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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Second Conference on the Illegal killing,  
Trapping and Trade of Wild Birds**  
/  
**Seconde Conférence sur la mise à mort,  
le piégeage et le commerce illégaux d'oiseaux sauvages**

Tunis (31 May 2013)

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Tunis (31 mai 2013)

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**REPORT ON THE IMPLEMENTATION OF THE ACTION POINTS OF  
RECOMMENDATION No. 155 (2011)  
OF THE STANDING COMMITTEE TO THE BERN CONVENTION ON  
THE ILLEGAL KILLING, TRAPPING AND TRADE OF WILD BIRDS**

**- Final -**

*Document prepared by  
BirdLife International  
on behalf of the Bern Convention*

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## 1. SUMMARY

Illegal killing, capture and trade can pose a major threat to the conservation of wild birds. To combat these illegal activities the Standing Committee to the Bern Convention, in cooperation with the Game Fund of Cyprus, organised in 2011 the first “European Conference on the Illegal Killing of Birds”, resulting in the adoption of the Larnaca Declaration and of Recommendation No. 155 (2011) of the Standing Committee on the illegal killing, trapping and trade of wild birds. Recommendation No. 155 (2011) identified several actions to combat illegal killing, trapping and trade, together outlining a multiannual programme of follow-up actions covering the general communication on illegal killing, trapping and trade, the enforcement, biological and institutional aspects.

In 2012 the Standing Committee to the Bern Convention invited the contracting parties to the Convention to report on the progress on the implementation of Recommendation No. 155 (2011). Only nineteen parties responded to this request.

The reports from the contracting parties showed that in general the implementation of action points of Recommendation No. 155 (2011) has been limited. National communication strategies have only been identified in a few parties.

A zero tolerance approach towards illegal killing, capture and trade is however evident in most contracting parties. In most parties also knowledge and information on best practice in awareness-raising is regularly exchanged and partnerships and cooperation between government agencies and stakeholders are on-going

Illegal activities are systematically monitored and reported in several contracting parties, but a common reporting format has not been developed. Links between demands of wild birds and supply through illegal activities have also been identified in several contracting parties.

Hotspots of bird concentration and illegal activities have however only been identified and prioritised in a few contracting parties.

Special units have been reported in several contracting parties, but progress is still to be made in strengthening their capacity, human resources, competencies or cooperation between relevant enforcement and judicial authorities. Special prosecutors are only reported in a few parties. No special judges were reported in any of the contracting parties.

The contracting parties also reported that national focal points or regional focal points to report on bird crimes or birds found dead or trapped have been established in most of the reporting contracting parties and that the effectiveness of the detection of bird crimes and their prosecution and the recidivism rate of people convicted are generally not measured.

The contracting parties to the Bern Convention are invited to step up their efforts to implement the action points of Recommendation No. 155 (2011) especially regarding the national communication strategies and the identification of hotspots of bird concentrations and illegal activities and the training and identification of special prosecutors and judges.

## 2. INTRODUCTION

Illegal killing, capture and trade can pose a major threat to the conservation of wild birds through direct mortality or removal of individuals, which can have a significant effect on populations and species as a whole. In this report illegal killing, capture and trade is defined as any deliberate killing, capture or trade of birds that is not performed in accordance with the national legislation and the relevant international legal framework.

There are two relevant international legal frameworks for contracting parties to the Convention on the Conservation of European Wildlife and Natural Habitats (CETS No. 104, Bern Convention): the Bern Convention and the Directive 2009/147/EC (Birds Directive), the latter of which is only relevant for EU Member States. The provisions on killing, capture and trade of birds are under both the Bern Convention and the Birds Directive based upon four principles:

- a. **A general system of bird protection** – All wild bird species naturally occurring on the territory must be protected, including by national or regional law.
- b. **Regulate legitimate hunting** – Each country may permit certain species (for EU Member States, from the 82 species on Annex II of the Birds Directive) to be hunted providing that their populations can sustain this and that there is a closed season. The closed season must cover the breeding season and for migratory birds the pre-nuptial (spring, return) migration to their breeding grounds, according to the Directive.
- c. **Methods of hunting** – All large scale or indiscriminate methods of catching or killing birds are prohibited, in particular, the use of snares, bird lime, live decoys, nets, traps, poisons and automatic weapons.
- d. **Possibility for derogations** – Countries may make exceptions from bird protection measures for strictly defined reasons. Such exceptions are monitored by the European Union and Council of Europe.

A survey by BirdLife in 2011 (available [here](#)) revealed that the illegal killing, trapping and trade is a widespread problem across Europe. The most important problem is the deliberate poisoning of birds, mainly through its impacts on threatened species such as vultures, but illegal trade and hunting outside the legal season are also major problems. Several affected species are listed on Annex II of the Bern Convention and are rare and/or declining.

The Standing Committee to the Bern Convention has recognized the threats illegal killing, capture and trade pose to birds in as early as 1986 through its Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds (reprinted in Annex I) and in 2001 through its Recommendation No. 90 on the catching, killing or trading of protected birds in Cyprus (reprinted in Annex II). Similar recognition has been given to the issue by the European Union which adopted a Roadmap towards eliminating illegal killing, trapping and trade of birds in 2012 (available [here](#)).

In 2011, the Standing Committee to the Bern Convention and the Game Fund of Cyprus organized the conference “European Conference on Illegal Killing of Birds” in Larnaca (Cyprus). This conference highlighted the progress made in combatting illegal killing, capture and trade of birds and outlined challenges in ensuring implementation of relevant international and national legislation. The conference resulted in the adoption of the Larnaca declaration (reprinted in Annex III) and Recommendation No. 155 (2011) on the illegal killing, trapping and trade of wild birds (reprinted in Annex IV) by the Standing Committee. As part of this Recommendation, several action points were identified, which are shown in table 1 on the next page.

As a follow-up to Recommendation No. 155 (2011), the Standing Committee to the Bern Convention has sent a questionnaire on the implementation of the action points identified in the Recommendation (printed in Annex V) to the contracting parties.

In the present report a stocktaking of progress on the implementation of the action points is made based on the questionnaires submitted by nineteen contracting parties, followed by recommendations to ensure full implementations of these action points.

<b>1. General</b>
<i>a.</i> Develop and support national communication strategies, promoting dialogue between all relevant interest groups, and noting cultural sensitivities. These strategies should be aimed to the conservation of bird population and based on the following principles: (i.) this is about illegal killing of birds, not legal hunting; (ii.) zero tolerance of illegal killing of wild birds; (iii.) recognition of legal hunting and sustainable use.
<b>2. Enforcement aspects</b>
<i>a.</i> Consider birds as a European heritage and a valuable resource, thus applying a zero tolerance approach to illegal killing, trapping and trade of wild birds to support a shift of culture towards shared values respectful of nature, and promote active stewardship;
<i>b.</i> Strengthen the enforcement at each stage of the bird-crime chain through appropriate political, judicial, operational, scientific and technical support and cooperation, and include a concerted focus on end-users;
<i>c.</i> Promote partnership and coordination between government agencies and stakeholders so as to streamline enforcement at the local, national and international level, and target awareness-raising.
<b>3. Biological aspects</b>
<i>a.</i> Taking into account that scientific knowledge can never be complete and this should not be an impediment to taking action, nevertheless every effort should be made to improve knowledge needed to support the solutions to the problem of illegal killing, trapping and trade of birds such as, in terms of priorities, a European bird migration atlas for the better knowledge of flyways of species and populations, seasonality of movements and connectivity among key areas for migratory birds;
<i>b.</i> In cooperation between the stakeholders, to establish systematic monitoring and reporting systems for illegal activities using standardised methods for data collection, providing for common reporting format and taking into account population flyways;
<i>c.</i> Undertake prioritised actions in hotspots of bird concentration and illegal killing activities in order to facilitate a best practice approach in countries along flyways. The breakdown of the links between the demand for wild birds and the supply through illegal activities should be dealt with as a priority by the relevant countries and institutions;
<i>d.</i> Ensure the effective management of protected areas with the aim of maintaining and improving the connectivity of habitats in the wider landscapes thus ensuring the functionality of flyways;
<i>e.</i> Take forward the issue of poisoning of migratory species in a global context to Conferences or Meetings of Parties of CMS and respective agreements.
<b>4. Institutional aspects</b>
<i>a.</i> Strengthen the capacity, human resources, competencies and the level of cooperation between the relevant enforcement and judicial authorities, as well as make the best use of available budgetary resources to effectively prevent and punish wildlife/bird crimes;
<i>b.</i> Where internal judicial processes allow, encourage the creation of special units of judges and prosecutors, provided with specialist training on combating wildlife/bird crime, and ensure all relevant cases are assigned to them.

**Table 1: Action points of Recommendation No. 155 (2011) of the Standing Committee, adopted on 2 December 2011, on the illegal killing, trapping and trade of wild birds**

### 3. REVIEW OF REPORTS RECEIVED FROM THE PARTIES TO THE CONVENTION

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#### **Communication**

The results of the Larnaca conference were discussed and promoted in Albania, mainly amongst governmental organizations. The outcomes of the discussion and Recommendation No. 155(2011) were used to support the efforts of the Government to reduce the illegal hunting of migratory birds.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. Best practice in awareness-raising activities is the extended dialogue between the Ministry of Environment, the Albanian Hunting Federations and its member associations as well as with the Federation of Touristic Hunting Operators. Exchange on best practise occasionally takes place through this dialogue. The dialogue is also used by the Ministry of the Environment to involve the Directorate of Forestry Service and Forestry Police to help reduce the illegal killing of birds.

The low level of knowledge on migratory bird species numbers, limited knowledge of huntable bird species and illegal hunting by foreign hunters who take advantage of poor law enforcement are barriers to the promotion of the recommendations of the Larnaca conference. These barriers are being overcome through awareness-raising activities and through providing information to the hunters' organisations.

#### **Monitoring and enforcement**

There are special units of police, prosecutors or judges in Albania for combatting wildlife/bird crime, but the nature of these authorities was not further specified in the reply by Albania. There is no focal point to collect reports of bird crimes or birds found dead or trapped.

The burden of proof lies with the enforcement authorities. Illegal activities are monitored and reported through the system used for fine collection. Prosecution is also reported using this format.

The effectiveness of the detection of bird crimes and their prosecution is not measured. The recidivism rate is also not measured. No links between the demand and the supply through illegal activities have been investigated.

There are no important constraints in the existing legislation to tack illegal killing, trapping and trade of birds. Investigation and enforcement could be strengthened through the organisation of training workshops and experience exchange with other staff in charge of law enforcement.

There are no studies on the biological consequence of habitat deterioration by species disturbance.

Hotspots of bird concentrations and illegal activities have been identified and prioritised following the implementation of the Larnaca recommendations. The intensity of control on illegal killing of birds is similar in protected areas as in the wider countryside.

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**Communication**

The results of the Larnaca conference were not discussed or promoted in Croatia.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. There is no exchange of knowledge or information on best practice.

**Monitoring and enforcement**

No special unit of police or special prosecutors or judges for combatting wildlife crime exist in Croatia. The national focal points to collect reports of bird crimes and birds found dead or trapped are the Nature Protection Inspection and the Customs Authority. It was not reported whether other stakeholders are invited to report to the focal point.

The burden of proof lies with the defendant. There is no national systematic monitoring and reporting system for illegal activities. Prosecution, court cases, convictions and penalties are only reported for illegal trade and transport of birds, through the EU-TWIX network of wildlife trade officers. The effectiveness of the detection of bird crimes and their prosecution and the recidivism rate of people convicted are not measured. The existence of domestic or international links in relation to bird crime was not checked.

Inconsistencies in the legal provisions are an important constraint in the existing legislation to tackle illegal killing, trapping and trade. A bigger problem however is the lack of enforcement, as illegal trapping and trade are seen as an issue of minor importance by the police and the hunting inspection, the sentences are small and sometimes symbolic and the Nature Protection Inspection and the protected areas are understaffed. Practical steps that would strengthen investigation and enforcement include a strengthening of the Nature Protection Inspection and the rangers in the protected areas by increasing the number of staff, which would allow them to work at night and during weekends, and providing the Inspection and rangers with field equipment and continuous education. In addition an educational campaign for the border police, the regular police and wider society would also strengthen investigation and enforcement.

There are no studies on the biological consequence of habitat deterioration by species disturbance.

No hotspots of bird concentrations and illegal activities have been identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds is more intensive in protected areas as in the wider countryside as protected areas are under surveillance by rangers who control illegal activities such as illegal killing of birds.

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### **Communication**

The results of the Larnaca conference were discussed and promoted in Cyprus in the daily press, in governmental announcements and within the relevant ministries, the Police and other government departments.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. However a workshop is organised by BirdLife Cyprus in April 2013 with government agencies, NGOs and hunters to develop a strategy to combat trapping.

Best practices in awareness-raising activities are press releases on anti-poaching operations and a leaflet on cross-compliance with the Common Agricultural Policy (CAP). In hunting education lessons illegal trapping is also covered. Data exchange regularly takes place between authorities, agencies and NGOs.

Lack of sufficient enforcement capacity (not enough enforcers), lack of deterrent fines imposed by Courts and lack of adequate awareness among the public are potential barriers to promoting the recommendations of the Larnaca conference. Overcoming these barriers has been difficult due to the lack of adequate personnel and lack of funding. Limited initiative has been taken in respect to the low fines, but this problem might be solved through awareness-raising activities.

### **Monitoring and enforcement**

Two special enforcement units exist for combatting wildlife crime in Cyprus: the Game and Fauna Department and the anti-poaching unit of the Police. No special prosecutors or judges exist. The national focal point to collect reports of bird crimes and birds found dead or trapped is the Game and Fauna Department, where a staff of two works from August to May part-time on this issue. All relevant stakeholders are invited to report to this focal point, including the Police, BirdLife Cyprus, Cyprus Federation for Hunting and Wildlife Conservation, hunters, farmers and civilians.

The burden of proof lies with the enforcement authorities. Illegal activities are monitored and reported through the focal point of the Game and Fauna Department. Prosecution, court cases and convictions and penalties are reported by the Game and Fauna Department. The number of convictions was increasing between 2003 and 2006 but is now stable. The level of the penalties does not show a clear trend as judges have considerable discretion in determining penalties.

The effectiveness of detection and prosecution of bird crimes is measured and is used to target enforcement efforts. The recidivism rate of people convicted for illegal killing, trapping and trade is also measured, approximately 5 000 people have been convicted since 2003, 500 people have been convicted twice and 20 to 40 people more than twice. Best practices on legal provision and enforcement mechanisms are the use of cross-compliance with CAP payments as an enforcement tool and cooperation with the Police against restaurant owners serving trapped birds. Domestic links between the demand for wild birds and the supply through illegal activities were identified during the raid on these restaurants.

There are no important constraints in the existing legislation to tackle illegal killing, trapping and trade of birds. Investigation and enforcement could be strengthened by providing more human resources and educating Game and Fauna department personnel, prosecutors and judges on investigating illegal trapping (including wildlife forensic science).

There are no studies on the biological consequence of habitat deterioration by species disturbance.

Hotspots of bird concentrations and illegal activities have been updated and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds is similar in protected areas as in the wider countryside, because trapping, the most important illegal activity, takes place both inside and outside protected areas.

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### **Communication**

The results of the Larnaca conference were discussed and promoted in Czech Republic through the internal communication in the Ministry of the Environment and also through the communication with the NGO Czech Society for Ornithology (CSO), which is involved in the solution of these issues. The Larnaca Declaration and the Recommendation 155 were also provided to all the stakeholders in the Czech Republic.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet due to a lack of time and capacity. The number of staff of the Ministry of the Environment has been reduced, and the responsible member of staff does not have the time to follow this issue closely and to start the preparation of the communication strategy. The partners and stakeholders are currently only involved in monitoring and enforcement.

Best practice in awareness-raising includes the publishing of cases on illegal killing, trapping and trade in the media (TV, newspapers etc.) and the distribution of information leaflets and materials. National and regional stakeholders irregularly exchange knowledge and information on best practices on awareness-raising through cooperation of CSO and the Czech Environmental Inspectorates with the Ministry of the Environment.

No barriers were raised by stakeholders for the promotion of the recommendations of the Larnaca conference. It should be noted however that due to a lack of time and capacity at the Ministry of the Environment these recommendations were not discussed with stakeholders, although they were sent to them.

### **Monitoring and enforcement**

No special unit of police or special prosecutors or judges for combatting wildlife crime exist in the Czech Republic. There is no official national focal point to collect reports of bird crimes and birds found dead or trapped, but CSO maintains a database on illegal killing of birds, the so-called “Free Wings Database”. All stakeholders are invited to report to CSO, including the Czech Environmental Inspectorate, the Police headquarters and the local Police departments.

The burden of proof lies with the enforcement authorities. There is no national systematic monitoring and reporting system for illegal activities and no reporting on prosecution, court cases, convictions or penalties. The effectiveness of the detection of bird crimes and their persecution and the recidivism rate of people convicted are not measured.

Best practice in legal provisions includes the database on Carbofuran poisoning maintained by the CSO (available [here](#)), the cooperation with the relevant authorities in the Slovak republic, which provided relevant case studies and effective solutions, and a special staff training of policemen and inspectors by the Police headquarters and the Czech Environmental Inspectorate, which markedly improved the investigation of bird crime cases and strengthened the cooperation between the Police headquarters and the Inspectorate.

No links between the demand and the supply through illegal activities have been investigated.

There are no important constraints in the existing legislation to tackle illegal killing, trapping and trade. The main problem for tackling these issues is enforcement, as perpetrators are often not identified.

There are no studies on the biological consequence of habitat deterioration by species disturbance.

Hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca Recommendations. The control on illegal killing of birds is more intensive in protected areas than in the wider countryside.

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The Birds Directive entered into force more than thirty years ago. In that time it has facilitated much co-operative action across the European Union (EU). Many undertaken initiatives have increased understanding of wild birds' conservation needs. Recent years have seen on EU level guidance documents aiming to ensure compliance with the applicable legislation, as well as to strengthen wild birds' conservation and management. Nonetheless, illegal activities such as illegal killing, trapping or trade of birds still occur. These hamper achievement of the objectives set in the Birds Directive and Target 1 of the EU Biodiversity Strategy to 2020.

Despite the fact that the illegal killing of birds is not the gravest threat to bird populations, it can still have strong negative impact on their protection, especially with regard to specific species and regions. The high number of complaints concerning illegal killing, trapping and trade of birds in the EU (e.g. poisoning of birds of prey in Eastern Europe, illegal trapping of passerines in Southern Europe, killing of protected species, illegal imports and egg picking, etc.) show that implementation and enforcement need to be improved.

Despite the fact that law enforcement is primarily Member States' competence, the international dimension of the subject (i.e. migratory species, international trade, etc.) justifies EU action. Therefore, the European Commission closely follows the matter and collaborates with the Secretariat of the Bern Convention. The Commission participated in the First European Conference on Illegal Killing of Birds (Larnaca, Cyprus, 6-8 July 2011).

Following the outcomes of this Conference the Commission considered different options to further tackle the problem and support Member States' efforts to improve law enforcement. The Commission prepared a Roadmap listing a set of actions either for the Commission, Member States, stakeholders or NGOs aimed at eliminating illegal killing, trapping and trade of birds. The Roadmap was discussed with EU Member States, the Secretariat of the Bern Convention, the Federation of Association for Hunting and Conservation in the EU, and BirdLife International. Possible actions belong to one of the five following strands: (a) monitoring and data collection; (b) information exchange, training and awareness-raising; (c) enforcement and legal aspects, and (d) prevention.

Commission has already initiated some actions. These are as follows:

- Possible extension of the use of an existing internet-based tool (EU-TWIX: EU Trade in Wildlife Information eXchange) used in the context of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) to facilitate information exchange and co-operation between law enforcement officials.
- Better characterization of the issue and exchange of best practices. The Commission launched a contract aimed at collecting Member States' views on the issue and better assess it, and undertook a survey of best practices at regional or national level.
- Awareness-raising, capacity building and sharing best practices along the enforcement chain: the Commission benefited from existing networks of judges and prosecutors to train and raise awareness so as to allow appropriate follow-up of such illegal activities within the judiciary. Three seminars for judges and prosecutors on "Protection of environment through criminal law" were organized in 2012 in the context of the Commission's Programme for co-operation with national judges. They were held in Bucharest, Brussels, and Budapest. Illegal killing of birds was one of the issues specifically addressed at the workshop. A training module will be made available.

- Collaboration with IMPEL (EU Network for the Implementation and Enforcement Collaboration with IMPEL (EU Network for the Implementation and Enforcement of EU Environmental Law). IMPEL will address the issue in the following ways: 1) It will inform and raise the awareness of its members on the issue; 2) IMPEL will organize one or two law implementation review(s) at Member State level aimed at reviewing current law implementation and enforcement practices in the field of bird protection in one or two candidate countries and identifying possible improvements. IMPEL will prepare these missions with the collaboration of Member States, stakeholders, the Bern Convention and the European Union.
- Last but not the least, among the measures which the Commission is undertaking to eliminate illegal killing, trapping and trade of birds in the EU, relevant LIFE projects' activities, inter alia, addressing illegal killing of birds should be mentioned. The LIFE project "Safe Haven for Wild Birds: Changing Attitudes Towards Illegal Killing in North Mediterranean for European Biodiversity" addresses the problem.

**France / France**

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**Communication**

The results of the Larnaca conference were discussed and promoted in France in the relevant authorities: the National Wildlife and Hunting Service (ONFCS), National Museum of Natural History (MNHM) and the Ministry of Ecology (MEDDE). The recommendations of the Conference have been inserted in general policy documents and have resulted in additional monitoring and enforcement.

A national communication strategy on illegal killing, trapping and trade has been developed and focusses on the communication of legislation. The main participating interests group is the hunters. Communication covers new hunting laws, the provisions of existing regulations and hunting permits, and involves regular exchanges with the National Committees for Hunting and Wildlife (CNCFS) and the Sub-regional Committees for Hunting and Wildlife (CDCFS) and the NGO National Federation of Hunters (FNC). The communication strategy covers the following activities:

- Killing/taking for leisure
- Killing/taking for consumption
- Killing/taking for collection
- Control of predating birds
- Killing/taking inside protected areas
- Killing/taking outside the legal season
- Killing/taking without a permit
- Use of illegal equipment
- Illegal trapping
- Poisoning
- Killing/taking of protected species
- Illegal trade and transit

Best practices in awareness-raising include the following activities:

- Training sessions for hunting permit include recommendation by ONFS and FNC on recognizing illegal activities
- Recommendations and information on poisoning coordinated by ONFS in partnership with hunting federations in the framework of the SAGIR Network on wildlife diseases
- Charter of good hunting practices on the website of the FNC and the Departmental Federation of Hunters (FDC)
- Charter of good practices for the trapping of pest animals developed with the trappers and the National Union of Trappers.
- Regular publications on the website of MEDDE and more direct circulation to relevant organisations, institutions and experts
- Regular review of the hunting permit guide cover new and updated hunting regulations

National and regional stakeholders regularly exchange knowledge and information on best practice in awareness-raising. This exchange is coordinated by MEDDE or the Préfet and occurs through wildlife databases, steering committees for national bird action plans, the national ORNIS committee, CNCFS committee, the CDCFS committees and publication of expertise and databases of the ONCFS and MNHN on population size and trends. In addition, information on derogations and the efficiency of new and existing wildlife legislation is exchanged through the State Committee on Nature Protection (CNPN).

Strong resistance at the local level in some areas due to old and deeply rooted traditional practices, local resistance resulting from difficulties to understand the provisions of the Bird Directive and illegal trade and use of Carbofuran are potential barriers to promoting the recommendations of the Larnaca conference. These barriers can be overcome through strict enforcement.

### **Monitoring and enforcement**

The ONCFS is the main specialised Police service for combatting wildlife/bird crime. In most of the Courts of Justice, a specialised deputy public prosecutor is in charge of environmental cases infringement and the circumstances. No specialised judges were reported.

The national focal point to collect reports of bird crimes and birds found dead or trapped is the ONCFS. The ONCFS itself actively collects information on infringements. It is unclear whether other stakeholders can also report to the ONCFS.

The burden of proof lies with the enforcement authorities in case of a direct infringement (hunting outside legal hunting periods, poaching, deliberate disturbance and capturing of live birds) and with the defendant in case of trade and keeping of birds, where he or she has to prove that the bird is not coming from the wild. Illegal activities are systematically monitored and reported by the ONFCS who collects information on infringements and reports in the official of the Ministry of Justice. This format however does not allow for reporting of the species concerned. Prosecution, court cases, conviction and penalties are also reported by ONFCS, who has set up a network to collect information on the judicial follow-up of police procedures of its detected infringements. Out of the 17 000 infringements detected in total by ONCFS, 12 000 are reported and 6 000 are transferred to Court, the other 6 000 being subject to standard fining procedures. The procedures transferred to courts are in 80 % of the cases followed by prosecution and in 20 % not by any action.

The effectiveness of detection and prosecution of bird crimes is measured on an *ad hoc* basis through monitoring the extent of some illegal activities. Most of these illegal activities have decreased. The recidivism of people convicted for illegal killing, trapping and trade is not measured due to legal restrictions on maintaining individual files. Best practice on legal provisions and enforcement mechanisms includes a well-equipped enforcement agency (ONFCS) with local offices, the existing of a legal framework to ensure sustainable hunting, the licensing of bird-keepers, the legal provision through which burden of proof lies on the defendants in case of the keeping of birds and alternative adapted penalties for offenders focussing on awareness-raising. International links between the demand for wild birds and the supply through illegal activities were identified through the illegal trade of songbirds and falcons with Belgium and North Africa.

There are no important constraints in the existing legislation to tackle illegal killing, trapping and trade. Investigation and enforcement could be strengthened by extending the prosecution powers of the *Préfets* on wildlife crime by allowing them to give formal notice, record crimes, suspend licences and to impose fines. In addition, investigation and enforcement could be strengthened by allowing environmental inspectors more options investigate, new search powers and new procedures to check identities and to deal with obstruction.

There are no studies on the biological consequence of habitat deterioration by species disturbance.

No hotspots of bird concentrations and illegal activities have been identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds is more intensive in protected areas as in the wider countryside as most protected areas (national parks, natural reserve, etc. ) have field agents dedicated to control. Protected areas without dedicated control agents (regional natural parks, hunting and wildlife reserves, etc.) are integrated in the areas of priority control, as defined in the departmental control plan of the Water Police and the ONCFS, according to their ecological value.

## ***Hungary / Hongrie***

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### **Communication**

The results of the Larnaca conference were not widely discussed and promoted in Hungary. The only promotion was an article in the magazine of the NGO MME/BirdLife Hungary.

A national communication strategy on illegal killing, trapping and trade has been developed and focusses on poisoning. This communication plan has been developed as part of the HELICON LIFE+ project to eliminate illegal poisoning of birds in 2012 in cooperation with MME/BirdLife Hungary, three National Park directorates, Budapest Zoo and Botanical Garden, Zoological Park and Botanical Garden of Jászberény, Hungarian Hunters' National Chamber, Hungarian National Bureau of Investigation and the Filmjungle.eu Society. More information on the communication strategy can be found [here](#)). Implementation of the communication strategy has only recently begun, but it has already attracted much attention both nationally and internationally. As part of the strategy an international conference on the issue has been held in February 2013. The communication strategy covers the following activities:

- Control of predating birds
- Killing/taking without a permit
- Use of illegal equipment
- Poisoning
- Killing/taking of protected species

Best practice in awareness-raising activities includes the development and maintainance of a project website including online camera systems and the development of interactive exhibitions, information points in Hungarian Zoos and the production and installation of notice boards at sites with Eastern Imperial Eagles (*Aquila heliaca*). These awareness-raising activities have led to a considerable media coverage, increased stakeholder and public awareness on the status of the Eastern Imperial Eagle and to an important prosecution precedent.

National and regional stakeholders regularly exchange knowledge and information on best practices on awareness-raising. This exchange is coordinated through the Raptor Conservation Council, a cooperation between the Ministry of Rural Development, National Park directorates and NGOs. In addition, a dedicated Anti Bird Crime Group will be established under the HELICON project, composed of the National Park directorates, environmental authorities, the Central Agricultural Office, MME/BirdLife Hungary, the NGO HHNC, the Police and the Association of Hungarian Zoos.

The fact that persons engaging in illegal poisoning are a difficult audience to reach is the most important barrier to the promotion of the recommendations of the Larnaca declaration.

### **Monitoring and enforcement**

The Nature Crime Unit of the Hungarian National Bureau of investigation is the special unit of police for combatting wildlife crime. No specialized prosecutor or judge is reported. It should be noted that in Hungary prosecutors and judges can only operate in cases within their own jurisdiction.

The national focal point to collect reports of bird crimes and birds found dead or trapped is MME/BirdLife Hungary. MME/BirdLife Hungary has a dedicated officer working on this issue, and has maintained a database of bird crime since 1998. The costs for this focal point are currently financed through the HELICON-project. MME/BirdLife also runs a hotline for birds found injured due to illegal activities, which is linked to an online database. The hotline operator has an updated list of

veterinary contacts and contact enforcement authorities and can thus facilitate immediate action on the ground. All stakeholders, including the national ranger service, are invited to report to this focal point.

The burden of proof lies with the enforcement authorities. Illegal activities are systematically monitored and reported by MME/BirdLife Hungary as part of the hotline described above. A special protocol has been elaborated for the reporting information from the hotline in this respect. Prosecution, court cases, conviction and penalties are monitored by MME/BirdLife Hungary and the ranger service of the state nature conservation.

The effectiveness of detection and prosecution of bird crimes is measured by MME/Birdlife Hungary, which compiles statistics on the percentages of cases taken to court. The percentage of cases taken to court is in general very low. The recidivism rate of people convicted for bird crimes cannot be measured as conviction is so rare.

Best practice on legal provisions and enforcement mechanisms includes the strict protection of species and derivatives and surveillance methods. Keeping, transporting, selling, injuring, killing etc. of any individual or derived part of a protected species requires a license, even if it was acquired abroad. This creates a very clear basis for enforcement. Hungary has also developed new surveillance methods as part of the HELICON project which involves regular, standardised surveillance with specially trained dogs to detect poisoned baits and poison storage. International links between the demand for wild birds and the supply through illegal activities were identified through illegal transport of wild birds from Romania destined for Hungarian or Italian restaurants.

The fact that the burden of proof lies with the enforcement authorities and that border control has stopped since the accession of Hungary to Schengen are the two most important constraints in the existing legislation to tackle illegal killing, trapping and trade. Investigation and enforcement could be strengthened by reinforcing of the Nature Crime Unit of the Hungarian Bureau of Investigation and creating the possibility to legally hand over illegal pesticides to the authorities.

Hotspots of bird concentration and illegal activities have been identified in Hungary and are the primary focus in the HELICON project. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside as the ranger service operates mostly in nationally protected and in Natura 2000 areas. Under the HELICON project, all Special Protection Areas, which hold breeding or temporary settlement areas of Eastern Imperial Eagles, will be surveyed regularly for detecting illegal activities more effectively by traditional field methods and by the specially trained dog units described above.

***Italy / Italie***

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**Communication**

The results of the Larnaca conference were not discussed or promoted in Italy.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. Awareness-raising activities do not exist, no material has been produced and distributed in Italy on the issue of illegal killing of birds and there is no exchange of knowledge or information on best practice.

**Monitoring and enforcement**

The State Forestry Corps and the provincial police are responsible for most of the investigations of violations of environmental regulations. No special prosecutor or judges exist. The national focal point for collecting reports of bird crimes and birds found dead or trapped is the Sistema Di Indagine, which is the national electronic database for crimes reported by the police.

The burden of proof lies with the enforcement authorities. Illegal activities are systematically monitored and reported by the State Forestry Corps, which maintains a database of illegal hunting and anti-poaching records. There is no reporting on prosecution, court cases, convictions and penalties. The effectiveness of the detection of bird crimes and their persecution and the recidivism rate of people convicted are not measured. The existence of domestic or international links in relation to bird crime was not checked.

There are no important constraints in the existing legislation to tackle the illegal killing, trapping and trade. No practical steps that would strengthen investigation and enforcement were reported.

No studies on the biological consequence of habitat deterioration by species disturbance exist.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside. In all protected areas the legislation is on hunting and trapping is more restrictive and more severe penalties apply. In addition in all national parks there is a specialised unit of the State Forestry Corps.

## ***Luxembourg / Luxembourg***

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### **Communication**

The results of the Larnaca conference were not discussed or promoted in Luxembourg.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. Only three minor cases have been reported to enforcement authorities in the last ten years. Consequently awareness-raising activities do not exist and there is no exchange of knowledge or information on best practice.

### **Monitoring and enforcement**

The Entité mobile of the government agency Administration de la nature et des forêts is the special unit of police for combatting wildlife crime. No special prosecutor or judges exist.

There is no national focal point to collect reports of bird crimes or birds found dead or trapped. The NGO Natur & Ëmwelt ASBL has a wildlife rescue centre which collects information and the Entité mobile also collects information.

The burden of proof lies with the enforcement authorities. There is no national systematic monitoring and reporting system for illegal activities and no reporting on prosecution, court cases, convictions or penalties. The effectiveness of the detection of bird crimes and their persecution and the recidivism rate of people convicted are not measured. The existence of domestic or international links in relation to bird crime was not checked.

There are no important constraints in the existing legislation to tackle the illegal killing, trapping and trade and no practical steps that would strengthen investigation and enforcement.

No studies on the biological consequence of habitat deterioration by species disturbance exist.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is as intensive as in the wider countryside.

**Malta / Malte**

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**Communication**

The results of the Larnaca conference were discussed and promoted in Malta within the relevant government bodies, including the Malta Environment and Planning Authority (MEPA) and the Ministry responsible for the Environment.

A national communication strategy has not been developed as such, but there are several communication activities on illegal killing, trapping and trade in Malta, such as the press releases and notices issued by the MEPA, the Ministry responsible for the Environment, BirdLife Malta and the Federation for Hunting and Conservation (FKNK) (the largest hunting and trapping federation in Malta). In addition the LIFE+ project ‘Gawdihom Hielsa’ by BirdLife Malta addresses several aspects relevant to illegal killing, trapping and trade.

The communication by the government bodies and the NGOs cover the following activities:

- Killing/taking for leisure
- Killing/taking for consumption
- Killing/taking for collection
- Control of predating birds
- Killing/taking inside protected areas
- Killing/taking outside the legal season
- Killing/taking without a permit
- Use of illegal equipment
- Illegal trapping
- Poisoning
- Killing/taking of protected species
- Illegal trade and transit

Best practice in awareness-raising activities includes the LIFE + Information Project on Bird Migration and Trapping. This project was carried out between 2009 and 2011 and focused on raising awareness on the importance of Malta to bird migration and the impacts of trapping on Malta’s wildlife. The project systematically addressed various communication aspects relating to the illegal killing, trapping and trade of wild birds. The information campaign carried out as part of the project included billboards, production of TV series, organisation of stakeholder meetings and seminars, production of leaflets and website, as well as a public awareness survey. The project had a budget of €315 713 and targeted various stakeholder groups including regulatory agencies, hunting and trapping community, the media, the universities as well as members of the general public.

National stakeholders regularly exchange knowledge and information on best practices on awareness-raising through the Malta ORNIS Committee, a committee set up to discuss the implementation of the Birds Directive in Malta. The Maltese authorities and the relevant NGOs, including BirdLife Malta and FKNK, are represented in the Committee.

The coordination amongst the different entities and stakeholders involved in the implementation of various aspects of legislation concerning the conservation of wild birds is an important barrier for the implementation of the recommendations of the Larnaca conference. Coordination is essential for effectively implementing the Maltese government’s zero tolerance policy towards illegalities. The government is currently working on an improvement of the coordination and has initiated the process of establishing a dedicated structure that will work together with members of the hunting community, other environmental NGOs, as well as coordinate the work of the regulatory and enforcement agencies to implement all government policies in conjunction with the conservation of wild birds. This structure, provisionally entitled the “Sustainable Hunting Unit” will be set up within the Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights.

## **Monitoring and enforcement**

The Administrative Law Enforcement Section (ALE) of the Maltese Police Force is the special police unit for combatting wildlife crime. Other Police officials are also involved in enforcement of nature protection regulations. The ALE also acts as prosecutor. No special judges exist as such, but all bird crime cases are usually assigned to one judge who has become specialised through his experience.

The MEPA is the national focal point to collect reports of bird crimes and birds found dead or trapped. All stakeholders are invited to report to the MEPA, including BirdLife Malta, FKNK and the general public. These stakeholders can also report any suspected offences or bird crimes to the Maltese Police.

The burden of proof lies in most cases with the enforcement authorities, with the exception of wildlife trade, where the defendant has to provide documentary evidence proving the legal importation of the specimen. Illegal activities are systematically monitored by the MEPA and the Maltese Police. Each report is documented and followed-up, in some instances with the assistance of the Armed Forces of Malta. Prosecution, court cases, convictions and penalties are reported by the Maltese Police, who compiles statistics on these issues. The effectiveness of the detection of bird crimes is measured. Records of bird crime prosecutions are assessed in order to analyse their effectiveness, to recommend appeals and to consider amendments to regulations. The recidivism rate of people convicted for illegal killing, trapping and trade is recorded by the Courts who take recidivism into account

Best practice on legal provisions and enforcement mechanisms includes Malta's legal framework, which contains specific provisions regulating the minimum number of enforcement personnel to be deployed on field duty during open seasons, provisions related to inspections in the field, provisions related to penalties in the case of offences, as well as specific conditions related to time and place, methods used and conditions of risk which are designed to aid monitoring and enforcement of the law, as well as provide a credible deterrent against illegalities. Domestic and international links between the demand for wild birds and the supply through illegal activities exist in Malta. Domestic illegal trade and international smuggling of live protected birds is more likely to occur before migration periods when the demand for live birds to be used as decoys increases. Cases of illegal importation of bird skins are also known to occur as a demand to illegal taxidermy for private collections.

An important constraint in the existing legislation is the complexity of the legislation. There is scope for simplification and consolidation of subsidiary legislation that has evolved considerably over the past years and has become rather complex. A simpler, more streamlined legal framework would in turn be easier to implement and enforce. This is why the Government of Malta is presently undertaking a better regulation initiative through which the current nature-related regulations are being reviewed with the purpose of simplification and consolidation. A practical step that would strengthen investigation and enforcement is the setting up of a specialised Wildlife Crime Unit within the Malta Police force. Furthermore, improved coordination between stakeholders could also strengthen enforcement, as described on the previous page.

In Malta, studies on the effects of habitat deterioration by species disturbance are undertaken as part of a project by MEPA which will assess the status of habitats on Natura 2000 sites. More information on this project can be found [here](#).

Hotspots of bird concentrations and illegal activities have been identified and prioritised following the implementation of the Larnaca recommendations. Important bird areas have been identified previously, and sites have been protected and declared either as Bird Sanctuaries, Special Protection Areas (SPAs) and/or Special Area of Conservations. Hotspots of illegal activities have been identified through the Carnet de Chasse process and previous experience.

The control on illegal killing of birds in protected areas is more intensive than in the wider countryside. The enforcement of the hunting and trapping of avifauna mainly focuses on the hunting hotspots. Moreover, some protected areas (such as SPAs or Bird Sanctuaries) are also subject to a high police presence to increase deterrence.

***Monaco / Monaco***

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**Communication**

The results of the Larnaca conference were not discussed or promoted in Monaco.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. Awareness-raising activities do not exist and there is no exchange of knowledge or information on best practice.

**Monitoring and enforcement**

There is no special unit of police for combatting wildlife crime and there are no special prosecutors and judges. There is no national focal point to collect reports of bird crimes and birds found dead or trapped.

It was not reported where the burden of proof lies in wildlife crime cases. There is no national systematic monitoring and reporting system for illegal activities and no reporting on prosecution, court cases, convictions or penalties. The effectiveness of the detection of bird crimes and their persecution and the recidivism rate of people convicted are not measured. The best practice on legal provisions and enforcement mechanisms in Monaco is the application of the provisions of CITES.

The existence of domestic or international links in relation to bird crime was not checked.

There are no important constraints in the existing legislation to tackle the illegal killing, trapping and trade and no practical steps that would strengthen investigation and enforcement.

No studies on the biological consequence of habitat deterioration by species disturbance exist.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is not more intensive than in the wider countryside as illegal killing, trapping and trade has never been examined in Monaco.

## Norway / Norvège

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### Communication

The results of the Larnaca conference were not discussed or promoted in Norway.

A national communication strategy on illegal killing, trapping and trade is included in the general communication strategy with hunters and hunters' associations. The communication focuses on legal hunt, quarry species, reporting requirements, inspections in the field and media coverage of illegal accidents. The general communication strategy with hunters covers the following activities:

- Killing/taking for leisure
- Killing/taking for consumption
- Killing/taking for collection
- Control of predating birds
- Killing/taking inside protected areas
- Killing/taking outside the legal season
- Killing/taking without a permit
- Use of illegal equipment
- Illegal trapping
- Poisoning
- Killing/taking of protected species
- Illegal trade and transit

Best practice in awareness-raising activities is the publication of an annual hunting booklet, which contains updates on new regulations and requirements, tests, a summary of incidents and legal prosecutions of general interest, an updated list of protected species, new trade regulations and information on the use of lead shot.

National and regional stakeholders regularly exchange knowledge and information on best practices on awareness-raising through meetings between the Directorate for Nature Management of the Ministry for the Environment and the national hunters' association. In addition, the hunters' association occasionally works for the Ministry on specific projects.

### Monitoring and enforcement

Økokrim is the special police unit and prosecution authority for combatting wildlife crime (more information available [here](#)). No special judges were reported. Økokrim is also the national focal point to collect reports of bird crimes and birds found dead or trapped. There are also regional focal points through local dedicated police officers with responsibility for these issues. All stakeholders are invited to report to the focal points described above which are then entered into the national crime register.

The burden of proof lies with the enforcement or prosecution agency. Illegal activities are systematically monitored and reported by Økokrim. Prosecution, court cases, conviction and penalties are reported by the police according to their standards.

The effectiveness of the detection of bird crimes and their prosecution is partially measured through the numbers of incidents and their follow-up. The recidivism rate of people convicted is not measured but is monitored on an *ad hoc* basis by the Directorate for Nature, the media, the NGOs and citizens.

Best practice on legal provisions and enforcement mechanisms includes a hearing at the beginning of the hunting season where hunters can express their opinions based on scientific evidence, good contacts with the hunters and clear communication through the annual booklet described above. International links between the demand for wild birds and the supply through illegal activities were identified through the illegal taking of eggs by egg-collectors from other countries, possibly with local contact points.

The lack of distinction between illegally acquired specimens and old or legally acquired specimens is an important constraint to tackle the illegal killing, trapping and trade. More customs control is a practical step that would strengthen investigation and enforcement.

No studies on the biological consequence of habitat deterioration by species disturbance exist.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside as there is more regular patrolling by rangers in protected areas.

## ***Poland / Pologne***

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### **Communication**

The results of the Larnaca conference were promoted in Poland through the publication of information on the conference on the website of the General Directorate for Environmental Protection (available [here](#)).

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. Best practice in awareness-raising activities includes leaflets and articles in the media on illegal killing of birds that occurs during insulation and renovation of buildings. There is no exchange of knowledge and information on best practice on awareness-raising.

### **Monitoring and enforcement**

No special units of police, prosecutors or judges exist for combatting wildlife crime. The General Directorate for Environmental Protection is the national focal point to collect reports of bird crimes and birds found dead or trapped. The Eagle Conservation Committee also collects reports, but only on birds of prey and owls. All stakeholders that have accidentally captured or killed a strictly protected animal species or found out about the killing or capture of such a species are obliged to report to the appropriate regional director of the Directorate for Environmental Protection under the Act of the Nature Conservation. The regional directors submit this information once a year to the General Director for Environmental Protection.

The burden of proof lies with the enforcement authorities. The prosecutor must prove the occurrence of a deed fulfilling characteristics of a crime, perpetration of the accused deed and the ability to incur criminal liability. There is no systematic monitoring and reporting system for illegal activities and no reporting on prosecution, court cases, convictions and penalties.

The effectiveness of the detection of bird crimes and their persecution and the recidivism rate of people convicted are not measured. The existence of domestic or international links in relation to bird crime was not checked.

There are no important constraints in the existing legislation to tack illegal killing, trapping and trade of birds and no practical steps that would strengthen investigation and enforcement.

No studies on the biological consequence of habitat deterioration by species disturbance exist.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside as nature conservation services undertake surveillance in their protected areas.

## ***Portugal / Portugal***

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### **Communication**

The results of the Larnaca conference were promoted in Portugal within the governmental administration, including within the enforcement authorities and were published on the website of the national authority to conservation and protection of wild fauna, the Institute for Nature Conservation and Forestry (ICNF). The results were also discussed with NGOs in different forums.

A national communication strategy has not been developed as such, but communication on illegal killing, trapping and trade is covered in the biennial Action Plan for 2012-2013 approved by the Portuguese Enforcement Group, the results of which will be published in the beginning of 2014. The Enforcement Group consists of representatives of the enforcement authorities, prosecutors, the regional authorities of Madeira and the Azores, the ICNF, the customs and the veterinary association. The Action Plan covers the following activities:

- Killing/taking for leisure
- Killing/taking for consumption
- Killing/taking for collection
- Killing/taking inside protected areas
- Killing/taking outside the legal season
- Killing/taking without a permit
- Use of illegal equipment
- Illegal trapping
- Poisoning
- Killing/taking of protected species
- Illegal trade and transit

Best practice in awareness-raising includes the organisation of workshops, training courses and seminars for students in schools and universities, authorities with competences in wildlife matters and other stakeholders such as the bird breeders associations and the awareness-raising actions and campaigns by conservation authorities, NGOs and the forestry and agriculture sectors.

National stakeholders irregularly exchange knowledge and information on best practise in awareness-raising throughout the year through several meetings, workshops, training courses and seminars.

No barriers were raised by stakeholders for the promotion of the recommendations of the Larnaca conference

### **Monitoring and enforcement**

SEPNA is the special unit of police for combatting wildlife crime. No special prosecutors or judges were reported. The Unit of Management of Fauna and Flora Species (DGEFF) of the ICNF is the focal point to collect reports of bird crimes and birds found that or trapped. The DGEFF can also publish an annual report. The DGEFF has three members of staff. All stakeholders can report to the DGEFF, including the enforcement authorities, other government agencies, the NGOs and universities.

The burden of proof can lie with the defendant or with the enforcement authorities, but in most cases the burden of proof lies with the defendant. Illegal activities are systematically monitored and reported by the DGEFF. All stakeholders report to the DGEFF, the enforcement authorities at least at the end of each year. If a major case of illegal activities is discovered, the ICNF is always contacted immediately. Prosecution, court cases, convictions and penalties are also reported. There is no standard reporting format, usually a copy of the process is sent.

The effectiveness of the detection of bird crimes and their prosecution is measured on a case-by-case basis. The recidivism rate of people convicted for illegal killing, trapping and trade is measured

and is taken into account in determining penalties for any new illegal activity by the recidivists. Best practice on legal provisions and enforcement mechanisms includes the existence of the Portuguese Enforcement Group and a strict legislation and enforcement on the possession of living wild birds. Keeping of wild bird species listed in the Birds Directive is only allowed if the specimens are captive-bred and individually marked. In addition, all keepers of bird species listed in the Birds Directive must be registered in the database of INCF. The enforcement authorities then have the power to inspect the facilities in which the birds are kept and can check whether the birds are indeed captive-bred. Domestic and international links between the demand for wild birds and the supply were checked, but none were identified.

There are no important constraints in the existing legislation to tackle illegal killing, trapping and trade. Practical steps that would strengthen investigation and enforcement are an increase of awareness of prosecutors and judges and more communication activities on the issues of illegal killing, trapping and trade to landowners and game managers. ICNF is currently examining the possibilities for training courses for prosecutors and judges.

No studies on the biological consequences of habitat deterioration by species disturbance exist.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside. Best practice in control on illegal killing in protected areas is the provision of special training courses and manuals to staff working in these areas.

## ***Serbia / Serbie***

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### **Communication**

The results of the Larnaca conference were discussed and promoted in Serbia within the governmental administration.

A national communication strategy on illegal killing, trapping and trade is included in the Biological Diversity Strategy in the Republic of Serbia (2011-2018) through communication actions covering all relevant sectors and stakeholders regarding conservation, safety and sustainable use of wild flora and fauna. A dedicated meeting on implementation of the Recommendations of the Bern Convention has also taken place. The Biological Diversity Strategy covers the following actions:

- Killing/taking for leisure
- Killing/taking for consumption
- Killing/taking for collection
- Control of predating birds
- Killing/taking inside protected areas
- Killing/taking outside the legal season
- Killing/taking without a permit
- Use of illegal equipment
- Illegal trapping
- Poisoning
- Killing/taking of protected species
- Illegal trade and transit

Best practice in awareness-raising activities includes the website of the Provincial Institute for Nature Conservation-Novi Sad and meetings and seminars with relevant stakeholders, posters, press releases, internet communication of the CITES Group in the Ministry of Energy, Resources and Environmental Protection.

National and regional stakeholders regularly exchange knowledge and information on best practices on awareness-raising. This exchange is coordinated through the CITES Group. The main participants are the Institute for Nature Conservation of Serbia, Provincial Institute for Nature Conservation, Institute of Biological Research Siniša Stankovic, Faculty of Biology of Belgrade University, Natural History Museum in Belgrade and the NGO Orka.

### **Monitoring and enforcement**

No special unit of police exists as such. The border police in cooperation with the Environmental Inspection are the most frequently involved in combatting wildlife crime. The creation of taskforce coordinating enforcement activities, including prosecution, on CITES is planned. No special prosecutors or judges were reported.

The Serbian CITES focal point is the national focal point to collect reports of bird crimes or birds found dead or trapped and reports illegal trade, possession and sometimes illegal killing via EUTWIX. All enforcement authorities (police, Environmental inspection, Hunting Inspection and customs) are invited to report to the Serbian CITES focal point.

The burden of proof lies in most of the cases with the defendant, although this depends on the specifics of the case. Illegal activities are systematically monitored and reported through EUTWIX, but only for CITES listed species. There is no reporting on prosecution, court cases, convictions and penalties.

The effectiveness of the detection of bird crimes and their prosecution is measured by Environmental Protection Inspection activities and the official monitoring by Institute of Nature conservation of Serbia-Belgrade and Provincial Institute for Nature Conservation-Novi Sad. No formal analysis of effectiveness had been undertaken yet, but a review in 2012 of the seizures by a variety of

customs officials showed considerable improvement in the seizure of illegally transported protected species, following a workshop by CITES on this issue.

The recidivism rate of people convicted is measured and taken into account by judges when determining penalties.

Best practice in legal provisions and enforcement mechanisms includes a joint inspection in 2010 of the Veterinary Inspection, the Forestry-Hunting Inspection and the Environmental Inspection which lead to a considerable seizure of illegally killed birds. International links between the demand for wild birds and the supply through illegal activities were identified through the illegal transport of wild birds from Africa, Asia and South America via Serbia to EU Member States.

The fact that the existing Law on nature protection is outdated and needs amendments of the sections setting the penalties on wildlife crime is the most important constraints in the existing legislation to tackle illegal killing, trapping and trade. Practical steps that would strength investigation are classifying environmental crime as a priority crime category to improve the investigation and enforcement, designating a special unit within the police to work solely on environmental crime issues and enabling specialized training for operations regarding protected species.

No studies on the biological consequence of habitat deterioration by species disturbance exist.

Hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. For example in Vojvodina the poisoning of birds of prey in agricultural areas has been identified. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside as nature conservation services undertake surveillance in their protected areas, due to supervision by rangers in protected areas. The rangers have a statutory obligation to monitor the status of the illegal killing of birds.

***Slovak Republic / République Slovaque***

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**Communication**

The results of the Larnaca conference were not discussed or promoted in the Slovak Republic.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. Best practice in awareness-raising activities includes the annual report on bird crime by the Slovak Environmental inspection and the press releases by the Environmental inspection, as well as the media coverage by the NGO Raptor Protection of Slovakia (RPS) through press releases, interviews to TV and radio and publications on Facebook, in magazines, newspaper and on internet. RPS has also released a special brochure on the topic. As a consequence more bird crimes have been reported by the public.

National and regional stakeholders irregularly exchange knowledge and information on best practice on awareness-raising through the cross-sectoral expert group to eliminate environmental crime coordinated by the Police. RPS and the Slovak Environmental inspection also regularly exchange data as described below.

The division of responsibilities among various institutions and the acceptance of bird crime by parts of the society are potential barriers to the promotion of the recommendations of the Larnaca conference. It is not clear how these barriers can be overcome.

**Monitoring and enforcement**

No special unit of police exists as such. The department of dangerous materials and environmental crime of the Police Presidium is the department of dangerous materials and of the environmental crime is the competent police unit for signalling environmental crime including bird crime. Evidence can however only be collected by policemen within the regional and district police directorate specialised in environmental crime, which are not organised in a distinct unit. There are special district prosecutors within the district police directorates. No special judges were reported.

The department of dangerous materials and environmental crime of the Police Presidium is the national focal point to collect reports of bird crimes or birds found dead or trapped.

All stakeholders including the public are invited to the department of dangerous materials and environmental crime of the Police Presidium.

The burden of proof lies with the enforcement authorities. Illegal activities are monitored and reported by the department of dangerous materials and environmental crime of the Police Presidium.

Criminal offences are registered within the database of the Police Presidium. All other units of the Police Presidium are (according to internal rules) obliged to provide data on all recorded cases of environmental crime. Information is also collected from all regional police directorates (these relate to the criminal offence according to the Criminal Code). The headquarters of the Slovak Environment Inspection also collect all the cases tackled by 4 regional directorates (on the offences according to the nature and landscape protection act). All the data are concentrated within the RPS data base which is regularly updated. The Ministry of the Environment of Slovakia keeps records on the illegal trade of endangered species (including birds) both within the Slovak Republic and with other countries.

Prosecution, court cases and convictions and penalties are reported by Prosecution bodies and courts to the Police Presidium. The final decision is included to the official documentation of evidence.

The effectiveness of the detection of bird crimes and their persecution and the recidivism rate of people convicted are not measured. Best practice on legal provisions and enforcement mechanisms includes the so-called hidden documentation by the Police presidium which consists of evidence against suspected offenders, the confiscation and fining powers of the Slovak Environmental Inspection and the regular monitoring in the field by RPS. International links between the demand for wild birds and the supply through illegal activities were identified through the practice by some offenders to rob young birds from nest and export and sell them abroad to commercial breeders.

The limitation for bird crime prosecution to species with a so-called societal value over € 2 660, the limitation of prosecution to cases where intentional killing can be proven, the waiving of the requirements for six species of birds of prey and legalizing of trade of illegally acquired specimens through a CITES loophole are the most important constraints in the existing legislation to tackle illegal killing, trapping and trade. Practical steps that would strengthen investigation and enforcement are better involvement of the public and more strict punishment by the administration and criminal procedures.'

No studies on the biological consequence of habitat deterioration by species disturbance exist.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is as intensive as in the wider countryside.

***Spain / Espagne***

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The results of the Larnaca conference were discussed and promoted in the Committee on Wildlife, which consists of representatives of competent authorities in managing the wildlife. The results have also been incorporated in the management tasks and control activities related to the trapping of birds in Spain.

A national communication strategy has not been developed as such, but the issues of illegal killing, trapping and trade are covered in four guidance documents: a guidance document on the trapping of finches, the official guidelines for trapping birds of prey, the national strategy against poisoning and practical protocols regarding illegal trade and trapping of protected species.

These documents cover the following activities:

- Killing/taking for leisure
- Control of predating birds
- Use of illegal equipment
- Illegal trapping
- Poisoning

Best practice in awareness-raising activities includes the participation of administrations in the framework of LIFE+ projects such as the projects VENENO with the NGO SEO/BirdLife Spain and “Innovative actions against illegal poisoning in EU Mediterranean pilot areas” with the NGO Gypaetus foundation, the production of informative documents on wildlife poisoning by regional governments targeted at the relevant social groups, the promotion by regional governments of their own activities on combatting poisoning and the organisation of seminars by the Ministry of Agriculture, Food and Environment for the national enforcement bodies on illegal killing, trapping and trade.

National and regional stakeholders irregularly exchange knowledge and information on best practices through meetings of the Committee on Wildlife and the two official groups of advisors in the Ministry against the illegal use of poisoned baits, composed of independent experts and representatives of interested organizations.

The major demand of the public, with support of several political groups and representatives of local and regional administrations, for the so-called Parany practice, the non-selective trapping of birds with lime-sticks, is a potential barrier to the promotion of the recommendations of the Larnaca conference.

**Monitoring and enforcement**

The Service for Nature Protection of the Guardia Civil is the special police unit for combating wildlife crime. In addition, several teams of law enforcement officers exist in the regions Andalucia, Castilla-La Mancha, Cataluña and Aragon. There is a national environmental prosecutor body for the prosecution of wildlife crime. No special judges were reported.

The regional authorities are the regional focal point to collect reports of bird crimes and birds found dead or trapped. The Ministry of Agriculture, Food and Environment is the national focal point to collect reports of poisoned birds. The NGOs WWF and SEO/BirdLife Spain also collect data on poisoned birds and birds illegally killed or trapped. All stakeholders are invited to report to the regional and national focal points and have several options to do this, for example through a dedicated phone number for cases of suspected poisoning.

The burden of proofs lies with the enforcement authorities. Illegal activities are systematically monitored and reported by the regional governments, who are under to Article 54 of the Act 42/2007, of Natural Heritage and Biodiversity obliged to monitor the illegal killing and catching of protected species. Prosecution, court cases, convictions and penalties are not monitored.

The effectiveness of the detection of bird crimes and their prosecution is only measured for poisoning as part of the national strategy against poisoning. The competent authorities are obliged to report on the effectiveness of the measures implemented and the progress on the cases. The effectiveness of the detection and prosecution other forms of illegal killing, trapping and trade is not measured. The recidivism rate of people convicted is also not measured. Best practice on legal provisions and enforcement mechanisms includes the inclusion of illegal bird trapping activities in the Spanish Criminal Code, the monitoring of species affecting by illegal killing activities such Parany, the development of guidelines for derogations for the trapping of finches, the approval by the regional governments of an official action plans against the use of poisoned baits and projects by regional governments in cooperation with the concerned economic sectors to resolve wildlife-conflicts leading to illegal killing.

The existence of domestic or international links in relation to bird crime was not checked.

There are no important constraints in the existing legislation to tack illegal killing, trapping and trade of birds. Practical steps that would strengthen investigation and enforcement are the integration and improvement of judicial procedures for processing cases on illegal practices, with more specialized training and incentives for judges and prosecutors, and the improvement of the administrative process for the management of judicial proceedings by regional authorities. This should be complemented by an increase in dedicated staff working on illegal killing, trapping and trade through the establishment official teams for monitoring cases and collecting evidence and training in administrative processing of cases in court.

Several studies exist on the biological consequences of habitat deterioration by species disturbance in Spain, for example on the Cinereous Vulture (*Aegypius monachus*) (available [here](#)), on the Spanish Imperial Eagle (*Aquila adalberti*) (available [here](#)) and Egyptian Vulture (*Neophron percnopterus*) (available [here](#)).

Hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The Natura 2000 areas and the important sites of birds during migration, breeding and foraging identified under the International Action Plans for migratory landbirds, promoted by CMS, have been prioritized.

The control on illegal killing of birds in protected areas is more intensive than in the wider countryside, as management plans in several protected areas have been approved, which regulate the use and activities to be compatible with the presence of endangered species. In protected areas without official management plans, regulations on management, uses or harvesting are contributing to the control.

## *Switzerland /Suisse*

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### **Communication**

The results of the Larnaca conference were discussed in Switzerland within the Federal office for the environment FOEN, the Swiss Ornithological Institute, and NGOs such as Nos Oiseaux.

A national communication strategy has not been developed as such, but the intense and successful campaigning by NGOs for the conservation of birds as well as the integration of the issue into the mandatory training of gamekeepers are considered equivalent to a communication strategy.

The campaigning by the NGOs and the mandatory training of gamekeepers cover the following activities:

- Killing/taking for leisure
- Killing/taking for consumption
- Killing/taking for collection
- Control of predating birds
- Killing/taking inside protected areas
- Killing/taking outside the legal season
- Killing/taking without a permit
- Use of illegal equipment
- Illegal trapping
- Poisoning
- Killing/taking of protected species
- Illegal trade and transit

Best practice in awareness-raising activities includes the regular publication of studies, information material and position papers by the Swiss Ornithological Institute and the NGOs SVS/BirdLife Switzerland, ALA - Schweizerische Gesellschaft für Vogelkunde und Vogelschutz and Nos Oiseaux and the involvement of hunters in habitat protection and monitoring projects of individual species.

National stakeholders regularly exchange knowledge through the conference of the authorities for hunting and fishing, an association for the cantonal responsible experts of species management, hunting and fishing. The main responsibilities of the conference are to advise the cantons, the coordination of consultations, promotion of cooperation among stakeholders, as well as the transfer of knowledge between the cantons and between research and practice.

### **Monitoring and enforcement**

The officials of the Cantonal authorities responsible for the enforcement of the Federal Act on Hunting and the Protection of Wild Mammals and Bird (JSG, 1988, SR 922.0) are the special police units for combatting wildlife crime. These officials have wide-ranging powers under the JSG, including the status of police officials and the right to inspect and confiscate. No special prosecutors or judges were reported.

The Cantonal authorities are the regional focal points to collect reports of bird crimes and birds found dead or trapped. The Cantons report to the Federal Office for the environment on the populations of important huntable and protected animal species, the numbers of animals shot, the number of hunters, and the use prohibited methods and equipment for hunting. Only the Cantonal authorities are invited to report to the Federal office.

The burden of proof lies in some cases with the enforcement authorities and in other cases with the defendant, depending on the specifics of the case. There is no national systematic monitoring and reporting system for illegal activities and no reporting on prosecution, court cases, convictions or penalties. Prosecution, court cases, convictions and penalties are reported through the criminal records. The media is also reporting on cases on fowling.

The effectiveness of the detection of bird crimes and their persecution and the recidivism rate of people convicted are not measured. Best practice on legal provisions and enforcement mechanisms includes the specification of penalties ranging from fines, revoking the hunting license to imprisonment in the Federal Act and an annually updated list of persons whose hunting licence has been revoked that is provided by the Federal Office for the Environment to the Cantons. The existence of domestic or international links in relation to bird crime was not checked.

There are no important constraints in the existing legislation to tack illegal killing, trapping and trade of birds and no practical steps that would strengthen investigation and enforcement.

Several studies exist on the biological consequences of habitat deterioration by species disturbance in Switzerland, for example on the Capercaillie (*Tetrao urogallus*) (available [here](#) and [here](#)) and the Alpine Black Grouse (*Tetrao tetrix*) (available [here](#) and [here](#)).

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside.

***United Kingdom / Royaume-Uni***

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**Communication**

The results of the Larnaca conference were discussed in the United Kingdom within the government and the UK Partnership for Action against Wildlife Crime (PAW).

The development of a national communication strategy on illegal killing, trapping and trade of wild birds has not started yet, as sufficient information is provided by the PAW (available [here](#) and [here](#)) and the Raptor Persecution Priority Delivery Groups for England, Wales and Scotland specifically on raptor poisoning (available [here](#) and [here](#)). The PAW and the Raptor Persecution Priority Delivery Groups are the best practice in awareness-raising activities.

National and regional stakeholders regularly exchange knowledge and information on best practices on awareness-raising, coordinated by the PAW for the entire UK (available [here](#)) and for Scotland alone (available [here](#)).

**Monitoring and enforcement**

The Wildlife Crime Officers in the Police forces, coordinated by the UK National Wildlife Crime Unit (NWCU) are the special police unit for combatting wildlife crime. The UK NWCU can provide targeted support to the police at local level. No special prosecutors or judges were reported.

The NWCU is the focal point to collect reports of bird crimes and birds found dead or trapped. In addition, in England, Wales and Scotland there is a Wildlife Incident Investigation Scheme (WIIS), where people can report suspected poisoning incidents. More information on WIIS is available [here](#) and [here](#). All stakeholders who suspect a wildlife crime are invited to report to the local police force, who will then submit the relevant data to the NWCU.

The burden of proof lies with the defendant, who under “reverse burden of proof” of the Wildlife and Countryside Act 1981 has to show that he or she has not acted illegally. Illegal activities are systematically monitored and reported by the NWCU, which carries out strategic assessments and threats assessments for the UK. Prosecution, court cases, convictions and penalties are also reported by the NWCU, which collates information and seeks media publicity for high profile cases.

The effectiveness of the detection of bird crimes and their prosecution is measured by the NWCU, which is able to use intelligence data to understand trends in different areas of wildlife crime. The recidivism rate of people convicted for illegal killing, trapping and trade is not measured.

Best practice on legal provisions and enforcement mechanisms include the cross-compliance mechanisms, which can offer significant penalties for those committing misdemeanours, and the Proceeds of Crime Act 2002 which permits assets to be seized. Domestic and international links between the demand for wild birds and the supply through illegal activities were not checked.

There are no important constraints in the existing legislation to tackle illegal killing, trapping and trade of birds. Practical steps that would strengthen investigation and enforcement include an increase of resources and ensuring good communications and collaboration between all parties involved crime enforcement.

It was not reported whether there are any studies on the biological consequences of habitat deterioration by species disturbance.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. It was not reported whether the control on illegal killing is more intensive in protected areas than in the wider countryside.

#### 4. REVIEW OF REPORTS RECEIVED FROM OTHER ENTITIES

##### *United Kingdom Sovereign Base Area / Royaume-Uni Base militaire souveraine*

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#### Communication

The results of the Larnaca conference were discussed within the Sovereign Base Area (SBA) administration in a number of forums and meetings across all levels.

A communication strategy on illegal killing, trapping and trade has been developed and implemented by the SBA Police. The communication strategy involves the distribution of informative leaflets to farmers and the local community, providing education to schools children on the impacts of illegal bird killing and wider media campaigns. The communication strategy covers the following activities:

- Killing/taking for leisure
- Killing/taking for consumption
- Killing/taking outside the legal season
- Killing/taking without a permit
- Use of illegal equipment
- Illegal trapping
- Killing/taking of protected species
- Illegal trade and transit

Best practice in awareness-raising activities includes the distribution of informative leaflets to farmers and the local community by the SBA Police, the use of media campaigns and awareness-raising activities for the younger generation for example through talks in local schools.

Local stakeholders regularly exchange knowledge and information on best practice in awareness-raising through the quarterly meetings of the SBA Police with the competent authorities in the Republic of Cyprus (Game Fund) and the NGOs BirdLife Cyprus and Committee Against Bird Slaughter. The overall aim of these meetings is to share generic data on illegal trapping to better inform activities on the ground.

The demand for the illegally trapped birds stems from the Republic of Cyprus, where trapping and hunting are a traditional way of life for many, is a potential barrier to the promotion of the recommendations of the Larnaca conference. Within the SBA there are no restaurants selling ambelloboullia (trapped birds), but the demand continues in the Republic of Cyprus. This barrier can be overcome through stopping the restaurants selling ambellopoullia.

#### Monitoring and enforcement

The dedicated team on illegal bird trapping of the SBA Police is the special police unit for combatting wildlife crime. No special prosecutors or judges exist.

The team of a SBA Police is also the focal point to collect reports of bird crimes and birds found dead or trapped. All Stakeholders are invited to report to the SBA Police Focal Point. This can be done through normal communication methods or at the quarterly meetings mentioned above.

The burden of proof lies with the enforcement authorities. The prosecution has to prove the charge or charges and the standard of proof is “beyond reasonable doubt”. Illegal activities are systematically monitored and reported by the SBA Police, who keeps a log of all reported/discovered activities/occurrences within its area of jurisdiction. This includes incidents of illegal trapping. From this log monthly reports of illegal trapping statistics are produced, which shared with other stakeholders and used to inform activities on the ground.

Prosecution, court cases, convictions and penalties are also monitored by the SBA Police, who keeps records of all convictions including those for illegal trapping and related offences.

The effectiveness of the detection of bird crimes and their prosecution is measured by the SBA Police, who collates yearly statistics and these are compared year on year. They also carry out crime pattern analysis, which enables profiles to be built up and problem areas/offenders to be identified. Based on intelligence the SBA Police have compiled a list of the most active trappers. Profiles have been prepared on these individuals and within the limits of lawful power, and the SBA Police monitor their movements and practices with a view to gathering evidence on which arrest and prosecution may be based. The total of convicted (court offences) under the Game and Wild Birds Ordinance 2008 (possession of mistnets or appliances and pursuing by means of mistnets and appliances) was in sixteen persons in 2010, 36 persons in 2011 and 43 persons in 2012. The recidivism rate of people convicted is also measured.

Best practice on legal provisions and enforcement mechanism are the daily patrols in the areas known for illegal trapping by the SBA Police. This is done under the cover of the SBA Games and Wild Birds Ordinance 2008, which allows for the conviction of those persons carry out the illegal trapping or killing of birds. Domestic and international links within the SBA were checked but none were identified.

The commitment of the SBA administration that laws in the SBA are as far as possible the same is in the Republic of Cyprus is an important constraint in the existing legislation to tackle illegal killing, trapping and trade. This means that maximum fines and custodial sentences which a court in the Areas may impose are limited to those in Cyprus. However, the court has discretion when sentencing and the penalty imposed depends on the aggravating factors of each case. In addition to fines and custodial sentences the SBA police have the ability to issue fixed penalties for suspected offences under the Game and Wild Bird Ordinance 2008. The SBA is in the process of amending these fixed penalties to take in to account changes recently made to the fixed penalties in the Republic. Practical steps that would strengthen investigation and enforcement are better equipment of the SBA Police for use on operations and greater cross-compliance between the SBA and the competent authorities in the Republic of Cyprus. The latter would have a significant benefit as it would enable a greater sharing of information and allow for convictions being recognised which could be taken into account when granting sentences.

Only one study exists on the biological consequences of habitat deterioration by species disturbance in the SBA, a botanical study of Cape Pyla documented the outcompeting of native flora by the Acacia (*Acacia saligna*) which is mainly planted by illegal bird trappers.

Hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The SBA Police have tightened up their process and now hold formal meetings with stakeholders to review statistics and share information to establish a better picture and understanding of trapping hotspots, likely offenders, etc. Additional to this at the start of the main trapping seasons large scale clearance operations are conducted. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside. Most of the SBA Police effort is focussed on Cape Pyla. Cape Pyla is a military training ground where building etc is restricted, making the area attractive to birds and bird trappers. Additionally much of the land is Crown land making it even more attractive to trappers as penalties, such as the threat to land owners of losing subsidies if trapping occurs on their land) does not exist.

## 5. CONCLUSIONS

First of all it should be noted that the response rate to the questionnaire by the Standing Committee has been low. Only nineteen out of the fifty contracting parties (28%) that received the questionnaire have sent a reply.

The present evaluation of implementation of action points of the Recommendation No. 155 (2011) on the illegal killing, trapping and trade of wild birds can therefore by no means be seen as a general report on the implementation of the action points in all contracting parties to the Bern Convention. It should be noted however that some contracting parties also have reported relevant information to the European Union (report available [here](#)).

**Limited progress has been made on the development and implementation of national communication strategies.** National communication strategies have been developed as a separate document in France and Hungary and are integrated in other documents in Norway, Portugal, Serbia and Spain. The strategies in most cases cover all relevant aspects of illegal killing, trapping and trade.

**Good progress has been made on the enforcement aspects of illegal killing, trapping and trade.** A zero tolerance approach towards illegal killing, trapping and trade is evident from the reports of all contracting parties. Progress has been made on cooperation on combatting wildlife crime, with regular exchange of knowledge and information on best practice in awareness-raising in Cyprus, Czech Republic, France, Hungary, Malta, Norway, Portugal, Serbia, Slovak Republic, Switzerland and the United Kingdom and occasional exchanges in Albania and Spain. Partnership and cooperation between government agencies and stakeholders are on-going in Cyprus, Czech Republic, France, Hungary, Luxembourg, Norway, Poland, Serbia, Slovak Republic, Spain, Switzerland and the United Kingdom.

**Some progress has been made on the biological aspects of illegal killing, trapping and trade.** Illegal activities are systematically monitored and reported in Albania, Cyprus, France, Hungary, Italy, Malta, Norway, Slovak Republic, Spain, Switzerland and the United Kingdom and some illegal activities are monitored and reported in Serbia. A common reporting format has not been developed.

Hotspots of bird concentration and illegal activities have only been identified and prioritised in Albania, Cyprus, Czech Republic, Hungary, Malta Serbia and Spain. Links between demands of wild birds and supply through illegal activities have been identified in Cyprus, France, Hungary, Norway, Serbia and Slovak Republic.

Protected areas are actively controlled on illegal activities in most contracting parties.

**Limited progress has been made on the institutional aspects of illegal killing, trapping and trade.** Special units of Police are reported in Cyprus, France, Hungary, Italy, Luxembourg, Malta, Norway, Portugal, Spain, Switzerland and the United Kingdom and possibly in Albania. Progress is still to be made in strengthening the enforcement authority in several Contracting Parties. Strengthening capacity, human resources, competencies or cooperation between relevant enforcement and judicial authorities has been identified as a practical step to improve enforcement in Albania, Cyprus, Croatia, France, Hungary, Norway, Serbia, Spain and the United Kingdom.

Special prosecutors are only reported in France, Norway, Slovak Republic and Spain. No special judges were reported in any of the contracting parties.

The questionnaire contained questions on several topics related to illegal killing, trapping and trade other than the action points of Recommendation No. 155(2011). Several Contracting Parties have actively discussed and promoted the results of the Larnaca conference in their country. Some potential barriers exist for the promotion of the Recommendations in Contracting Parties, many of which are not easily overcome such as reaching the persons engaged in illegal activities or resistance against the recommendations due to their effect on traditional practices involving illegal killing.

Contracting parties also reported on best practice in awareness-raising activities. The best practice includes the production of information materials, targeted campaigns to reach relevant social groups and clear communication on hunting legislation.

National focal points or regional focal points to report bird crime or birds found dead or trapped have been established in most of the reporting contracting parties usually through the special police units involved in wildlife crime. Importantly, reporting to these points is often not open to all stakeholders but often restricted to the police unit itself or other enforcement authorities.

In most contracting parties that have reported the burden of proof lies with the enforcement authorities, which considerably limits the scope for prosecution. A national reporting system on prosecution, court cases, convictions and penalties was only reported in Cyprus, France, Hungary, Switzerland and the United Kingdom.

The effectiveness of the detection of bird crimes and their prosecution and the recidivism rate of people convicted are generally not measured.

Best practice on legal provisions and enforcement mechanisms reported include clear communication on derogations, the use of licenses for possessing any specimen of a wild species and strict enforcement.

Studies of habitat deterioration through species disturbance are only mentioned by a few contracting parties.

There were no important constraints in the existing legislation in most contracting parties.

## **6. RECOMMENDATIONS**

On the basis of the conclusions presented in the previous chapter a number of specific key recommendations are made to the parties to the Bern Convention:

1. Invite contracting parties who have not submitted a report yet, to report on implementation of the action points of Recommendation No. 155 (2011) to next Standing Committee meeting;
2. Invite contracting parties who have not developed a national communication strategy on illegal killing, trapping and trade to step up their efforts to develop such a strategy;
3. Invite the contracting parties to develop a common reporting format for illegal activities;
4. Invite the contracting parties who have not identified and prioritise hotspots of bird concentration and illegal activities to step up their efforts to identify and prioritise such hotspots;
5. Invite the contracting parties who have not identified or trained special prosecutors to combat wildlife crime to step up their efforts to do so;
6. Invite the contracting parties to step up their efforts to train or identify special judges to combat wildlife crime.

**ANNEX I -RECOMMENDATION No. 5 (1986)**

Convention on the Conservation of  
European Wildlife and Natural Habitats

**Recommendation No. 5 (1986) of the standing committee on the prosecution of persons illegally catching, killing or trading in protected birds**

*(Adopted by the Standing Committee on 4 December 1986)*

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the convention,

Having regard to the aims of the convention to conserve wild flora and fauna and their natural habitats ;

Having regard to Recommendation N° R (85) 17 of the Committee of Ministers of the Council of Europe on the training of hunters ;

Recalling that Article 2 provides that each Contracting Party shall take the requisite measures to maintain the population of wild flora and fauna ;

Considering that illegal hunting and catching of wild birds are still common phenomena in certain countries in Europe ;

Considering the importance of the preservation of wild birds in the maintenance of the natural balance of ecosystems and their beneficial effects, especially on agriculture ;

Conscious of the need to preserve wild birds for present and future generations for their scientific, aesthetic, cultural and educational value.

Recommends that the Contracting Parties to the convention :

1. ensure without delay, by the appropriate legal and administrative measures, the prosecution of persons illegally catching or killing birds or establishments commercialising live or dead protected birds ;
2. ensure without delay, by the appropriate legal and administrative measures, the promotion of education of hunters and the general public and the dissemination of information on the need to conserve wild birds and their habitats.

## **ANNEX II - RECOMMENDATION No. 90 (2001)**



### Convention on the Conservation of European Wildlife and Natural Habitats

#### **Recommendation No. 90 (2001) on the catching, killing or trading of protected birds in Cyprus**

(adopted by the Standing Committee on 30 November 2001)

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention;

Having regard to the aims of the Convention to conserve wild fauna and its natural habitats;

Recalling that Article 1, paragraph 2 of the Convention requires Parties to give particular emphasis to the conservation of endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 6 compels Parties to take the necessary and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II, prohibiting in particular all forms of deliberate capture and keeping, and deliberate killing, as well as the possession and internal trade in these animals, alive or dead;

Recalling its Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds, which encouraged Parties to ensure the prosecution of persons illegally catching or killing birds or establishments commercialising live or protected birds;

Noting with satisfaction that since that recommendation was adopted by the Committee, many Parties took decisive measures to eradicate the illegal killing and trading of birds, resulting in a much more effective enforcement of the provisions of the Convention;

Noting with regret that, although Cyprus and the United Kingdom Sovereign Base Areas took some initiatives in that respect, enforcement of the legislation on killing and trading of protected birds is still poor, and sale and offering for sale of protected birds is still common,

Recommends Cyprus and the United Kingdom to:

1. fully implement without delay the obligations of Article 6 concerning protected birds;
2. put into practise, as a matter of urgency, the actions suggested in Recommendation No. 5 (1986) of the Standing Committee, paying particular attention to the following items:
  - increase of the penalties for these offences, so that they may become dissuasive;
  - increase of wardening in areas where birds are illegally caught;
  - regular and frequent control of restaurants selling protected birds, ensuring prosecution of owners;
  - prevention of importation of mistnets and prohibition of their possession without license, imposing heavy fines for their illegal possession and use;

- strict control of illegal capture, killing, possession, trade, sale and offering for sale of protected birds;
- 3. launch a wide information campaign to the general public on the illegal catching, killing and trade of protected birds, as well as on the need to conserve birds and their habitats.

## ANNEX III - LARNACA DECLARATION



### LARNACA DECLARATION

The European Conference on Illegal Killing of Birds, co-organised by the Council of Europe and the Game Fund of Cyprus (Ministry of Interior) in the framework of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979), was held in Larnaca, Cyprus from 6 to 8 July 2011. The event was attended by 100 participants representing various stakeholders, including Contracting Parties and Observers to the Bern Convention, international organisations, national and local authorities, enforcement agencies, nature conservation NGOs including hunting associations, scientific and research bodies, tourism industry, police authorities and mass-media.

Recognising that many birds species in Europe and worldwide are declining rapidly and that, for this reason, governments have adopted various measures to help birds, the Conference participants acknowledged that measures to tackle illegal killing are urgently required.

Despite efforts by many governmental authorities, illegal taking and trading in wild birds is still a serious pan-European problem with clear regional patterns, having a considerable negative impact on biodiversity across the continent. In some European countries, the driver for such activities is mainly direct or indirect financial profit for individuals or organised crime, generating illegal (untaxed) benefits not related to basic survival needs. Considering the multiple dimensions of illegal killing, trapping and trading of birds in Europe, such as the ecological/environmental, legal, economic, social and political aspects, a combination of measures, policies and strategies is necessary to solve the problem. These measures should sensitively combine law enforcement (including advocacy and judicial processes, effective investigative agencies, exemplary punishment and adequate court judgments), education and awareness of the general public and of specific target groups (e.g. hunters, farmers, children and youth, etc.) and secure political support mostly by strengthening the operational capacity of law enforcement agencies or bodies.

The participants in the European Conference on Illegal Killing of Birds call therefore on responsible stakeholders, governments, local communities, law enforcement agencies, nature conservation NGOs, including hunting associations, to unequivocally condemn all forms of illegal taking and trading in wild birds, to pledge a zero tolerance approach to illegal killing, trapping and trade of birds, and a full and proactive role in fighting against these illegal activities, which represents a serious threat to biodiversity, damaging nature as well as human society. More detailed recommendations will be submitted to the 31st meeting of the Standing Committee to the Bern Convention to be held in Strasbourg on 29 November – 2 December 2011 for possible adoption.

They include, inter alia: i. the need to strengthen enforcement at each stage of the bird crime chain through appropriate targeting, scientific and technical support and co-operation; ii. the need to recognise the significance of the illegal taking and trade of birds as a risk to the achievement and maintenance of favorable status of bird populations, negatively affecting those conservation actions undertaken by the Parties and resulting in adverse impacts on the conservation, legal hunting, agriculture and tourism sectors; and iii. the need to develop, finance and support national communication strategies promoting dialogue between relevant stakeholders and the wider public.

At the same time, the participants in the Larnaca Conference express their warm thanks to the Cyprus authorities for their generous hospitality.

*Done in Larnaca, Cyprus, 7th July 2011*

**ANNEX IV - RECOMMENDATION NO. 155 (2011)**

Convention on the Conservation of  
European Wildlife and Natural Habitats

**Recommendation No. 155 (2011) of the Standing Committee, adopted on 2 December 2011 on the illegal killing, trapping and trade of wild birds**

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention;

Having regard to the aims of the Convention to conserve wild fauna and its natural habitats;

Recalling that under Article 1, paragraph 2, which sets out the aims of the Convention, particular emphasis is to be given to the conservation of endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 6 requires Parties to take the necessary and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II, prohibiting in particular all forms of deliberate capture and keeping, and deliberate killing, as well as the possession and internal trade in these animals, alive or dead;

Recalling its Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds, which encouraged Parties to ensure the prosecution of persons illegally catching or killing birds or establishments commercialising live or protected birds;

Further recalling its Recommendation No. 90 (2001) on the catching, killing or trading of protected birds in Cyprus, which encouraged Cyprus to properly implement the actions suggested in Recommendation No. 5 (1986);

Noting with satisfaction that since these recommendations were adopted by the Standing Committee, most Parties have adopted national legislation providing for the prosecution of persons illegally catching, killing or trading in wild birds;

Regretting that despite growing efforts by competent authorities, enforcement of domestic legislation intended to meet international obligations is weak and not always accompanied by appropriate sanctions;

Recognising and regretting that illegal killing, trapping and trade in wild birds is still carried out, and that in some Parties these are a growing phenomena, sometimes involving other related issues, such as the transit of the killed and captured birds through third countries;

Bearing in mind the difficulties in identifying the illegally killed or captured species and proving the crimes before the Courts, in order to achieve the effective prosecution of offenders;

Bearing in mind the European Charter on Hunting and Biodiversity (document T-PVS (2007) 7 revised), adopted by the Standing Committee to the Bern Convention on 29 November 2007, and particularly its Principles No. 2 – Ensure that regulations are understandable and respected; No. 3 – Ensure that harvest is ecologically sustainable; No. 8 – Empower local stakeholders and hold them accountable; and No. 11 - Encourage cooperation between all stakeholders in management of harvested species, associated species and their habitats;

Regretting the negative conservation impact that results from the indiscriminate killing and trapping of birds, including by using prohibited means and methods of killing, capture and other forms of exploitation, listed in Appendix IV of the Convention;

Welcoming, and bearing in mind, the Strategic Plan of the Convention on Biological Diversity 2011-2020, and its Aichi targets;

Recalling the EU Biodiversity Strategy to 2020 (COM (2011) 244) and, in particular, its target 1 “Fully implement the Birds and Habitats Directives”;

Recalling that Contracting Parties to the African-Eurasian Migratory Waterbird Agreement (AEWA) shall ensure that any use of migratory waterbirds is sustainable for the species as well as for the ecological systems that support them (art. III. 2b), shall develop and implement measures to reduce and, as far as possible eliminate, the use of poisoned baits, and prohibit the possession or utilisation of, and trade in, birds and eggs which have been taken in contravention of the prohibitions laid down pursuant to this agreement (art. II. 1 together with the Action Plan);

Recalling also that the Action Plan of the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia, under the Convention on Migratory Species (CMS), has identified as a priority action the protection of the species covered by the Memorandum of Understanding from unlawful killing, including poisoning, shooting, persecution, and unsustainable exploitation;

Further recalling that the CMS Conference of the Parties urged Parties to develop an Action Plan for the Conservation of African-Eurasian migratory land birds;

Recalling that the promotion of cultures and traditions, as well as of a European identity based on shared values should be respectful of human and fundamental rights, and take into account ethical aspects;

Recognising that effective measures to secure compliance with international obligations need to include actions aimed at education, changes in social attitudes and awareness campaigns;

Recognising that the need for improved knowledge should not in any way delay the undertaking of urgent measures in response to the growing problem of illegal wild bird killing, trapping and trade reported by several Contracting Parties;

Recommends Contracting Parties to the Convention and invite Observers to:

### **1. General**

- a. Develop and support national communication strategies, promoting dialogue between all relevant interest groups, and noting cultural sensitivities. These strategies should be aimed to the conservation of bird population and based on the following principles: (i.) this is about illegal killing of birds, not legal hunting; (ii.) zero tolerance of illegal killing of wild birds; (iii.) recognition of legal hunting and sustainable use.

### **2. Enforcement aspects**

- a. Consider birds as a European heritage and a valuable resource, thus applying a zero tolerance approach to illegal killing, trapping and trade of wild birds to support a shift of culture towards shared values respectful of nature, and promote active stewardship;
- b. Strengthen the enforcement at each stage of the bird-crime chain through appropriate political, judicial, operational, scientific and technical support and cooperation, and include a concerted focus on end-users;
- c. Promote partnership and coordination between government agencies and stakeholders so as to streamline enforcement at the local, national and international level, and target awareness-raising.

### **3. Biological aspects**

- a. Taking into account that scientific knowledge can never be complete and this should not be an impediment to taking action, nevertheless every effort should be made to improve knowledge needed

to support the solutions to the problem of illegal killing, trapping and trade of birds such as, in terms of priorities, a European bird migration atlas for the better knowledge of flyways of species and populations, seasonality of movements and connectivity among key areas for migratory birds;

- b.* In cooperation between the stakeholders, to establish systematic monitoring and reporting systems for illegal activities using standardised methods for data collection, providing for common reporting format and taking into account population flyways;
- c.* Undertake prioritised actions in hotspots of bird concentration and illegal killing activities in order to facilitate a best practice approach in countries along flyways. The breakdown of the links between the demand for wild birds and the supply through illegal activities should be dealt with as a priority by the relevant countries and institutions;
- d.* Ensure the effective management of protected areas with the aim of maintaining and improving the connectivity of habitats in the wider landscapes thus ensuring the functionality of flyways;
- e.* Take forward the issue of poisoning of migratory species in a global context to Conferences or Meetings of Parties of CMS and respective agreements.

4. ***Institutional aspects:***

- a.* Strengthen the capacity, human resources, competencies and the level of cooperation between the relevant enforcement and judicial authorities, as well as make the best use of available budgetary resources to effectively prevent and punish wildlife/bird crimes;
- b.* Where internal judicial processes allow, encourage the creation of special units of judges and prosecutors, provided with specialist training on combating wildlife/bird crime, and ensure all relevant cases are assigned to them.

## **ANNEX V - QUESTIONNAIRE SENT TO THE CONTRACTING PARTIES**

Strasbourg, 25 October 2012  
[inf21e\_2012]

**T-PVS/Inf (2012) 21**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee** 32<sup>nd</sup> meeting  
Strasbourg, 27<sup>th</sup>-30<sup>th</sup> November 2012

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### **QUESTIONNAIRE FOR THE REPORTING OF PARTIES TO THE BERN CONVENTION ON THE MEASURES UNDERTAKEN TO IMPLEMENT THE STANDING COMMITTEE RECOMMENDATION No. 155 (2011) ON THE ILLEGAL KILLING, TRAPPING AND TRADE OF WILD BIRDS**

*Document  
prepared by  
BirdLife International*

**QUESTIONNAIRE**  
**FOR THE REPORTING OF PARTIES TO THE BERN CONVENTION ON THE**  
**MEASURES UNDERTAKEN TO IMPLEMENT THE STANDING COMMITTEE**  
**RECOMMENDATION NO. 155 (2011) ON THE ILLEGAL KILLING, TRAPPING AND**  
**TRADE OF WILD BIRDS**

**CONTACT DETAILS:**

Country:	
Organisation:	
Name and position of responsible person:	
E-mail:	
Phone:	
Date of completing the form:	

Please do not hesitate to contact us to help you fill in the questionnaire or for any other questions you may have: BirdLife Europe, Willem Van den Bossche, e-mail: [willem.vandenbossche@birdlife.org](mailto:willem.vandenbossche@birdlife.org), Tel.: +32 2 541 07 82

**A. COMMUNICATION AND NATIONAL STRATEGY**

**Q1: Were the results of the 1<sup>st</sup> European Conference on Illegal Killing of Birds (Larnaca, Cyprus, 6-8 July 2011) discussed and promoted in your country?**

- No
- Yes

*If yes, please describe when, where and how(in governmental administration, civil society, others)?*

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**Q2: The national communication strategy on Illegal killing, Trapping and Trade of Wild Birds has/is:**

- not started yet
- being developed by: .....
- will be published/issued in ...../..... (M/Y)
- developed and implemented by:.....

*If the communication strategy is developed, please provide a weblink to the communication material, list the participating interest groups, and first impressions/analysis of the impact.*

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**Q3: Does the communication strategy and its actions cover the following aspects?**

	Yes	partly	no
Killing/taking for leisure			
Killing/taking for consumption			

Killing/taking for collection			
Control of predating birds			
Killing/taking inside protected areas			
Killing/taking outside the legal season			
Killing/taking without a permit			
Use of illegal equipment			
Illegal trapping			
Poisoning			
Killing/taking of protect species			
Illegal trade and transit			

**Q4: Please describe the best practices in awareness-raising activities carried out or planned to address the aspects of illegal bird killing listed in Q3. Where possible mention the type of material (leaflets, manuals, press releases, ...), the target audience, scale of investment and impact.**

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**Q5: Do national or regional stakeholders (ministries, agencies, authorities, NGOs and others) exchange information on best practices on awareness-raising, knowledge sharing such as data exchange?**

- No
- Yes, irregular
- Yes, coordinated by .....

*If yes please specify how*

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**Q6: Please describe potential barriers raised by stakeholders when promoting the recommendations of the Larnaca conference and your solutions to these barriers**

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**B. MONITORING AND ENFORCEMENT**

**Q7: Do you have a national/regional focal point to collect reports of bird crimes and/or birds found dead or trapped?**

- No
- Yes

*If the answer is yes, please describe where the unit is based (government agency, NGO, etc.), how the unit is financed and with what human and financial resources they work*

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**Q8: Which stakeholders are invited to report to the focal point and how?**

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**Q9: Does the burden of proof lie with the defendant or with the enforcement authorities?**

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**Q10: Is there a national/regional systematic monitoring and reporting system for illegal activities?**

- No
- Yes

*If yes please specify the reporting format*

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**Q11: Is there a national/regional practice to report on prosecution, court cases, convictions and penalties on illegal activities?**

- No
- Yes

*If yes please specify the reporting format*

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**Q12: Do you measure the effectiveness of the detection of bird crimes and their prosecution?**

- No
- Yes

*If yes, please specify how*

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**Q13: Do you measure the recidivism rate of people convicted for illegal killing, trapping and trade of birds?**

- No
- Yes

*If yes please share any available statistics*

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**Q14: Please describe the best practices on legal provisions and enforcement mechanisms relevant to tackle illegal killing, trapping and trade of birds.** This can for example include successful substitutions for illegal activities, cross-compliance mechanism that link subsidies to penalties, compensation mechanisms, subsidies for prevention measures, trade of illegal equipment, etc.)

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**Q15: Were domestic and/or international links identified between the demand for wild birds and the supply through illegal activities?**

- No, not checked
- No, checked but none identified
- Yes

*If yes please specify the links*

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**Q16: Do special units of police, prosecutors or judges exist for combatting wildlife/bird crime?**

- No, not allowed by internal judicial processes
- No, no time or capacity
- Yes

*If yes please specify*

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**Q17: Please describe any important constraints in the existing legislation to tackle illegal killing, trapping and trade of birds.**

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**Q18: What practical steps would strengthen investigation and enforcement to tackle illegal killing, trapping and trade of birds?**

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**Q19: Can you provide information of studies on the biological consequences of habitat deterioration by species disturbance?**

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**Q20: Were hotspots of bird concentrations and illegal activities identified and prioritised following the implementation of the Larnaca recommendations?**

- No
- Yes

*If yes please specify*

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**Q21: The control on illegal killing of birds in protected areas is more intensive than in the wider countryside:**

- No
- Yes

*If no, please specify why there is insufficient management (capacity)*

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*If yes please specify the best practices*

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Please do not hesitate to contact us to help you fill in the questionnaire or for any other questions you may have: BirdLife Europe, Willem Van den Bossche, e-mail: [willem.vandenbossche@birdlife.org](mailto:willem.vandenbossche@birdlife.org), Tel.: +32 2 541 07 82