicate these is the difficulty to unveil them and to find unquestionable evidence that stands in a court case, too. See difficulties described under question 4. Prevention is also problematic, as these illegal activities occur throughout the country, usually taking place at unpredictable locations. Raising awareness may help prevent some of the cases but not all.

7. What have been the most recent successes?

The most important development is that MME BirdLife Hungary has submitted a grant application to LIFE+ Nature aiming to address illegal persecution, focussing on the Imperial Eagle. In addition to several national park directorates, associated beneficiaries include the National Bureau of Investigation and the Hungarian Hunters' National Chamber. Bringing these partners on board for a common project is already a success in itself, even if there is no decision as yet by the European Commission on financing of the project.

The project's main objectives will be:

1. Decrease the direct adverse effects of persecution incidents on the Hungarian Imperial Eagle population.
2. Increase the chance of detecting illegal activities and imposing precedent judgments in the case of bird persecution incidents by, among others, establishing an Anti Bird Crime Action Group.
3. Increase stakeholder awareness about the overestimated effect of raptor species on game populations and about alternative eagle-friendly game management methods.
4. Increase public awareness about the conservational importance of imperial eagles and about the possible consequences of persecution incidents.

In order to clarify the situation concerning poisoning, to find out the approximate number of affected specimens, the possible causes behind the incidents and to start preliminary actions against the illegal use of poison for controlling predator species, MME BirdLife Hungary executed two small projects with financial support of Lush Retail Ltd., BirdLife International and Alcoa Foundation. In the frame of these projects an enhanced field survey of potentially threatened habitats was executed to locate the key conflict zones, the direct contacts to relevant stakeholders was established and with their help the possible causes of incidents and low success of investigations were defined.

In 2009, an Anti-Poisoning Round Table was formed by governmental and non-governmental conservation as well as hunters' organisations, which provides a framework for mutual exchange of ideas. National park directorates and MME BirdLife Hungary organised awareness-raising events afterwards. Possibly as a result, the previously sharply increasing trend of illegal poisoning incidents halted or even slightly reversed.

The successful investigation and court trial that led to the condemnation of a professional hunter for 2.5 years suspended imprisonment is the result of good cooperation with the National Bureau of Investigation.

8. *What were the reasons of these successes?*

Improving cooperation between all stakeholders thanks to the proactive behaviour of conservationists.

9. ITALY / ITALIE

ILLEGAL BIRD KILLING IN ITALY

General overview

Birds protection and hunting regulation are stated by national law 157/1992 which adopts EC Bird Directive. All regional administrations have their own laws which regulate more in details limits and prohibitions and cannot derogate from the provisions of the national law.

Law enforcement is committed to police corps depending from district administrations (Polizia provinciale), to rangers of natural parks and to a national authority, the CFS (Corpo Forestale dello Stato).

For infringements of the laws, fines up to 3000 euro can be charged. Major offences are prosecuted as penalties (detention up to 1 year).

Main points of weakness:

- Low numbers of hunting guards in relation to hunters and territory extension; in some districts hunting guards are in charge of many other different tasks (traffic control, environmental survey, administrative procedures).
- Following the national law, the number of shot birds can be reported on the hunting card only at the end of the hunting day. This precludes an effective control of daily bag limits.
- Hunting regulation needs to be improved to prevent the unintentional killing of protected birds, considering for instance the problem of look-alike species or prohibiting hunting before sunrise.
- Breeders of birds belonging to the European bird check-list are not obliged to use a permanent individual marking system for captive birds. Rules for breeders follow regional laws, there is no national coordination.

1. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)?

A - Occasional illegal killing on birds, arising from hunting activities, i.e. during hunting season (September to January) and by authorized hunters, appears as a widespread phenomenon throughout Italy, even if it is difficult to be quantified due to the lack of regular and structured reporting on this subject. Among hunting forms, waterbird hunting and, more generally, shooting from a hide, seem to give rise to more illegal acts than others. Hence, the majority of illegal acts from hunters are observed at wetlands or along migratory funnels or migratory hotspots where these hunting activities are concentrated. Data originating from bird recovery centres indicate that waterbirds, and diurnal and nocturnal raptors are the most frequent illegal targets.

B - Deliberate killings operated by 'professional' poachers are less numerous and restricted to some geographical areas, and almost invariably associated to traditional hunting practices banded in Italy since decades. On the Alps, the main illegal activity is catching passerines during post-breeding migration, through the use of traditional catching systems (trammel or drift nets, birdlime, traps, clap-nets) or more recently mist-nets. There is evidence of these illegal killings, again originating from traditional hunting forms, also in Sardinia and in the northern Apennines, namely in Emilia-Romagna and Tuscany, where the activity extends during the wintering period.

C - Among deliberate poaching acts can certainly be considered the systematic overtaking of hunting bag limits, which is a widespread practice throughout Italy. This phenomenon is particularly extended at Adriatic wetlands, especially at hunting estates. Waterbird shooting outside the hunting season is regularly reported in southern Italy, especially during spring migration along the coast of Campania, Apulia and Sicily. Main targets are pintails, garganeys and other sub-Saharan migrants. Another form of deliberate illegal killing of waterbirds, mainly ducks, is hunting outside the authorised daytime period (from 1 hour before sunrise to sunset).

D - Deliberate killings of spring migrants, mainly small passerines and doves still occur on small Mediterranean islands, along the coast of the southern Tyrrhenian Sea, and particularly on the islands of Campania, Latium, and Sicily. Deliberate shooting of raptors during spring migration is still ongoing on the Straits of Messina, especially on the Calabrian side. Particularly important is the killing of quails during spring migration. Birds are tape-lured during the night and then shot or mist-netted. This activity has a widespread distribution along the Italian coasts, and it is particularly diffused in southern Italy and along the Adriatic coast from the southern tip to the Po plain.

E - Another form of illegal catching is taking of nestlings for falconry, live decoys for hunting or bird collections. The target species are rare raptors (i.e. Bonelli's Eagle, Lanner Falcon, Egyptian Vulture, Eleonora's Falcon), thrushes (Song Thrush, Fieldfare, Blackbird), Skylark, and finches (Goldfinch, Siskin, Chaffinch, Serin, Bullfinch, Crossbill). These illegal acts can occur almost everywhere in Italy, but with different frequency in relation to regional occurrence of birds and local traditions. An important illegal trade of raptors was recently discovered in Sicily.

F - Poisoned bites are frequently used for illegal control of foxes, vagrant and feral dogs and sometimes wolves. This practice can affect raptor and corvid populations (Griffon Vulture, Egyptian Vulture, Golden Eagle, Black and Red Kites, Buzzard, Raven). Intentional poisoning of Griffon Vulture and Bearded Vulture has determined the failure of two reintroduction programmes, respectively in Calabria and Sardinia).

2. How exact are the evidences?

There is direct evidence of the above mentioned activities as all reported cases have at least one documented evidence related to police operations. A better quantification of illegal acts would be possible through specific inquiries and it would be highly recommended.

2. What are the scale and the trend of the problem?

The various forms of illegal killing are distributed through the country with a regional or national scale. There is probably a general decline of some activities, especially for intentional shooting of protected species during hunting season and for some traditional killings such as raptor killing during spring migration in the Straits of Messina.

3. Who are the actors concerned?

Referring to actions listed in point 1

A: hunters

B: poachers, hunters

C: hunters, poachers

D: poachers, hunters

E: falconers, bird keepers and bird traders, hunters

F: shepherds, hunters, farmers

4. What are the main drivers of the concerned illegal activities?

Referring to actions listed in point 1

A: low respect of hunting regulation and low level of law enforcement;

B: bird trade for typical dishes, live decoys, amateur bird keepers; maintenance of traditional activity;

C: low respect of hunting regulation and low level of law enforcement;

D: maintenance of traditional activity; bird trade for typical dishes (Quail);

E: bird trade for falconry and for providing hunters with live decoys and bird keepers with songbirds and finches for hybridisation with canaries;

F: pest control to reduce damages to crops, poultry, livestock and wildgame; hunters rivalry; opposition to raptor conservation projects.

5. What are the main obstacles to eradicate these?

There is a scarce perception of the real dimension of the problem by the authorities responsible for hunting control and nature conservation. Hunters lobbies work for maintaining the present situation of low territorial control and therefore a reinforcement of hunting control would lead to a decrease in political consensus in some local communities and among hunters. There is a low investment in activities devoted to raise awareness among relevant actors and public opinion, and to set up and share best practices for nature conservation. In some regions, bird trade and poaching activities are controlled by criminal organisations.

6. What have been the most recent successes?

Long terms programmes for poaching repression operated by Corpo Forestale dello Stato (CFS, National Forestry Service) with the support of local administrations and NGOs have allowed to reduce considerably and in some cases to stop the killing and the catching of protected birds. These operations were carried out both in southern (Straits of Messina) and northern Italy (mainly on central and eastern Alps).

Recently, a LIFE project was started in the Gran Sasso National Park (central Italy) to prevent the dissemination of poisoned bites by means of dogs trained to discover poisons. The project is still ongoing but the first results are promising.

A trade of rare raptors in Sicily, with an extended network in Italy and Europe, has recently been stopped.

7. What were the reasons of these successes?

Long term investments in repression operations carried out by a national authority, strictly linked to deep involvement, correct information and support of local communities. Disentangle local networks of protections between administrations responsible for hunting control and hunters or other lobbies. Campaigns for raising awareness, especially among young people, to facilitate the dismissal of anachronistic traditions.

10. MONTENEGRO / MONTENEGRO

1. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)?

The tradition of bird hunting in Montenegro doesn't exist. Bird hunting is concentrated on the larger wetlands and in other parts of the state where these habitats are not present is reduced to hunting of only few species. Ministry which is charged for monitoring of hunting absolutely inadequately covers the country with hunting inspectors and mostly relies on the supervision of inspectors who follow hunting organisations which manage with the own hunting-grounds and which is a obligation of the hunting inspectors. When comes to the question of international hunting tourism which brings the most revenue to the hunting tourism of Montenegro, on the field we got the impression the game wardens and rangers are protecting hunters and providing them safe and undisturbed hunting.

In the coastal and central part of Montenegro hunting is concentrated to hunting birds such as partridge (*Alectoris graeca* i *Perdix perdix*), woodcock (*Scolopax rusticoa*) and a larger number of larks (*Alaudidae*).

Last fifteen years of monitoring clearly indicate that the main hunting pressure is during the winter months and during the spring migration which is particularly attractive to international hunting tourism. During the fifteen years of monitoring we made an impression that people mainly hunt hunting bird species, but it is noticed hunting of no hunting species.

2. How exact are the evidences?

Evidences about illegal activities are quite obvious. During the winter counting of birds, then the regular monitoring of nesting birds ornithologist record every year a great number of hunting hides and presence of poachers about what testify their reports from field. Many species are being hunted out of shooting season, during the days when hunting is forbidden and there is a large number of species which are hunted but the are not on the list of hunting. Earlier, ornithologists reported the cases of poaching to the police and hunting inspection, but their efficiency is not adequate, they are not ready for action in the moments when the situation on the field request that and it appears that they are not especially dedicated to performing their jobs.

3. What are the scale and the trend of the problem?

In the last few years poaching is getting more intensive on the habitats which where always attractive to hunting and poaching. We can say that the trend is growing and especially in protected areas and in areas where waterbirds are present. As the number of venison is being reduced the areal for poaching is spreading.

4. Who are the actors concerned?

Formally, State Environmental Protection Agency is taking care of protection of birds in the state in which hands is the Ecological inspection; Ministry of rural development and agriculture which take care about hunting, creating and implementation of hunting politics within is the Inspection of hunting; National Institute for Nature Protection which is concerned about full protected bird species and their habitats. However, the loudest defenders of protection of birds in the state are many nongovernmental organizations, in first instance the Center of Protection and Research of Birds which very often indicates of the problems of illegal activities on the field.

5. What are the main drivers of the concerned illegal activities?

By the Hunting Law of Montenegro, hunting organizations are concessionaire of hunting-grounds for particular time and they have the obligation to take care of them so this question is addressed only to the organizations which manage the hunting-grounds and to the State Hunting inspection.

6. What are the main obstacles to eradicate these?

Unwillingness of Ministry of rural development and agriculture to deal more active with the legislation and its implementation on the whole territory of the state. Also, this Ministry is not open to cooperate with NGO sector and some governmental institution, too.

7. What have been the most recent successes?

In 2009 Ministry of rural development and agriculture made a Rule book about hunting species and hunting seasons which was welcomed by the institutions and NGOs and which significantly reduced the number of hunting days and some hunting species which previously had unsatisfactory status were put under protection.

8. What were the reasons of these successes?

This Rule Book was made because of the great pressure of National Institute for Nature Protection and Center for protection and research of birds. However, totally illegal and without knowledge of professional and scientific public, NGOs and state institutions, that Rule Book is changed in 2010 when the new one is made which is not in accordance with European standards so the bad condition in hunting was back to the old.

11. POLAND / POLOGNE



POLAND: REPORT ON ILLEGAL KILLING OF BIRDS

Illegal killing of birds in Poland is mostly a local problem. The governmental agencies responsible for matters regarding protected bird species in Poland are:

1. General Directorate for Environmental Protection,
2. regional directorates for environmental protection (one in each voivodeship),
3. Ministry of the Environment (species considered as game, international conventions).

The most important issues regarding illegal bird killing include:

1. Shooting of birds:

- a. problem concerns areas with fishing ponds, where birds feeding on fish (usually Great Cormorants and Grey Herons, other waterfowl species, sometimes birds of prey such as Osprey, White-tailed Eagle, Marsh Harrier) are shot to protect the aquacultures from their predation. There have also been reports of accidental devastation of the Great Cormorant breeding colonies.
- b. concerns usually birds of prey – birds are shot by hunters to reduce the predation on game.
2. Killing of birds (excluding shooting) – an issue of thermomodernization of older buildings is becoming more and more prominent with each passing year. The main problem is the habitat destruction, but occasionally birds are killed during the renovation (nests destruction, closing down of holes used as nesting sites with nests and chicks inside, adult birds dying while trying to get to the nests).
3. Trapping of birds:
 - a. birds of prey are being trapped and killed, possibly locally in big numbers, by pigeons breeders and farmers.
 - b. there is some evidence suggesting that Passerines are being trapped and kept or sold for later breeding and crossing with captive bred forms.
4. Poisoning of birds – affects birds of prey and Corvids, happens only occasionally. Conducted by fishing ponds holders and farmers.

The scale of the abovementioned (excluding pt. 2) isn't yet sufficiently determined, which is also one of the main obstacles to dealing with the problem. Most information about illegal killing of birds comes from NGOs, birdwatchers and citizens concerned with the wellbeing of wild species. Some information can also be obtained from the reports prepared by regional directorates for environmental protection. The reports contain information on protected species of animals, including birds, and – if possible to determine – the cause of death.

During the last 2-3 years there is an increasing trend in applications for obtaining permits for performing thermomodernizations during the nesting period. This is probably a result of governmental and non-governmental agencies activities, such as commissioning articles in the press, issuing leaflets and a general increase in public awareness, which results in reporting the cases of birds killings by passersby. Permits issued by the General Directorate for Environmental Protection (regarding performing the activities during the breeding season) and the regional directorates for environmental protection (regarding the habitat destruction) secure the safety of bird individuals and species habitats. Nevertheless, it is recognized that considering the scale of this process in Poland, there is a need of systemic solutions.

12. PORTUGAL / PORTUGAL

PORTUGUESE REPLY TO YOUR QUESTIONS

1. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)?

- i) Shooting of birds, in small scale, mainly Passerines, for human consumption in restaurants, and of prey birds, also in small scale
- ii) Poisoning of prey birds, in small scale, in principle in indirectly actions for domestic dogs and small carnivorous mammals related to hunting questions
- iii) Trapping of birds for internal trade, mainly small song birds
- iv) Capture of protected species, prey birds and great and small bustards for trade and collections in the EU

2. How exact are the evidences?

- i) Denounces of two or three restaurants offering small birds dishes, although posterior investigations showed, in the majority of the cases that there were small passerines from China; data from the rehabilitation centers (see Table 1)
- ii) Data from the Antidoto Program that collect all the information about animal poisoning detected in Portugal
- iii) Data from fiscalizations from enforcement authorities, like polices and the Institute of nature Conservation and Biodiversity (see Table 2)
- iv) Data from international police bodies and from internal investigations

3. What are the scale and the trend of the problem?

In principle only a moderate scale for small song birds, as can be seen in Table 2, but not so important for the more protected species

4. Who are the actors concerned?

Poachers and illegal trappers and bird collectioners

5. What are the main drivers of the concerned illegal activities?

Illegal trappers, also using illegal methods

6. What are the main obstacles to eradicate these?

Widespread and traditional practice of keeping small song birds in cages

7. What have been the most recent successes?

The emergence of a national environmental police which operates in a regular way in all the Portuguese territory allowed to intervene in a more accurate manner. Numbers of actions can be seen in Table 2 which also shows an important decrease in the number of seizures and of specimens

8. What were the reasons of these successes?

Over the emergence of the quoted environmental police, Portugal implemented some new legislation that has direct impact in the keeping in captivity of birds and in the administrative sanctions and amount of fines.

Keeping of bird species listed in Bird Directive is only allowed if the specimens are of captive bred origin and individually marked. Furthermore keepers must be registered in the Institute of Nature Conservation and Biodiversity. Registration scheme will allow the entrance of enforcement authorities in the keeper facilities for birds what allows in an easier way to check the legality of the birds. Fines were considerably increased and our Penal Code clearly states that capture and killing of protected birds can be treated as a criminal penalty.

Table I

Rescue and rehabilitation centers network data - 2010					
<i>Group Species</i>	<i>Number of Specimens</i>	<i>Poisoning cases</i>	<i>Shooting cases</i>	<i>Captive cases</i>	<i>Dead specimens</i>
Diurnal birds of prey	576	9	13	20	17
Nocturnal birds of prey	579	2	11	18	11
Passerines	2159	0	23	260	225
Storks and herons	175	7	7	0	9
Others	1438	6	14	382	75
Total	4927	24	68	680	337

Table II

Seizures of birds 2010		
<i>Species</i>	<i>Number of specimens</i>	<i>Number of seizures (X)* *Number of criminal cases</i>
Diurnal Birds of Prey		
<i>Accipiter gentilis</i>	1	1
<i>Aegypius monachus</i>	1	1
<i>Buteo buteo</i>	9	9
<i>Hieraaetus pennatus</i>	1	1
<i>Milvus migrans</i>	4	4
Nocturnal Birds of Prey		
<i>Athene noctua</i>	2	2
<i>Bubo bubo</i>	1	1
<i>Strix aluco</i>	1	2
<i>Tyto alba</i>	2	2
Passerines		
<i>Carduelis cannabina</i>	9	3(1)
<i>Carduelis carduelis</i>	294	48(13)
<i>Carduelis chloris</i>	11	7
<i>Carduelis spinus</i>	20	8(2)
<i>Corvus corax</i>	14	12
<i>Corvus corone</i>	36	29
<i>Cyanopica cyanus</i>	1	1
<i>Erithacus rubecula</i>	3	1
<i>Estrilda astrild</i>	2	1
<i>Ficedula hypoleuca</i>	7	1
<i>Fringilla coelebs</i>	73	5(1)
<i>Fringilla montifringilla</i>	2	1
<i>Garrulus glandarius</i>	27	23
<i>Motacilla alba</i>	2	1
<i>Pica pica</i>	14	13
<i>Pyrrhula pyrrhula</i>	74	9(2)
<i>Serinus serinus</i>	10	3(1)
<i>Sturnus unicolor</i>	1	1
<i>Turdus merula</i>	73	34(3)
<i>Turdus philomelos</i>	67	10(6)
Other species		
<i>Alectoris rufa</i>	1034	4(1)
<i>Ana platyrhynchos</i>	13	4(1)
<i>Columba palumbus</i>	4	2
<i>Coturnix coturnix</i>	16	2
<i>Streptopelia decaocto</i>	13	2(2)
<i>Streptopelia turtur</i>	8	2
<i>Phasianus colchicus</i>	14	3

13. SERBIA / SERBIE

REPORT ON ILLEGAL KILLING OF BIRDS IN SERBIA

Towards preparing of the European Conference on Illegal Killing of Birds (Larnaca, Cyprus, on 6-8 July 2011) in order to identifying possible options and strategies to address the issue, we would like to provide a general overview of the most relevant law enforcement mechanisms in Serbia on the following specific issues:

1. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)

1.1 The most prominent illegal activities related to the killing and capture of birds in Serbia are killing of the *Accipitridae* and catching the species of family of *Fringillidae*. Prey is often killed during the hunting because they're still considered as pests even though they are strictly protected. People mostly kill *Buteo buteo* and *Accipiter gentilis*. This is present throughout the whole territory of Serbia. Another aspect of the killing is the killing of falcons by the people who breed pigeon. This is the way that *Falco peregrinus* is often killed. According to available data, it can be said that the most intensive killing of falcons is present in central and western Serbia, around Čačak, Kraljevo, Požega and Užice.

Capturing the singing birds is mostly done by the bird breeders who are capturing them for their own needs, or to sell them to other breeders. This is present throughout the whole territory of Serbia, but the most intensive is in south parts, around Leskovac, Niš and Pirot.

Specific problem is not strong enough control of hunting and killing particular bird species, first of all *Coturnix coturnix* and *Streptopelia turtur*. Using illegal instruments, primarily those who are used to allure the birds, is widely spread in the hunting of *Coturnix coturnix*.

The main consequence is the significant decline in population of these two species.

1.2 In 2010, at border crossing of Nestin, upon the call from a custom officer, the inspection was performed, on the occasion of which about 700 individuals of strictly protected and protected birds were found in a Romanian citizen's car. The birds were frozen, with no feathers, and some of them were cut into pieces. The birds were destroyed as instructed by veterinarian inspector and criminal charges were filed against the perpetrator. Criminal procedure is still ongoing, and perpetrator is held in detention.

1.3 At border crossing Presevo, a joint inspection was performed, composed of veterinary inspection, forestry-hunting inspection and environmental inspection in charge of protection and use of natural resources, on the occasion of which 221 individuals of quails and 130 individuals of collared doves and turtle-doves. The birds were caught in Vojvodina by an Italian citizen, who also tried to export them to Macedonia. The shipment was not accompanied by veterinarian certificate, and export permit was not issued for any of the individuals by the Ministry of Environment and Spatial Planning.

2. How exact are the evidences?

2.1 There is no national system evidence about killing the birds or there is no unique data base with information about killing and capturing the birds.

2.2 The evidences on illegal killing of birds have been provided by the several stakeholders including, Environmental Inspection within the Ministry of Environment, Mining and Spatial Planning, Forest-hunting inspection within the Ministry of Agricultural, Forestry, Trade and water Management, Customs Administration, customs office and its organizational units responsible for implementation of customs, Institute of Nature Conservation of Serbia, Provincial Institute of Nature Conservation, and Hunting Association of Serbia..

2.3 Border Inspection control and evidence

There are 9 official border crossings for export, re-export, import and transit for endangered species of wild flora and fauna. According to the Strategy on the integration and management of the border, Ministry of Environmental Protection and Ministry of Agriculture, Forestry and Water Management signed the agreement on transfer of the part of the competence on control of trade in endangered species of wild fauna and flora on all border crossings. According to the agreement, the Border Phytosanitary Inspection and Veterinary Inspection are in charge of control of export and import of wild flora and fauna and CITES species as well. The agreement entered into force on 1 January, 2008.

2.4 The Inspection control inside the Country

Environmental Inspection of the Ministry of Environment and Spatial Planning is in charge of controls inside the country.

2.5 Monitoring system established by the Law on game and hunting

One of the major tasks set by the Law on game and hunting is the establishment of wildlife populations and their habitats monitoring, that is the establishing of a system for continuous monitoring and analysis of the total state of wildlife population and their habitats, particularly their vitality, health and biodiversity in order to take adequate measures for the conservation and protection of these species. It is only the continuous monitoring of wildlife populations and their habitats that can protect the general interests concerning the utilization, management, protection and improvement of wildlife populations and their habitats.

The need for coming up with the more adequate solutions concerning game animals and their habitats resulted from the previous unreal, biased and unprofessional data on the quality and quantity of game in hunting areas (sex ratio, age and trophy structure), as well as from the inadequate and poor management of hunting grounds, poorly designed and usually inappropriate and inapplicable shooting plans which were drawn up and adopted every now and then. Starting from the 2012/2013 hunting season, the mentioned issues will be properly addressed and the most adequate solutions will be found.

Furthermore, other important measures that will help improve protection of game animals and their habitats, as well as the entire hunting system in the Republic of Serbia, are: designing relevant central database system and establishing the hunting cadastre not later than 2013/2014. It will be the first time that the competent entities and relevant stakeholders, as well as the general public, will have the opportunity to operate with relevant data obtained by the newly established methodology (valuation, monitoring, conditions of habitats, planned and realized cull, the number of hunters, etc.).

3. What are the scale and the trend of the problem?

3.1 As we know, there is no single systematic analysis of this problem or its consequences. There are only arbitrary estimates of the distribution of this appearance and the effect on population.

4. Who are the actors concerned?

4.1 There is no specific process for monitoring and prevention of illegal bird killing. Inspection for environment protection, Inspection for hunting with an expert help of the Institute for nature conservation of Serbia, are carrying out monitoring process.

5. What are the main drivers of the concerned illegal activities?

There is no competent authority that is specifically claimed to be in charge for monitoring illegal bird killing.

5.1 Institutional Framework

- Ministry of Environment, Mining and Spatial planning
- Ministry of Trade, Agriculture, Forestry and Water Management
- Ministry of Interior
- Ministry of Finance and Customs Administration, customs office and its organisational units responsible for implementation of customs and other legislation

- Institute of Nature Conservation of Serbia
- Provincial Institute of Nature Conservation

5.2 The Current Legal Framework

- ✓ The National Environmental Protection Programme (2010-2019)
- ✓ The National Strategy on Biodiversity Conservation and Action Plan (2011-2018)
- ✓ The Strategy of the Development of Forestry of the Republic of Serbia
- ✓ The Law on Environmental Protection
- ✓ The Law on Nature Protection
- ✓ Law on Game and Hunting 18/10
- ✓ The Veterinary Law ('Official Gazette of The Republic of Serbia', 91/05, 30/10).
- ✓ The Law on Customs ('Official Gazette of Republic of Serbia')
- ✓ The Criminal Law ('Official Gazette of the Republic of Serbia' no. 85/2005, 88/2005 –ispr., 107/2005–ispr., 72/2009)
- ✓ The Strategy on the integration and management of the border,
- ✓ The agreement on transfer of the part of the competence on control of trade in endangered species of wild fauna and flora on all border crossings (signed 2007)
- ✓ The Ministerial Ordinance on transboundary movement and trade in protected species ('Official Gazette of the Republic of Serbia' no. 99/09)
- ✓ Proper phytosanitary control of imported goods is required in accordance with Law on Plant Health ('Official Gazette of The Republic of Serbia', 41/09).
- ✓ Regulation on taking under control use and trade of wild flora and fauna (Official Gazette No. 31/05, 45/05, 22/07, 38/08, 9/10)
- ✓ Regulation on proclamation and protection strictly protected and protected wild species of plants, animals and fungi (Official Gazette No 5/10)

5.3 Illicit trafficking

For prevention of illegal trafficking of endangered flora and fauna, the Law on Confirmation of Convention on international trade with endangered species of flora and fauna (CITES), Law on Nature Protection, Criminal Law and Law on Customs apply.

The provisions of the Law on Nature Protection regulate import, export and transit of endangered and protected species of wild flora and fauna, define the tasks of the enforcement authorities and prescribe penalties for not complying with the provisions of the law.

According to the Law on Nature Protection, Environmental Inspection is in charge for the control of killing and capturing of all protected animal species.

Article 265. of the Criminal Law in paragraph 3 states that: “Any person that contrary to the national law exports/takes out of the country a strictly protected or protected species of plant or animal, or imports/brings into the country an allochtonic species of plants or animal protected by international agreement or document, will be punished by a jail sentence from 3 months to 3 years as well as with a fine.”

Article 265 of the Criminal Law in paragraph 4 states that: “An attempt of the act stated in paragraph 3 will also be sanctioned”.

Article 265 of the Criminal Law in paragraph 5 states that: “The specimens of the protected or strictly protected species from paragraph 3 will be confiscated.”

In addition, Ministry of Trade, Agricultural, Forestry and Water Management as a holder of a general right to hunt, in accordance with the law, is entitled to charge a fee for transfer of its rights to

the users of hunting grounds for the purpose of using the protected wild animals during the closed season. As a measure of protection of wild animals, the labelling of the hunted animals prior to their moving from the place of shooting is introduced. This clearly defines the traffic of game animals, and prevents the illegal hunting and many other similar abuses on the hunting grounds.

Also, the measures which improve the system of protection of game and hunting in general are: clearer definition of damage caused to game, as well as the damage caused by hunting of the protected game species during the closed season; the manner of determining the type of damages; the compensation of damages and the duties of compensation payers. These measures are passed by the Minister in charge of hunting in cooperation with the Ministry in charge of environmental protection.

6. What are the main obstacles to eradicate these?

6.1 Basic problems are that there is no organized monitoring system, so as weak cooperation between Sector for the Nature protection and Sector for hunting. The problem is that hunting legal acts and nature conservation acts are not harmonized. We have the example with *Accipiter gentilis* for which Serbia is quite limited according to Bern Convention, but in our laws about hunting, there are no specific provisions for controlling the hunting of this species. There is a problem about proving the guilty for killing the birds.

7. What have been the most recent successes?

7.1 Recording all the protected wild animals that are kept in detention is in the process, at this moment. It will provide much better control of further capturing of protected bird species.

8. What were the reasons of these successes?

8.1. Last few years, the controlling of capturing and selling the singing birds were carried out. It was done in the shops and at the bird exhibitions, and sometimes the birds were confiscated or released in the nature so the effect of this was reducing the public sale and capturing the singing birds. The most illegally possessed birds are: *Carduelis carduelis*, *Carduelis spinus*, *Serinus serinus*, *Pyrrhula pyrrhula* and *Fringilla coelebs*.

REFERENCES:

- Report made by the Environmental Inspectors in 2010.
- Report made by the Institute of Nature Conservation of Serbia
- Report made by the Ministry of Trade, Agricultural, Forestry and Water Management
- Serbia-CITES Annual Report for the Year 2009.

Prepared by Snezana Prokic,
Focal Point for Bern Convention

Belgrade, 31st May 2011.

14. SLOVAKIA / SLOVAQUIE

NATIONAL REPORT ON BIRD CRIME – SLOVAK REPUBLIC FOR THE BERN CONVENTION (JUNE 2011)



1. SUMMARY

The issue of bird crime in Slovakia has been tackled intensively since 2002. There were many cases of bird crime revealed thanks to the cooperation among state administration bodies, non-governmental organizations as well as the public. They however represent only a small portion of the bird crime because much more cases remained unsolved (several hundred birds are annually subject to bird crime in Slovakia). The low level of detection is caused mainly by the demanding procedure to reveal the cases.

This national report has been prepared by the NGO Raptor Protection of Slovakia (hereinafter only „RPS“) in close cooperation with the Police Presidium (criminal policy of the Ministry of Interior of the Slovak Republic) the State Nature Conservancy of the Slovak Republic and the Slovak Environmental Inspection. Other institutions (mainly the Ministry of Land Use and Rural Development of the Slovak Republic, the Slovak Hunting Chamber, NGO Slovenská ornitologická spoločnosť/Birdlife Slovakia) have been involved into the procedure to prepare the national report and declared their commitment to take an active part in measures to eliminate the bird crime. The process was coordinated by the Ministry of the Environment of the Slovak Republic.

The report is based on the complex information available at www.vtaciakriminalita.sk. The data base is managed by RPS but data were provided also by the other subjects (State Nature Conservancy of the Slovak Republic, environmental offices, Police Presidium, Slovak Environmental Inspection and Slovenská ornitologická spoločnosť/Birdlife Slovakia). At present there are 127 cases registered (598 specimen of 49 species of birds native to Slovakia) in the system and its update continues.

2. GENERAL OVERVIEW OF THE MOST RELEVANT LAW ENFORCEMENT MECHANISMS AND MAIN ACTORS TO DEAL WITH THE ISSUE OF BIRD CRIME

The Slovak Republic is the signatory of the following international legal instruments that provide tools to eliminate the bird crime: CITES, Convention on biological diversity, Bern Convention, Bonn Convention and AEWA, Ramsar Convention (wetlands).

The Birds Directive and Habitats Directive have been transposed into the national legislation that provides for protection of wildlife species, management of their habitats, ensuring that practice of hunting complies with principle of wise use and ecologically balanced control of the species. National law provides for preventive measures, inspection and sanctions with respect to bird crime. The most relevant national legal norms are:

- Act no 543/2002 Coll on nature and landscape protection as amended and its Order No 24/2003 Coll as amended
- Act No 15/2005 Coll on the protection of species of wild fauna and flora by regulating trade therein, amending and modifying some Acts as amended; its Order of the Ministry of the Environment of the Slovak Republic No 110/2005 Coll as amended
- Act no 274/2009 Coll on hunting and on amendments of some acts and its Order No 344/2009 Coll
- Criminal Code No 300/2005 Coll as amended
- Act no 193/2005 Coll on Phytosanitary Care

The above acts set up the competencies of the following institutions:

- Ministry of the Environment of the Slovak Republic (nature protection and landscape) coordinating the State Nature Conservancy of Slovak Republic, regional and district environmental offices and the Slovak environmental inspection
- Ministry of Land Use and Rural Development (agriculture, forestry, hunting, veterinary care) coordinating regional and district forestry offices, State Veterinary and Food Administration of the Slovak Republic and its regional offices)
- Ministry of the Interior of the Slovak Republic coordinating the police and detection of the bird crime
- Raptor protection of Slovakia (RPS), Slovenská ornitologická spoločnosť/BirdLife Slovakia, Slovak Hunting Chamber.

The State Nature Conservancy of the Slovak Republic and RPS annually coordinate guarding of nests at the national level via its employees, members and volunteers. Method of physical guarding of nests (respecting distance to avoid disturbance of animals) is combined with modern technologies (phototraps, cameras and other detection facilities). RPS undertakes controlling of selected localities and raising awareness of the public and stakeholders. Cooperation of all the competent institutions is of high importance. The extend of activities is limited mainly by financial means.

Legal requirement of the proof of legal origin of the specimens in breeding facility, unalterable marking of the specimens bred in captivity by DNA tests and other legally given measures are crucial to prevent illegal keeping birds in captivity.

3. MAIN ONGOING ILLEGAL ACTIVITIES THAT OCCUR WITHIN THE COUNTRY

- shooting (for trophies or because raptor are considered as main predators of game species; but also cases for entertainment and intolerance);
- direct poisoning (imposition of poisonous baits mainly to kill raptors in lowlands are they are considered here as „damaging“ predators of game);
- „robbing the nests“, taking the birds from the wild and illegal keeping in captivity (cases of robbing eggs or nestlings from the nests) – applies mainly for raptors and owls; these illegally taken birds are kept in captivity either due to unconscionability or for entertainment or for taking of specimen from wild in order to trade or business – in these cases the specimen is offered for sale or used in captivity breeding often after their origin was legalized by document obtained by fraud)
- catching and trapping – wild bird are caught either in „life-traps“ (in order to be traded for instance singing birds therefore they can not be hurt) or to other traps (if birds are to be killed – for instance the goshawk baskets or iron traps mainly used near pheasantries or by pigeon/poultry breeders;
- damaging nests – mainly in towns (lastovičky, belorítky) during the reconstruction of building or for above specified reasons (birds taken as predators to game species);
- More detailed description as well as pictures to demonstrate the case are in the separate annex.

4. HOW EXACT ARE EVIDENCES?

The bird crime evidence is always a big problem though there are methods available (such as RTG snapshot to document shooting – lead projectile).

In cases of rustling nests the offenders are usually organized and their activities are well planned based on the knowledge of environment and exact localization of the nest. They often watch the locality and the level if/how it is guarded and on the possibilities to undertake their activities. It is very difficult to identify the act, in the field there are often only minor tracks. Attestation of witnesses such as of land users may be very important in this respect.

5. WHAT ARE THE SCALE AND THE TREND OF THE PROBLEM?

The scale of the problem depends on species and regions. There are several rare bird species that due to bird crime almost reached its extinction. They are namely *Falco cherrug*, *Aquila heliaca* and *Falco vespertinus*. Bird crime activities occur mainly in lowlands (shooting and damaging nest by shooting). One of reasons is that previously some activities were legally used to control population of birds of prey (for instance only in July 2001 the Order no 230/2011 Coll came into force by which poisoning or poisonous gases were prohibited as hunting practices). Birds *Corvidae* (crows, magpies, etc.) and birds of prey are still considered to be predators of game species (though their names in Slovak language are divided from the name of mice). Cormorants and herons are seen by fishermen as competitors for fish stocks. Some breeders of pigeons consider falcons as predators to pigeons, some bee keepers find European bee-eater (*Merops apiaster*) as a dangerous predator for bees, etc. Even these myths can lead to the illegal activities.

Main actors play their specific roles in the procedure. For instance the Slovak Environmental Inspection (acting on the bases of request from citizens, of other state bodies, civil associations or NGOs) is in charge of enforcement of the legislation. The most frequent are cases of illegal holding of protected bird species, disturbance or damaging of nests. Most of these requests is proved as justified. The inspection also documents infringement of legislation with respect to evidence of birds in captivity, of their origin, marking of the specimen.

Trends may be to some level documented on the statistical data from the database covering period since 2000 (127 cases registered with 598 specimen of 49 species of birds native to Slovakia) in the system and its update continues. *Buteo buteo*, falcons and eagles are the most common „subjects“ of the bird crime (from total number of 127 cases they represent 34, 23 and 22 cases respectively). The most „common type“ of the bird crime is the illegal holding, poisoning and robbing of nests (numbers are 29, 17 and 9). 18 cases were successful as they resulted in rehabilitation of birds and their release into the wild.

6. WHAT ARE THE MAIN DRIVERS OF THE CONCERNED ILLEGAL ACTIVITIES? WHAT ARE THE MAIN OBSTACLES TO ERADICATE THESE?

As already mentioned above the concerned illegal activities are motivated either financially (trading and propagation of birds of prey is profitable) or have other reasons („controlling“ of population of species by illegal shooting, poisoning, trapping, etc.) for above listed reason.

The main obstacles is low awareness of people, mainly some stakeholders, reluctance of general public to assist in detection of bird crime (this problem is seen as less important as nature always can survive, people prefer not to worsen relationship with their neighbours in the village etc). The separate issue is the general problem for any country - the very complicated system of revealing the cases (catching person who commits the the act). Specific for Slovakia is having legal obstacles to imposing penalties for infringement of CITES legislation (caused by amendment of the national legislation valid since January 2008, at present the amendment is to be submitted to the government approval).

Eradication of existing problems are public awareness (change of general approach of people who do not consider the issue to be a real problem), removal of legal obstacles to impose penalties (otherwise inspection of acts is almost useless) and capacities to tackle the issue/financial resources.

7. WHAT ARE THE MOST RECENT SUCCESSES AND WHY THEY HAPPENED?

Progress has been made mainly in:

- Preparation of amendment of Act No 15/2005 Coll (CITES) in order to remove legal obstacles to imposing penalties for infringement of CITES and to simplify application of the law in practice (the act has been submitted for the government approval);

- Preventive measures (raising awareness and mobilization of the responsible bodies) improved (guarding in the field) also thanks to the project implemented by RPS (June 2009-November 2010) from the EHP and Norwegian Financial Mechanisms and the state budget

- overall coordination among 2 relevant ministries, hunting chamber and NGOs that resulted in making a common database of bird crime available at www.vtaciakriminalita.sk; data since 2000 are filled in from the various resources, data base is being updated;

Since late 90ties the regular training programs for police, custom officials, judges and prosecutors started mainly to inform on the new legislation and to discuss the actual problems.

Bratislava June 2011

The national report compiled by Lucia Deutchová (Raptor protection in Slovakia) with contribution of Michal Adamec (State Nature Conservancy of the Slovak Republic), Roman Antoška (Slovak Environmental Inspection) and Jana Durkošová (Ministry of the Environment of the Slovak Republic).

Translation made by Mineta Jurašková (Raptors Protection in Slovakia) and Jana Durkošová (Ministry of the Environment of the Slovak Republic)

Photodocumentation: Raptor protection in Slovakia

More information www.vtaciakriminalita.sk

Annex: Detail examples of the bird crime activities in Slovakia and photodocumentation

Shooting is the prevailing illegal activity with respect to wildlife birds. In Slovakia it occurs both by shooting on birds and by shooting on nests (even occupied by females sitting on the eggs).

Shooting usually leads to killing. If the birds is alive and found it is treated in the rehabilitation station. Usually birds are handicapped and only very rare can be returned to wild.. If shooting does not lead directly to death it may cause damages. Often RTG snapshot document the earlier damage case by lead shots that could cause the damage of functions and abilities of the birds and its behaviour (often these shots are revealed when detecting birds killed by electrocution for instance). Shot or its part that remains in the body may cause the slow poisoning.

Poisoning is always caused by people. It may be done on purpose (by poisoned cadaver of pigeons, mammals or eggs) or indirectly (by improper use of chemical substances mainly in agriculture). In recent years the trend of direct poisoning expanded, it is a very common illegal mean of poaching to kill carnivores, birds of prey, cats or dogs. Birds consuming cadavers are the most common victims, many of them have already reached the threshold of extinction. The concentration of poisonous substance is so high that it kills immediately. Carbofuran is a component of pesticides that was prohibited in EU in 2009 but it is still available. Its use is dangerous for wildlife as well as for pets.

Robbing nests

Robbing of eggs or nestings is typical for the species attractive for breeding, such as falcons, eagles) or for species that either can not be bred in captivity or their breeding is very demanding. Another reason is to „fresh the blood“ of breeding pairs as birds grown in captivity do not reach the same quality as the ones from wildlife. Robbing in nests since middle 70ties to the end of 80ties in large century lead to almost extinction of *Falco peregrinus* in Slovakia. This negative trend was stopped by an organized and systematic guarding of nests carried out by hundreds of professionals and volunteers. Also today nests of endangered bird species are guarded. There were several attempts for robbing nests stopped. Thanks to more intensive guarding (such as since 1992 for *Aquila chrysaetos*) the number of attempts dropped. In 1997 three Czech falconers were caught when robbing nests who were sentenced in the Czech Republic. The situation has also improved after change of legislation in 1999 (more strict norms that proved to be very efficient in solving cases, e. g. in enforcement). There were several cases: in 2000 further two members of the Czech Union of Falconers were caught during their attempt to rob eagles, another case was from 2001 (again the Czech falconer who was sentenced to 1 year), in 2004 a Slovak falconer was stopped when robbing the nest of *Falco peregrinus*, in 2006 the former Slovak falconers was caught during illegal transport of 6 nestlings of *Falco peregrinus*. All these persons were sentenced.

Catching and trapping

This illegal activity is oriented to any predators including birds (similarly as poisoning). Devices use to catch animals differ, often they are aimed to catch a living animal to be used for breeding or for sale. Iron- traps are non-selective and result in killing of animals.

Damaging of nests and of habitats of species.

Damaging may occur intentionally (during robbing of nest for instance) or unintentionally during carrying out various activities – forestry, agriculture, reconstruction of buildings, uncontrolled tourism, climbing, taking pictures of nesting birds, grass burning etc.

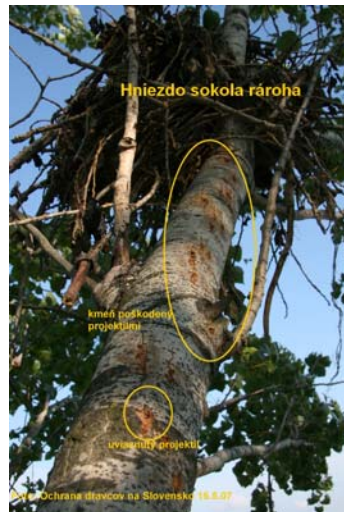
Photodocumentation on shooting:



Pic. 1: RTG snapshot of female of the Imperial Eagle (*Aquila heliaca*) found in 2007 in Radvaň nad Dunajom municipality showing the presence of 5 bullets.



Pic. 2: Unlike most of the times, in this case the female was able to return back to the wild after rehabilitation.



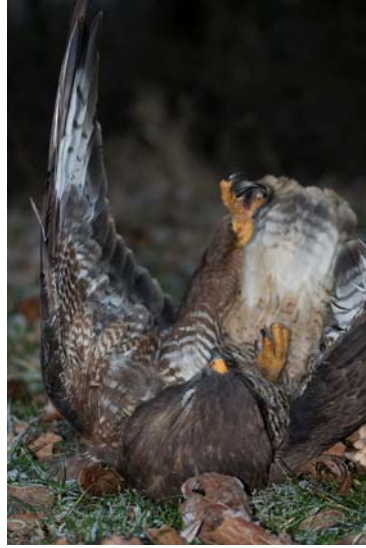
Pic. 3: In a case from May of 2007 the offender shot out each one of the nests in an alley of trees in proximity of Sokolce village with length more than 2 km. Three hatching Long-eared Owls (*Asio otus*) females, two Common Kestrel (*Falco tinnunculus*) chicks and a Carrion Crow (*Corvus corone*) chick were killed. Nest of the critically endangered Saker Falcon (*Falco cherrug*) was found abandoned. Visible in the photo are the projectiles embedded in the bark of the tree.



Pic. 4: A Long-eared Owl (*Asio otus*) female killed by a firearm while hatching.



Pic. 5: One of the species that occurs in Slovakia only during the winter is the Hen Harrier (*Circus cyaneus*). It preys predominantly on voles. This female was shot in January of 2008 in proximity of Majcichov village. Several cases of bird crime were recorded here in the past – 12 Marsh Harriers (*Circus aeruginosus*) were found hanging by their legs in a vineyard for the purpose of discouraging the crop disturbances by starlings and poisoned eggs were found on field. An alarming case involving a female Eastern Imperial Eagle (*Aquila heliaca*) also occurred here – she was found poisoned a few hundred meters away from her nest, where her chicks were found starved to death. Another case of near-lethal poisoning was detected in the vicinity of Voderady; fortunately in this case the victim was able to recover. Similar situations occurred in many others, primarily lowland, locations.



Pic. 6: *The cormorant is victimized predominantly by fishermen.*



Pic. 7: *A Common Buzzard (Buteo buteo) individual killed by a gunshot. This species is considered to be a game species predator; the main prey are however small mammals.*



Pic. 8: *A Long-eared Owl (Asio otus) youngling shot with a firearm near Šala. Amputation was required for its recovery, which left it permanently handicapped.*



Pic. 9: Several Fieldfares (*Turdus pilaris*) shot by an airgun in the same location.



Pic. 10: Ducks of various species – some of them rare – killed by Italian poachers.



Pic. 11, Pic. 12, Pic. 13: A Montagu's Harrier (*Circus pygargus*) wounded by a rifle died despite being provided with the best professional treatment. This particular case happened in the vicinity of Nitra where the specimen had been ringed a month before its demise.



Obr. 12: *This Western Marsh Harrier (Circus aeruginosus) was wounded by a firearm. It survived and recovered after months of rehabilitation.*



Pic. 13: *In the body of this particular Saker Falcon (Falco cherrug) two lead bullets were found; they had maybe weakened his immunity, because later it died of bacterial infection.*

Photodocumentation on poisoning



Pic. 14: *This specimen of Microtus arvalis died on the ground instead of underground because of an improper use of rodenticide.*



Pic. 15: The local population of Red-footed Falcon (*Falco vespertinus*) near Lehnice village was decimated by an improper agricultural use of rodenticide. It never fully recovered. The chicks died after being fed with poisoned voles or starved to death after death of their parents. Because of the effect of the chemicals on insect population – another important food source for *Falco vespertinus* – the rare species of falcon is vulnerable to habitat chemization.



Pic. 16 & Pic. 17: Two cases of Common Buzzard (*Buteo buteo*) poisoning. Individuals died immediately and near the contaminated bait. The position of the victims on their backs, stiffness in the grip of their claws, the purple discolourment of the bait – these all signalize suffocation after ingestion of carbofuran.



Pic. 18: In March 2009 the largest case of multiple poisoning was discovered in the vicinity of Malženice village. The inspection of the crime scene of approximately 1 km² took more than a week. The presence of carbofuran was confirmed in the samples. 22 birds fell victim to this massacre – 4 Sakers (*Falco cherrug* - of which there are only 30-40 pairs in Slovakia), 16 Common Buzzard (*Buteo buteo*) individuals and 1 individual of both Rough-legged Buzzard (*Buteo lagopus*) and Common Kestrel (*Falco tinnunculus*).



Pic. 19 & Pic. 20: Hare and pigeon carrions were used as a bait in the Malženice case.



*Pic. 21: 10 cadavers of Common Buzzard (*Buteo buteo*) were found in April of 2009 near Hurbanova Ves. They were hidden in shrubbery in various stages of decomposition - signifying the perpetrator had to return repeatedly to clean up after his activities. In this case the presence of not only carbofuran but also of DDT in the samples was detected.*





Pic. 22, Pic. 23 & Pic. 24: Eastern Imperial Eagle (*Aquila heliaca*) male in 2005 (up) and 2008 (down) was found near Horné Orešany poisoned by carbofuran which was detected in the piece of meat stuck in the beak of the victim. Its stomach was found to be empty what is in itself a powerful testament to the lethal effectivity of the particular chemical. RPS monitors reproduction of Eastern Imperial Eagle in Malé Karpaty since 1977. Until 2003, 6 pairs nested here with regularity. Today, because of the increased occurrence of poisonings and shootings, only 2 or 3 pairs are left.



Pic. 25: Chicken eggs are also used as bait; they are injected with poison. The puncture is then covered. Photo shows a pictogram signalling the toxicity of the bait, although some perpetrators do not bother marking them.



Pic. 26 & Pic. 27: A 2008 case. Birds of several species (left – Great Egret, *Egretta alba*) died after improper application (right) of rodenticide near Kalná nad Hronom village.



Pic. 28 & Pic. 29: In these two individuals of scavenging species - an Eastern Imperial Eagle (*Aquila heliaca*) female (left) and a White-tailed Eagle (*Haliaeetus albicollis*) a specimen (right) – a poisoning was suspected. They were both released after a brief rehabilitation.

Photodocumentation on nest robbing



Pic. 30 & Pic. 31: In 2001 Czech falconer Josef Kubec was charged with a year in a jail after being found guilty of stealing a chick from a Golden Eagle (*Aquila chrysaetos*) nest.



Pic. 32 & Pic. 33: A deserted nest of Peregrine Falcon (*Falco peregrinus*) emptied by a bird snatcher in 2006. The perpetrator was seized thanks to long-term active cooperation of protectionists with the police on the Hungarian-Slovak borders. The nest-snatcher – a member of the Slovak falconry club – tried to smuggle 6 younglings of Peregrine Falcon and a raven (*Corvus corax*) chick to Hungary where an Austrian dealer was supposed to take them over. Thankfully, owing to prompt intervention by police and protectionists, all the chicks were returned to their respective nests.



Pic. 34 & Pic. 35: An Imperial Eagle (*Aquila heliaca*) nest in Senica district from which three chicks were stolen in 2009.



Pic. 36: A Lesser Spotted Eagle (*Aquila pomarina*) chick; youngs of this species were stolen from their nests in TANAP in 2009.

Photodocumentation on trapping

Pic. 37 & Pic. 38: *The use of foothold traps is forbidden; they do not differentiate between targets – a pet, or even a person can be easily hurt by their force.*



Pic. 39 & Pic. 40: *A common buzzard (*Buteo buteo*) individual trapped by a foothold trap; its limb had to be amputated (left). Another individual of the same species suffered lethal injuries by the same kind of trap (right). It is not unusual for a victim of the foothold trap to suffer in excruciating pain for several days; many of them even try to chew off their own limb in an effort to free themselves. Even if they are released they very often have to be put down because of the graveness of their wounds.*



Pic. 41: *Goshawk baskets are mechanical devices with the purpose of capturing raptors; a legislative exception has to be obtained for their employment and employment of nets and various other trapping devices.*



Pic. 42 & Pic. 43: A trap – net: a kind of trapping device – ornithological net



Pic. 44: Another existing utilized trap feature is remote control, which makes it possible for the poacher to be hidden hundreds of meters away from it.

Photodocumentation on illegal holding



Pic. 45, Pic. 46 & Pic. 47: This type of illegal activity is related to criminal bird capturing and nest-snatching. It focuses on the species attractive to bird breeders (various species of raptors, parrots, goldfinches, hawfinch e.a.). Captured birds are smuggled to adjacent countries and bred or sold away.

Photodocumentation on destruction of nest and nesting habitats



Pic. 49: Destroyed nest of common tern (Sterna hirundo).

15. SPAIN / ESPAGNE



SECRETARIA DE ESTADO
DE CAMBIO CLIMATICO
DIRECCIÓN GENERAL DE MEDIO
NATURAL Y POLÍTICA FORESTAL

SPANISH REPORT ON « ILLEGAL KILLING OF BIRDS »
Ministry of Environment and Rural and Marine Affairs
General Directorate of Wildlife and Forestry

GENERAL OVERVIEW OF LAW ENFORCEMENT

Spain has an adequate legal framework to prevent the practice of illegal trapping or killing of birds, according to the letter and spirit of the Birds Directive 2009/147/CE. In particular, the Act 42/2007, of December 13th, of the Natural Heritage and Biodiversity, establish a system of general protection for native wildlife through the article 52 of the Act, which specifically mentions that "it is forbidden to kill, harm, harass or intentionally disturb wildlife, whatever the method used or the stage of their life cycle", except for the species affected by game management, forestry, agriculture and fishing regulations.

On the other hand, there is also a List of Wild Species in Special Protection Scheme, which comprises the Spanish Catalogue of Threatened Species. The species included in the List have conferred a higher level of protection and it is forbidden to possess, to transport, to sale or to import / export of individuals or their larvae, offspring, eggs, or propagules.

The prohibitions may be derogated under the regime of exceptions set out in Article 9 of Birds Directive 2009/147/EC, with the corresponding technical conditions. These derogations are reported annually to the European Commission from the Ministry of Environment and Rural and Marine Affairs.

In relation to the practical implementation of legislation to prevent illegal capture and killing of birds, the Spanish authorities have implemented the legislation referred since its entry into force and, in particular in recent years in relation to the practice of the activity known as "parany", which is currently suspended and considered illegal, according to jurisprudence of the High Court of Valencia, the Supreme Court of Spain or the Court of Justice of the European Union. In addition, for the performance of the traditional activity known as "silvestrismo" it is currently being developed technical guidelines for the capture of finches by the authorities aiming in accordance with existing law enforcement, especially as regards the application of derogations to the protection of wildlife.

SPECIFIC ISSUES:

1. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)?

The Ministry of Environment and Rural and Marine Affairs is not aware of the practice of illegal activities in relation to the capture of wild birds in Spain and all trapping activities undertaken are based on permits issued by the competent authorities.

Nevertheless, there are two types of practices related to the bird trapping that have been addressed in recent times by the Spanish government for its fitting to the legal provisions. The first is the "parany" which is an activity developed in the Spanish Mediterranean coast (mainly in Valencia) during the migratory period. It consists in attracting different bird species through audio and, sometimes, visual decoys to an artificially managed vegetation structures. When birds reach these structures perches in impregnated adhesive-lime sticks that makes them fall into the structure and prevent them from flying. The target species of the parany are *Turdus philomelos*, *Turdus merula*,

Turdus viscivorus, *Turdus pilaris* and *Turdus iliacus* although, as a non-selective method, other not targeted species are trapped in a large numbers. This practice is completely banned by the Spanish authorities and not allowed at present.

The second practice is known as "silvestrismo". In Spain there is tradition of trapping birds of the family *Fringillidae* to maintain them in captivity for leisure purposes because of the hobby of management and training of variations in song and plumage. This practice tends to grouped into associations or groups and members of these societies are, in general, people who develop the bird trapping in the field and who receive the permits issued by the competent authorities.

Species permitted to be trapped from the wild to develop "silvestrismo" in Spain are chaffinch *Fringilla coelebs* (except Canary Islands populations), serin *Serinus serinus*, greenfinch *Carduelis chloris*, linnet *Carduelis cannabina*, goldfinch *Carduelis carduelos* and siskin *Carduelis spinus*. Though these species are not included in the List of Wildlife Species in Special Protection Regime (except in the case of siskin, whose trapping is authorized in Melilla), they are affected by the general regulation of protection conferred by the Act 42/2007 of December 13th, article 52.

This activity, as traditionally been developed in Spain, would conflict both the national and EU conservation legislation in relation to the possible inadequate compliance of the regime of derogations set out in Article 9 of Birds Directive 2009/147/CE. The need for the enforcement of the legislation makes necessary to carry out a change in the practice of this activity. So, it is mandatory to replace the generalized trapping and possession of wild birds for the captive breeding as a means of supply of birds for hobby purposes. This solution has been proposed from different legal establishment as the alternative to generalized finches trapping.

Captive breeding of finch species is feasible. Thus, captive breeding is widely practiced in countries like France and Belgium, where there is also big hobby for leisure purposes related to bird management and training of variations in song and plumage. In these countries trapping of wild birds is only accepted in order to avoid depression on genetic variability of the population held in captivity where this is technically justified.

2. How exact are the evidences?

Regarding the first method of illegal trapping of birds (parany), no data exist about its present practice. For the development of "silvestrismo", many practitioners have received authorizations for trapping wild birds from the regional governments, which are the competent authorities in allowing such activities.

3. What are the scale and the trend of the problem?

For the "parany" the problem has been solved and now it is not a conservation problem. When formerly this activity was developed, in the 1995-2002 period an amount of 2,794,809 birds of the target species were trapped (*Turdus philomelos*, *T. merula*, *T. viscivorus*, *T. pilaris* and *T. iliacus*) as well as and between 698,699-2,229,876 birds of non-targeted species.

Authorizations for the development of the activity of "silvestrismo" in 2009 raised to 22,500 in Spain for a total allowed quota of 314,909 birds from five species. In total 345,641 birds were captured, of which 136,930 were eventually retained. The licensing trend is stable over time since 2000.

4. Who are the actors concerned?

The applicants of the activity known as "silvestrismo" are mainly practitioners and fans of the improvement of bird song and competitors in competitions and finches song shows. Practitioners usually group into local or regional associations. In many cases, people belonging to the associations are federated associations in the Royal Spanish Federation of Hunting. Regional administrations grant trapping authorizations directly to applicants and the same authorities are responsible for ensuring the compliance with current regulations regarding the content of licenses. Finally, the Spanish Ministry of Environment, Rural and Marine Affairs oversees and informs the European Commission about the derogations in relation to the protection of bird species held annually in Spain.

5. What are the main drivers of the concerned illegal activities?

In Spain all the bird trapping activities are endorsed by authorizations issued by the competent authorities. This situation does not mean that there are not people who could break the law but not in generalized joint actions.

6. What are the main obstacles to eradicate these?

The only obstacle to direct actions towards the strict enforcement of the legislation is the popular pressure of practitioners of “silvestrismo”, its consideration as traditional activity in many parts of Spain (mainly Mediterranean region) and the evidence that the implementation of such activity does not involve a conservation problem for the affected species.

7. What have been the most recent success?

At present, the technical committees for the conservation of wildlife and the management of hunting and fishing in Spain, participated by competent authorities representatives, have agreed a technical guidelines for the development of finches trapping in the wild of birds within the framework of strict compliance of current regulations and to implement an unique system of authorization in different Spanish regions. This document has yet to be approved by the political responsible of the Spanish authorities for their effective entry into force. This situation will change the scene of generalized authorization for trapping wild finches, directing it only to cases where there is really no other satisfactory solution, according to legal advice and technical and scientific available information.

8. What were the reasons of the success?

There are several reasons that made possible the advance in the implementation of best bird trapping practices according to the Birds Directive:

- Detection of the non-compliance of legal framework in relation to “parany” practice by Spanish environmental authorities.
- Recognizance of possible non-compliance of derogations of the article 9 of Birds Directive 2009/147/CE in relation to the authorizations granted for “silvestrismo” practice.
- Analysis of the information of technical reports contracted to independent organizations (SEO/BirdLife) and administrations about the procedure of granting authorizations of finch trapping.
- Evaluation of legal reports ordered to the justice services of the Spanish Ministry of Environment, Rural and Marine Affairs.
- Consultation to technical services of the European Commission about wild finches trapping and compliance of Birds Directive 2009/147/CE.
- Development of public awareness and information processes to the authorities responsible for granting authorizations as well as for stakeholders.

16. SWITZERLAND / SUISSE

EUROPEAN CONFERENCE ON ILLEGAL KILLING OF BIRDS

CONTRIBUTION FROM SWITZERLAND

1. General overview of the most relevant law enforcement mechanisms in your country

National and local frameworks: At the national level, principles for the regulation of harvesting/hunting are established in the Federal Act on Hunting and the Protection of Wild Mammals and Bird (JSG, 1988, SR 922.0) and the Ordinance concerning Hunting and the Protection of Wild mammals and Birds (JSV, 1988, SR 922.01). In general terms, the All Birds are protected by law (JSG, Art. 5), with exception of those considered to be quarry¹. The Act defines a hunting season (JSG, Art. 5) and the ordinance lists prohibited hunting aids (JSV, Art. 1, 2). Furthermore, the unlawful possession of and trade in birds, eggs or parts thereof is punishable by law (JSG, Art. 17, 18).

Specific provisions on the conservation of birds are also included in the relevant legislation regarding protected areas, i.e. the Ordinance concerning Reserves for Waterbirds and Migrants of International and national importance (WZVV, 1991, SR 922.32) and the Ordinance concerning Federal Game reserves (VEJ, 1991, SR 922.31).

The cantonal authorities are responsible for the regulation and planning of hunting, giving due consideration to local conditions (JSG, Art. 3).

Training of gamekeepers: In Switzerland, anyone wishing to hunt requires a cantonal hunting license (JSG, Art. 4, Para 1). A hunting license is granted to applicants who demonstrate in a test specified by the cantonal authorities that they have the requisite knowledge (JSG, Art. 4, Para 2). The test comprises a practical course and a theory examination. Identification skills are also tested.

The cantonal authorities are responsible for ensuring effective supervision (JSG, Art.3, Para 2) and for regulating the training of gamekeepers and hunters (JSG, Art. 14, Para 2). The federal authorities conduct courses offering additional training for gamekeepers responsible for areas under federal law (JSG, Art. 14, Para 2)

Penalties: Offences are defined in Article 17 and infringements in Article 18 of the JSG. The law also specifies penalties ranging from fines to imprisonment (JSG, Art. 17). Another possible penalty is the revocation of a hunting licence (JSG, Art. 20). The agents responsible for enforcement of the JSG are granted wide-ranging powers. The cantonal authorities confer on these agents the status of police officials and regulate, for example, searchers of premises and facilities and the seizure of items (JSG, Art. 26).

Public awareness: Swiss ornithology is looking back on a long tradition and is significantly supported by the broad public. The main actors include:

- The Swiss Ornithological Institute² is a non-profit foundation sponsored by the public (75'000 benefactors), engaged in research, conservation projects and information campaigns in support of native birds;
- SVS/BirdLife Switzerland³ is a NGO aiming at protecting of birds and biodiversity from a local to the international level and by this making a contribution for a natural environment and for people. SVS/BirdLife Switzerland counts a total of 60'000 members.

¹ i.e. Black Grouse, Rock Ptarmigan, Common Wood Pigeon, Eurasian Collared Dove, European Magpie, Eurasian Jay, Common Raven, Hooded Crow, Carrion Crow, Common Pheasant, Great Crested Grebe Common Coot, Great Cormorant, Eurasian Woodcock and wild ducks (with exception of the Common Shelduck, Ruddy Shelduck, mergansers and swans, Marbled Teal, Steller's Eider, Harlequin Duck, White-headed Duck, Barrow's Goldeneye, Red-crested Pochard and the Ferruginous Duck)

² Swiss Ornithological Institute: <http://www.vogelwarte.ch/startseite-english.html> (en, fr, de)

³ SVS/BirdLife Switzerland: <http://www.birdlife.ch/d/home.html> (fr, de)

- ALA - Schweizerische Gesellschaft für Vogelkunde und Vogelschutz⁴, a NGO with 1'300 members, publishes quarterly the journal "Ornithologischer Beobachter", a distinguished journal including reports and scientific articles in German language, provides training and is involved in the management of protected areas.
- The NGO Nos Oiseaux⁵ commits itself since 1913 to the study and the protection of the birds in French-speaking Switzerland. By its quarterly review and its activities on the ground, Nos Oiseaux is engaged in the formation of a great number of ornithologists - in particular young peoples organised in a youth group.

2. General information on specific issues:

Fowling can be considered a local tradition in some parts of Switzerland practised on a very limited scale - predominantly as leisure or sports activity. Fowling is well regulated and the regulations are enforced adequately. Furthermore, fowling causes a deep rejection - for ethical reasons - from a broad majority of the population. Illegal taking of birds is therefore not considered a concern in Switzerland.

1. What are the main ongoing illegal activities that occur on the territory of your country (where, when, which species, which means...)?
2. How exact are the evidences?
3. What are the scale and the trend of the problem?
4. Who are the actors concerned?
5. What are the main drivers of the concerned illegal activities?
6. What are the main obstacles to eradicate these?
7. What have been the most recent successes?
8. What were the reasons of these successes?

⁴ ALA - Schweizerische Gesellschaft für Vogelkunde und Vogelschutz: <http://www.ala-schweiz.ch> (de)

⁵ Nos Oiseaux: <http://www.nosoiseaux.ch> (fr)

17. TUNISIA / TUNISIE

SPECIES OF BIRDS SEEN BY THE MONOGRAPH OF THE TUNISIAN DIVERSITY AS EN DANGERED, THREATENED AND VULNERABLE.

According to the the Ministry of Environment (1998), a total of 55 species are considered to have a conservation status requiring protection. The 55 species are divided into the following categories:

- A species threatened with extinction according to the Ministry of Environment and Sustainable Development (MEDD), which corresponds to CR (Critically Endangered species);
- Twenty (20) endangered species without a definition for this term is confusing when compared to the terminology of IUCN;
- Thirty four (34) vulnerable species with the same observation for threatened status.

1. Main causes of the danger that confronts the birdlife in Tunisia

Threats can be summarized mainly in the change of character of the natural environment by the destruction and degradation of habitat for both nesting, wintering or passage. The drainage of wetlands and construction of water reservoir (barrage) have had very negative consequences on the ability of its home environment for waterfowl. The transformation of arid steppes (eg, Outarde houbara). The use of agricultural fertilizer has had an impact on reproductive capacity in raptors (hawks and Egyptian vulture.), and the quality degradation water wetlands for water birds. Pollution of wetlands in the coastal strip and near the cities has worsened the situation. Industrial pollution particularly in the Gulf of Gabes outlined several sites with high concentrations of some birds to degradation. Despite the enactment of an annual order, hunting was the source of depletion of several species such as gangs, the marbled teal and the slender-billed curlew (on the scale of its distribution at least in winter and during migration passage). Genetic pollution by infiltration of the American duck is a potential threat to the white-headed duck as is the case in Morocco and Spain, despite the efforts of its eradication in that country. Multiple faults on the wintering grounds and nesting are widespread.

2. Birds species considered rare and endangered by the Ministry of Agriculture and Environment:

Looking at the list of rare and endangered species, the order of the Minister of Agriculture and Water Resources of July 19, 2006 (Official Journal No. 60.2006), it is not conservation status (rare or endangered). On the other hand, is a list that gives only five species:

- *plovers, (most likely the little ringed plover),
- *the white-headed duck, rails (corncrake or rattle of water),
- * Tern (Tern or common tern),
- *Pink flamingo,
- *Outarde houbara.

3- Species explicitly mentioned in Article 7 of the Order's annual hunt

Section 7 of the annual Order's of closing of hunting of the Minister of Agriculture was the first text that provides a list of protected species (not hunting). He was for years the only list that somehow protects the birds and their environments since the decree mentions a list of sites established as a reserve fighter governorate some of which were practically permanent reserves such as the islands of Kerkennah more protected areas (nature reserves and national parks). It is also the text that was the fastest to enact and more flexible in the protection of sites of importance for the conservation birds and other wildlife species (eg statement from the mid-1990s in the archipelago the Galite as hunting

reserve). Thus, Article 7 of this decree formally prohibits "hunting, killing, capturing, sale, purchase, possession and peddling of species not listed (the list of game species) in Article I concerning the opening and closing of the hunting season.» He cited particularly for birds the following species: the Outarde houbara, the Pink flamingo, stork, the slender-billed curlew, the White-headed Duck, Marbled Teal, the ferruginous duck, the chicken (Gallinule) sultana, the corncrake, the Audouin's gull, the shag, the spoonbill, the black-tailed godwit, cranes, glossy ibis, chaffinch, breast cini, the Greenfinch of Europe, nocturnal and diurnal raptors. This section prohibits, also, collecting eggs and protects the nest and broods of all birds (Official Journal No. 70, 2006).

4. Globally threatened bird species in Tunisia

According to the latest version of Red List species (IUCN Red List Species. Version 2009.1), there are eight (08) species that are globally threatened (CR, EN and VU) and three (03) species Near Threatened (NT). These species are:

Marmaronetta anagustirostris

Oxyura leucocephala

Puffinus mauretanicus

Falco naumanni

Falco cherrug

Neophron percnopterus

Chlamydotis undulata

Numenius tenuirostris

Aythya nyroca

Milvus milvus

Larus audouinii

18. UNITED KINGDOM / ROYAUME-UNI

EUROPEAN CONFERENCE ON ILLEGAL KILLING OF BIRDS

General overview of law enforcement mechanisms

1. In the UK the legislation protecting birds is enforced primarily by the police service. Each of the 52 UK police forces are responsible for enforcing wildlife legislation in their geographical area and each force has a Police Wildlife Crime Officer (PWCO) or a nominated contact point for wildlife offences. The powers available to the police are set out in the specific wildlife legislation and also in wider crime and policing legislation.
2. UK police officers are supported by the UK's National Wildlife Crime Unit (NWCU) which assists in the prevention and detection of wildlife crime. The NWCU obtains and disseminates intelligence from a wide range of organisations; undertakes analysis which highlights local or national threats and directly assists Police Wildlife Crime Officers (PWCOs) and other law enforcement agencies in wildlife investigations. It coordinates serious wildlife crime investigations and acts as a point of contact for wildlife law enforcers across the UK and internationally.
3. The UK Partnership for Action Against Wildlife Crime (PAW) also works to reduce wildlife crime. It comprises representatives of the main statutory and voluntary bodies with an interest in reducing wildlife crime and aims to facilitate effective enforcement, influence the improvement of legislation and raise awareness of wildlife crime.
4. The Wildlife and Countryside Act 1981 provides statutory protection for species and their habitats, within Great Britain. All wild birds are afforded statutory protection under the 1981 Act. It is an offence under Section 1 of the Act to kill, injure or take any wild bird; take, damage or destroy the nest of any wild bird while that nest is in use or being built, and take or destroy an egg of any wild bird.
5. The Act also makes it an offence to intentionally disturb any wild bird included in Schedule 1 of the Act while it is building a nest or is in, on or near a nest containing eggs or young; or disturbs dependent young of such a bird. It is also an offence to recklessly disturb any wild bird included on Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or disturb the dependent young of such a bird. The maximum penalty for these offences is six months imprisonment and/or a £5,000 fine.
6. The Control of Trade in Endangered Species (Enforcement) Regulations 1997 set out the provisions regulating the trade within the UK of species protected by the EU Wildlife Trade Regulations. It is an offence to purchase, offer to purchase, acquire for commercial purposes, use for commercial gain, sell, keep for sale, offer for sale or transport for sale any specimen of a species listed in Annex A to the EU Regulation. The maximum penalty for these offences is 5 years imprisonment and/or an unlimited fine.

The situation in the UK

7. The illegal killing of birds is difficult to quantify as by its very nature it will be carried out covertly. Some incidents will come to light, some of which will be reported. Those which are reported may or may not be verified and species may be wrongly identified, or an apparent offence may be the result of an accident or may have been permitted by the issue of a licence. Other incidents will go undetected and/or unreported.
8. The UK has taken steps to address this. PAW has striven to reduce offending through education and awareness-raising to help people know what, and to whom they should report, if they witness or find evidence of an offence. It also encourages effective enforcement through partnership working to help ensure that wildlife enforcers have access to appropriate expertise and experience.
9. The NWCU plays a key role in assisting enforcement. It is a source of expertise and advice for enforcers and can also make available one of its Investigative Support Officers to help in the investigation of particular offences.

10. In addition, to help target enforcement effort the UK sets wildlife crime priorities every two years, following a strategic assessment of UK wildlife crime carried out by the NWCUC. The priorities are set taking into account the conservation status of the species concerned and the number of reports of incidents submitted to the NWCUC. Most police forces now routinely submit incident reports to the NWCUC, helping to ensure that the strategic assessment is based on the best information possible. Incident reports are also submitted by NGOs and Government Departments and Agencies.

Birds of prey

11. In March 2009, and again in March 2011, raptor persecution (focusing on the golden eagle, goshawk, hen harrier, red kite and white tailed eagle; and additionally from 1 April 2011 – the peregrine falcon) was identified as a UK wildlife crime priority. A 'plan owner', responsible for leading work to tackle the priority, has been appointed together with 'prevention' and 'intelligence' leads. Each 'plan owner' sets an overarching objective for tackling the priority and compiles an action plan to steer activity to meet that objective.

12. The NWCUC assessment is that the three main ways in which birds of prey are persecuted is through deliberate killing or injuring (60%) and cite poisoning, shooting and the illegal use of traps and snares as the main causes. Disturbance is the next main cause (24%), resulting partly from development activity and tree felling; it is difficult to judge whether the disturbances reported were intentional. Birds of prey are desirable as a commodity; 14% of reports suggest that possession offences under the Wildlife and Countryside Act and sales offences under the Endangered Species (Enforcement) Regulations may have occurred.

13. The NWCUC report that in the period September 2008 to August 2010, the population of 442 pairs of golden eagle were subject to nine incidents (2%); four poisonings and five disturbances. It is believed that most of these incidents were associated with land managed for grouse shooting. The 400 pairs of goshawk were subject to 14 incidents, eight related to possession offences, five to disturbance, and it is understood that there were reports of two direct killing of goshawks but neither were confirmed. It has been suggested that illegal killing by game rearing interests has prevented the expansion of the population. The 690 pairs of hen harrier were subject to 11 incidents; seven of disturbance, three of direct killing and one of chick theft. It is suggested that persecution associated with moorland managed for grouse-shooting is a significant issue. The 431 pairs of red kite were subject to 29 incidents, of which 24 were confirmed poisonings. The 36 pairs of white-tailed eagle were subject to 4 incidents; two poisonings, one shooting and one disturbance. The 1400 pairs of peregrine falcon were subject to 66 incident reports; twelve of egg/chick theft; one of poisoning and a number of illegal trapping and shooting. Over half of these incident reports were submitted by the RSPB. It is suggested that peregrine falcon breeding performance is much reduced on land managed for grouse shooting.

14. The NWCUC also received three incident reports in relation to osprey (148 pairs); 86 incidents involving common buzzard (38,000 pairs); and 14 incidents involving sparrowhawk (39,000 pairs).

Finch trapping

15. The NWCUC received 41 reports of incidents of finch-trapping between September 2008 and August 2010, suggesting that there is a small market for trade in wild-taken finches.

Illegal taking of wild bird eggs

16. The NWCUC received 32 reports of incidents of illegal egg-taking and comment that this figure has reduced following a number of convictions in the last two years.

Swan-related incidents

17. The NWCUC received 463 reports of incidents involving swans in the same two year period.