

Strasbourg, 13 September 2016
[Inf04e_2016.docx]

T-PVS/Inf (2016) 4

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

36th meeting
Strasbourg, 15-18 November 2016

**3rd MEETING OF THE SPECIAL FOCAL POINTS ON
ILLEGAL KILLING, TRAPPING AND TRADE OF WILD
BIRDS**

Tirana, Albania, 14-15 April 2016

**MID-TERM REVIEW OF THE IMPLEMENTATION BY PARTIES
OF THE TUNIS ACTION PLAN 2020**

- COMPILATION OF PARTIES' REPLIES -

*Compilation prepared by
the Directorate of Democratic Governance*

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ALBANIA / ALBANIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

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DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

List of priorities is identified and included in the revised NBSAP of Albania to 2020.

In January 2014, the law 7/2014 On the approval of the hunting ban in Albania was enacted for a two year period from March 2014 to March 2016. Actually a new proposal for a 5 year extension is proposed by the Minister of the Environment and is in its final stages of approval by the Parliament.

1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
1	Elimination of the illegal killing	Administrative offence	Mainly migratory water bird hunnable species	High	Hunting ban enforcement	Better control to cover the whole territory of the country	State Inspectorate of the Environment and State Police	Administrations of protected areas and Regional Environment Inspectorate

2. By which administrative or legal means have the national priorities been established in your country?

At the revised and updated NBSAP and also programme of work of the Ministry of the Environment.

3. Which bodies and stakeholders were involved in the priority-setting process?

Experts from scientific and research institutions, independent experts as well as specialised NGO-s.

4. What are the bodies in charge of their enforcement?

The State Inspectorate of Environment namely the Directorate of Inspectorate of Forestry Police is in charge of the enforcement in cooperation with the State Police and the municipality structures.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

An action plan for the implementation with the membership of relevant line ministries and other institutions is elaborated and approved by the Minister of the Environment.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Benefits consist on the concrete measures and timeframe determination, whilst challenges remain with the limited human and financial resources for a proper enforcement of the action plan.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

This is not applicable for Albania as the country is not a Member State yet.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

Directorate of Inspectorate of Forestry Police at the State Inspectorate of Environment and Forests and Regional administrations of Protected Areas report cases of wildlife and prosecution as appropriate.

- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

These data are used to a large extent to collect statistical evidence of offences. Other sources consist on the data provided by specialized NGO-s in the course of donors' projects implemented by them.

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

N/A

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

In Albania the illegal keeping and killing of birds is punishable by Law with administrative fines and confiscation of the hunting gun and is not a penal case yet.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

12 regional offices of the Directorate of Inspectorate of Forestry Police and the directorate with the same name at the headquarters in Tirana create the network that collects the information on this issue.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Not yet, but work is underway to establish a web based platform dedicated only to hunting activities, including illegal cases records.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

This process is in very initial steps in Albania because as explained above offences related to illegal killing of birds constitute only an administrative offence.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Mechanisms in place consist on the national network for the data gathering and analysis at the Biodiversity Sector in Biodiversity and Protected Areas Directorate. Protocols remain still to be developed due to the constraints in budget and staff numbers.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

No due to the limitations in human and financial resources, including the specialised expertise.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

No realistic estimates due to the lack of expertise.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

There is no official study, but there are a number of reports from Albanian ornithologists on this issue.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

There is an awareness raising component in the context of hunting ban implementation and enforcement.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No strategy documents per se, but communication activities identified and implemented

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

School campaigns are conducted mainly by specialised NGO-s in the context of donors' projects they are implementing to this purpose.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

In Albania the cooperation between the Special Focal Point under the Bern Convention from Faculty of Natural Sciences, CITES enforcement officers from general Directorate of Customs and the designated CMS Pan-Mediterranean Task-Force from the Biodiversity and Protected Areas Directorate is very good. As for the EU Ornithology Committee this is not applicable for Albania as the country is not a Member State to the EU currently.

2. How would you evaluate the cooperation of your main enforcement agency (ies) with the relevant INTERPOL National Central Bureau?

No information on this point by the enforcement agency.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Exchange of information exists between the enforcement bodies, whilst for the prosecutors as explained above this is not the case as illegal killing of birds is only punishable by administrative fines and is not subject of the penal code of the Republic of Albania.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Not so far.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Albania is addressing the issue of illegal killing of birds by coordinating and cooperation of a national network lead by the Ministry of the Environment, which also has the forestry sector under its jurisdiction. The engagement of the scientific and research institutions, of specialised NGO-s and administration of protected Areas is proving to be successful. More remains to be done to ensure the full cooperation of the Customs and of the local Government units (municipalities).

ARMENIA / ARMÉNIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION NO. 164 (2013)]

CONTACT DETAILS:

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Date of completing the form:	25.08.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

RA Law on Fauna, RA Forest Code, RA Law on "Hunting and running the hunt economy", RA Code on "Administrative Offences", RA Law on "Compensation rates of damage caused to the flora and fauna as a result of environmental offenses "

2. By which administrative or legal means have the national priorities been established in your country?

RA Low on Environmental control,

RA Law on Fauna, RA Forest Code, RA Law on "Hunting and running the hunt economy", RA Code on "Administrative Offences", RA Law on "Compensation rates of damage caused to the flora and fauna as a result of environmental offenses "

3. Which bodies and stakeholders were involved in the priority-setting process?

Ministry of Nature Protection RA,,
Ministry of Territorial Administration RA,
Ministry of Agriculture RA,

4. What are the bodies in charge of their enforcement?

Ministry of Nature Protection RA,
Ministry of Territorial Administration RA
Ministry of Agriculture RA

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

State Environmental Inspectorate of the Ministry of Nature Protection.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

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7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

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B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b *In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

The reports of State Environmental Inspectorate of the Ministry of Nature Protection presented to the National Statistical Service of the RA and is inserted in the following official web page of the Ministry on Nature Protection RA www.mnp.am

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The employees of the State Environmental Inspectorate and Biodiversity Management Agency of the Ministry of Nature Protection RA.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The territorial divisions (included all the Marzes/Regions of RA) of the State Environmental Inspectorate of the Ministry of Nature Protection RA.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The hot-line of the Ministry of Nature Protection RA.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

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2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Standardised protocol for data collection stems from following Codes and Lowes:

RA Code on Criminal, RA Code on 'Administrative Offences', RA Law on "Compensation rates of damage caused to the flora and fauna as a result of environmental offenses "

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

The Hunting organizations give reports to the State Environmental Inspectorate of MNP and to the *National Statistical Service of RA*.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

About 20mil environmental use fees and 12mil. penalties for illegal activities /AMD/.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

National Statistical Service of RA

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

.....

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

The inspection of State Environmental Inspectorate of RA, penalties and confiscation of hunting equipments.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Media, environmental NGOs, for example making of the bird's nests by the support of Institute of Zoology of NAS RA.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Government Decree of RA N1594- U, dated 10-th of November 2011

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Positive

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

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4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

N/A

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Government Decree of RA N1059- U, dated 25-th of September 2014 °Strategy of specially protected nature areas 2014-2020, the Government plan of protection and use.

BELGIUM / BELGIQUE**QUESTIONNAIRE FOR THE REPORTING OF PARTIES****MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES
OF THE TUNIS ACTION PLAN 2020****[RECOMMENDATION No. 164 (2013)]****CONTACT DETAILS:**

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Date of completing the form:	16/03/2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

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- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

2. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Flemish Region : Enforcement Plan Agency for Nature and Forests: one priority is about illegal activities with protected bird species (illegal killing, trapping, trade, possession...)

Priority Note of march 18, 2013 regarding prosecution policy on environmental law: one priority is about the illegal trade and large scale capture of protected bird species

Enforcement and monitoring entity: Nature Inspectorate of the Agency for Nature and Forests.

Brussels-Capital Region: hunting, including shooting/trapping and catching is forbidden on the whole territory of the Brussels-Capital Region. In addition, trade, killing and possession of protected species as well as use of prohibited means is also prohibited under Order on nature protection of 1 March 2012. The draft Regional Plan on Nature (to be soon adopted by the Government) recalls those prohibitions.

Both monitoring and enforcement activities are carried out by Brussels Environment, the regional agency responsible for the management of environment in the Brussels-Capital Region. Tasks of the inspection service within Brussels Environment are subject to an annual inspection plan adopted by the Government defining the minimum criterias for inspection.

Walloon Region : The main concern and the main priority in the Walloon Region is the capture of, possession of and trade in wild birds (mainly Fringillidae) of birds trapped with nets (“tenderie”, an activity banned since decades). The number of other types of illegal activities is limited (capture of protected species (mainly raptors) in authorised traps for corvids, eggs’ stealing in nets). The main priority (trapping or “Tenderie”) is listed in the annual action program of the Anti-poaching Unit (“Unité Anti-braconnage”) that is competent over the whole territory of the Walloon Region (Anti-poaching Unit – Department for Police and Controls – Directorate-general for Agriculture, Natural Resources and the Environment – Public Service of Wallonia). Setting further a list of priority does not seem necessary considering the limited number of types of illegal activities. At local level (in the most concerned regional directorates of the Department for Nature and Forests - Directorate-general for Agriculture, Natural Resources and the Environment - Public Service of Wallonia), trapping (“tenderie”) is the main enforcement priority in the field of illegal killing, trapping and trade of birds too. On the few most concerned areas, the regional directorates set an annual planning of joint targeted enforcement actions in co-ordination with the Anti-poaching Unit and the Police.

2. By which administrative or legal means have the national priorities been established in your country?

Flemish Region : Priorities have been established on a Flemish level by the administrative means mentioned in 1.

Brussels-Capital Region: See point 1.

Walloon region : The Anti-poaching Unit establishes its annual action programme.

3. Which bodies and stakeholders were involved in the priority-setting process?

Flemish Region : Nature Inspectorate and nature policy entities within the Agency for Nature and Forests

Brussels-Capital Region: All relevant inspection services and the biodiversity department within Brussels Environment.

Walloon Region: no consultation took place considering that trapping (“tenderie”) is obviously the main priority.

4. What are the bodies in charge of their enforcement?

Flemish Region :

- Nature Inspectorate of the Agency for Nature and Forests

- Police

Brussels-Capital Region: All relevant inspection services within Brussels Environment, local municipalities, the police and CITES services, if appropriate.

Walloon Region :

- Anti-poaching Unit,

- Department for Nature and Forests (daily control work of its personnel plus specific co-ordinated operations with the Anti-poaching Unit and the Police on certain specific areas).

- Police

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Flemish Region :

Monitoring of complaints of illegal activities with birds

Monitoring the performance of the Nature Inspectorate with regard to wild bird crimes.

Brussels-Capital Region: Follow-up on complaints or reported cases of illegal activities and follow-up on possible exemptions granted in conformity with the Birds and Habitats directives and Brussels transposition measures. Reporting on number of breaches concerning wild birds.

Walloon Region: non-applicable

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Flemish Region : Benefits: more focus; good results in the period 2012-2014: number of breaches of wild bird crimes has halved.

Challenge: one can't know for sure if this drop is the result of effective surveillance or because of changed behaviour by potential offenders deterred by a higher risk of being caught and more severe sanctions.

Brussels-Capital Region: no results available

Walloon Region : Trapping ("tenderie") has very much declined since its prohibition, also thanks to enforcement activities and convictions.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Flemish Region : No reference.

Brussels-Capital Region: N/A

Walloon Region: No reference

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

Flemish Region : The reporting of wild bird crimes at the Nature Inspectorate is registered in a database which is used to book offenders and which is also used for statistical purposes. This database also records the results of the prosecution if communicated as such by the judicial authorities or the administrative authorities entitled to give administrative fines.

Each year the Agency for Nature and Forests publishes an annual enforcement report on its website, based on the information of this database.

Brussels-Capital Region: breaches and reported cases are registered in an internal database used by Brussels Environment.

Walloon Region: Infringement reports ("procès-verbaux") are listed in a register.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Flemish Region : The police and the judicial authorities can make an appeal to the Nature Inspectorate which has the expertise regarding wild bird crimes.

The Nature Inspectorate works with scientific labs for toxicological analyses.

If necessary, nature inspectors work with ornithologists in order to identify rare bird species.

Brussels-Capital Region: Brussels Environment inspection services work in close hands with biologists and experts from the biodiversity department which may also benefit from sub-contracting with external experts, laboratories, researchers or NGOs such as the Belgian Royal League for Birds Protection or AVES. In addition, representatives of Brussels Environment inspection services participate and contribute to the network of experts put in place by the College of General Prosecutors, in order to defining criminal policy and prosecution.

Walloon Region: Within the Anti-poaching Unit there is a focal point for illegal activities related to birds who can be contacted by colleagues when dealing with such activities.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Flemish Region : The scale of wild bird crimes has been much reduced compared to some decades ago and the impact on bird populations as a whole could be considered rather minimal. If there are still some issues on a local level, it is dealt with through more surveillance, and, if necessary, exchange of information with police and/or federal authorities or authorities from other regions/countries.

Brussels-Capital Region: Number of breaches and impact on population is very low in the Brussels-Capital region. As far as trade and possession are concerned, action and data are only available on a case-to-case basis, depending on the reported cases. Consequently, no specific dedicated infrastructures have been set up so far as not deemed necessary. This being said, Brussels Environment work very closely with the Belgian Royal League for Birds Protection.

Walloon Region: No, does not seem necessary.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Flemish Region : See B1 (on Flemish level only)

Brussels-Capital Region: no formal public tools developed, but regular informal contacts. NGOs, subsidised by Brussels Environment also provide information and resources on their website, alongside punctual studies.

Walloon Region: No.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Flemish Region: Recommendation n°177(2015) has not yet been forwarded to the judiciary, because of the very recent adoption of it (December 2015).

Brussels-Capital Region: no communication to the judiciary yet.

Walloon Region: Not forwarded to the judiciary yet (recent adoption).

3. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Flemish Region: Data on illegal activities affecting birds are collected in the database of the Nature Inspectorate.

Black spots, if any, can be identified on a map through exchange of information between this database and GIS-mapping software.

Brussels-Capital Region: approx.. 100 point count stations have been put in place on the whole territory of the region for purposes of population surveillance. Since 1992, volunteers are reporting observations and outcomes from those point count stations. A new atlas on birds is foreseen for the years to come, the latest edition dating from 2004. No-specific black spots have been identified due to the low degree of illegal activities taking place in Brussels. As far as trade and possession are concerned, action and data are only available on a case-to-case basis, depending on the reported cases.

Walloon Region: The regions where trapping (“tenderie”) takes place are more or less always the same. Special enforcement measures (co-ordinated control operations) regularly take place on those areas.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Flemish Region: There exists statistics over legally shot game species.

Brussels-Capital Region : not relevant

Walloon Region: statistics of legally shot species (game species) are established. The local hunting association (“Conseils cynégétiques”) are required to provide the annual bag data to the Nature and Forest Department.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

Flemish Region: The scale of wild bird crimes has been much reduced compared to some decades ago and the impact on bird populations as a whole could be considered rather minimal.

Brussels-Capital Region: very low mortality, if not inexistent, on the basis of reported cases.

Walloon Region: There is no estimate of the number of birds illegally caught. Although trapping (“tenderie”) is still practised its biological impact is probably rather marginal. A recent seizure concerned 900 specimens. Most of the targeted bird species belonged to rather common species

(Fringillidae). Though, non-targeted species are also caught (non selective nets). This can have a harmful effect on the conservation of some rarer bird species.

4. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

Flemish Region: Not to our knowledge.

Brussels-Capital Region: /

Walloon Region: Idem. It seems that (forged) Belgian bird rings are appreciated on the black market.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

Flemish Region: The website of the Agency for Nature and Forests contains the annual enforcement reports of the Nature Inspectorate (<http://www.natuurenbos.be/beleid-wetgeving/natuurinspectie/handhavingsrapport>), which also contain specific data about wild bird crimes.

Brussels-Capital Region: /

Walloon Region: no but the public at large is prone to report to the enforcement authorities illegal activities related to birds.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Flemish Region: No. Since all the killing or trapping of birds has been illegal for decades there seems to be no need for guidance to policy makers.

Brussels-Capital Region: /

Walloon Region: Idem.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Flemish Region: The Agency for Nature and Forests pursued a campaign in 2014 to inform birdkeepers on this matter.

(birdkeepers are allowed to breed birds, but some of them catch wild birds and mask them as being bred through manipulation of rings).

Brussels-Capital Region: /

Walloon Region: Not yet.

5. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Flemish Region: The CITES Enforcement Group (competent authority at the federal level) has representatives from the federal and regional level, police and customs, where information can be exchanged.

Brussels-Capital Region: The CITES Enforcement Group (competent authority at the federal level) has representatives from the federal and regional level, police and customs, where information can be exchanged.

Walloon Region: idem.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Flemish Region: Cooperation with INTERPOL is only relevant on transnational issues, and only for major crimes.

Brussels-Capital Region: Cooperation with INTERPOL is only relevant on transnational issues, and only for major crimes. In general, CITES services at the Federal level takes the lead.

Walloon Region: idem. There exists contacts with sister enforcement authorities (mainly with The Netherlands and France) but not via INTERPOL.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Flemish Region: Yes. All prosecutors at the time have been informed about the formation of the Nature Inspectorate. In the Flemish High Enforcement Council for the Environment, representatives of the prosecutors and environmental inspectorates meet to discuss environmental enforcement matters.

Brussels-Capital Region: representatives of the Brussels Environment inspection services participate and contribute to the network of experts put in place by the College of General Prosecutors, in order to defining criminal policy and prosecution.

Walloon Region: Yes. There is one prosecutor per province in charge of environmental issues. It has proved to be very helpful when dealing with illegal activities related to birds.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Flemish Region: Yes (bilateral meetings and/or exchange of information with Dutch, Walloon and German counterparts).

Brussels-Capital Region: yes.

Walloon Region: There is good cooperation within Belgium (other regions and the federal authority), The Netherlands and France.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Flemish Region: Cooperation between the ministries of Environment and Justice occurs in the Flemish High Enforcement Council for the Environment.

Brussels-Capital Region: /.

Walloon Region: see 4.3.

BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	Bosnia and Herzegovina
Organisation:	Federal Ministry of Environment and Tourism
Name and position of responsible person:	Mehmed Cero, Assistant Minister on Environment
E-mail:	Mehmed.Cero@fmoit.gov.ba
Phone:	+387 33 726 717
Date of completing the form:	9 September 2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

The national priorities to fight against illegal killing, taking and trade of birds have not been identified / established yet.

Reasons/challenges:

The role of the institutions in BiH in charge of the implementation of the conventions and related European directives and initiatives is not clearly defined. The National Focal Point for Bern Convention has not been officially designated yet.

Insufficient capacities in BiH in charge of the implementation of the convention.

Insufficient harmonization of the laws with EU standards.

Insufficient enforcement of existing laws that directly or indirectly govern the issues of hunting / illegal killing, taking and trade of wild birds.

Illegal killing activities are not considered as priority issue.

However, poaching of water birds and protected species and trade of birds have been recognized / addressed by a certain number of non-governmental organizations and independent experts.

In the coming period, BiH has to invest more efforts towards conservation of bird species and implementation of measures necessary for the improvement of bird hunting.

2. By which administrative or legal means have the national priorities been established in your country?

The first priority would be the harmonization of the laws with EU standards and defining the responsibilities of the institution at the different levels of government.

3. Which bodies and stakeholders were involved in the priority-setting process?

The following institutions should be involved in the priority setting process:

- The Ministry of Foreign Trade and Economic Relations - the relevant authority for environmental protection and natural resources at the state level, which is mostly in charge for coordination and implementation of environmental agreements and programs.
- At the entity level (in Federation of BiH and Republic of Srpska): Federal Ministry of Environment and Tourism and Ministry of Spatial Planning, Civil Engineering and Ecology of Republic of Srpska (institutions responsible for environment policy and nature protection), Federal Ministry of Agriculture, Water Management and Forestry and Ministry of Agriculture, Forestry and Water Management of Republic of Srpska (institutions responsible, beside others, for hunting)
- Other relevant institutions dealing with nature protection and NGOs

4. What are the bodies in charge of their enforcement?

Departments within the relevant Ministries responsible for nature protection and hunting should be in charge.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

The existing laws stipulate the system of control and inspection, but this system is generally poorly implemented in place.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

It is not possible to make an evaluation due to the lack of data.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Bosnia and Herzegovina is not EU Member State, so it is not obliged to report on the implementation of the Art 12 of the Birds Directive.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

National mechanisms are not in place for recording reports of wildlife cases/prosecution.

Implementation of existing laws is poor as there are hardly any inspections whether the law is actually being followed.

The existing laws proscribe the methods of prosecution of poachers, but the number of prosecuted poachers is very small (cases of poaching of wildlife are not a priority on the court).

There is no evidence of poaching / illegal hunting. There is no monitoring mechanism.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

National Focal Point has not been appointed to assist investigators and prosecutors.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

No.

The exchange of information and coordination of actions on illegal activities is not considered an issue.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

No.

Lack of databases and information systems in BiH generally.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

No actions have been taken.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

There are no mechanisms in place for analysing data on illegal activities directly affecting wild birds and black-spots have not been identified.

Lack of quality data and databases in BiH is one of the main problems.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

There is no official data on mortality due to legal harvest.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

There are only rough data collected/prepared by NGOs

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

No.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

No.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Educational and public awareness raising activities about importance of protection of wild birds have been conducting by NGOs.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

No.

BiH is not EU member.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

.....

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The mechanisms are not in place. The existing laws set out only some instructions, but not clear.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

No.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Due to the very complex administrative structure with several levels of political governance in BiH, the inter-sectoral cooperation and exchange timely and accurate information is insufficient, as well as infrastructural and institutional support for adequate cooperation and implementation of convention.

It is necessary to put emphasis on linking the institutions and creating a functional framework aimed at implementing the convention.

CROATIA / CROATIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	Croatia
Organisation:	Ministry of Environmental and Nature Protection
Name and position of responsible person:	Maja Polić, Senior nature protection inspector
E-mail:	Maja.polic@mzoip.hr
Phone:	00365 99 2658524
Date of completing the form:	23.03.2016.

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

5. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

6. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

.....

1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
1.	Eradicate shooting on raptor and owl species	Shooting on raptors	golden eagle, eagle owl, goshawk or buzzard	Moderate (locally high)			Nature protection inspection Hunting inspection Police Customs	Croatian Agency for Nature and Environment
2.	Eradicate illegal methods in hunting	Using of tape luring for hunting	quail, coots and ducks	Moderate (locally high)			Nature protection inspection Hunting inspection Police Customs	Croatian Agency for Nature and Environment
		Using decoy birds for hunting	ducks and coots	Moderate			Nature protection inspection Hunting inspection Police Customs	Croatian Agency for Nature and Environment

		Hunting with artificial light	ducks and coots	Moderate			Nature protection inspection Hunting inspection Police Customs	Croatian Agency for Nature and Environment
3.	Eradicate unintentional poisoning of raptors (by illegal poisoned baits aimed to control foxes, jackals, martens etc.)	Use of poison/illegal killing	Raptors (including vultures)	Locally high			Nature protection inspection Hunting inspection Police Customs	Croatian Agency for Nature and Environment
4.	Eradicate illegal shooting of waterfowl birds	illegal killing	Non-huntable waterfowl species	Moderate, locally high			Nature protection inspection Hunting inspection Police Customs	Croatian Agency for Nature and Environment
5.	Eradicate illegal capturing of songbirds	Trapping (using glue or nets)	Songbirds (mostly Fringillidae)	Moderate			Nature protection inspection Hunting inspection Police Customs	Croatian Agency for Nature and Environment

7. By which administrative or legal means have the national priorities been established in your country?

*Nature protection act
Hunting act
Criminal law
Act on Transboundary Movement and Trade in Wild Species*

8. Which bodies and stakeholders were involved in the priority-setting process?

*Ministry of environmental and nature protection,
Croatian Agency for Nature and Environment
NGO "Biom"*

9. What are the bodies in charge of their enforcement?

Customs, Police, Nature protection inspection, Hunting inspection

10. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Enforcement reports

11. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Better organized enforcement – more focus on important offences

12. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Croatia will report under Article 12 of EU Birds Directive for the first time in 2019

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

Nature protection inspection, customs, hunting inspection and police have records about all wildlife cases but there is no joint national record. Challenge is to gather all data

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Nature protection inspection and Croatian Agency for Environment and Nature assist and provide information's to prosecutors and investigators

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Due to small number of case we still don't have national exchange of all information

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There are two web portals; one of Ministry of environment and nature protection and second of Croatian agency for environment and nature protection which provide contacts, information about regulations, legal requirements

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

The translation of Rec No 177 is going to be delivered to Ministry of Justice as soon as it is done.

13. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

There is EU table "Member state regular report on trends in illegal trade, significant seizures and prosecution" where we record all seizures but we don't collect data about areas of offending (reason: small number of cases)

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

There are available data for every hunting ground, which are annually collected from hunters associations.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

We have no proper data so no proper estimations can be done.

14. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

No.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

No.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

NGOs and Public institutions that manage protected areas and Natura 2000 sites did many educations with a goal to raise awareness about bird's biology and importance for ecosystems. Ministry had awareness campaigns on stopping illegal taking of strictly protected species from nature and illegal wildlife trafficking

15. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

There is no protocol but we share information by e-mail. Special Focal Point for Illegal Killing of Birds under the Bern Convention and the National representatives at the EU Ornithology Committee are from the Ministry of Environmental and Nature Protection. In 2003 the Ministry established the Committee for CITES Implementation, in order to harmonise the administrative procedures in relevant authorities, to ensure the exchange of information and enhance the implementation of the CITES Convention in Croatia. Members of the Committee are representatives of the CITES Management Authority and Scientific Authority, Nature Protection Inspection, Crime Police Directorate, Central Customs Office, Phytosanitary Border Inspection and Veterinary Border Inspection.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Nature protection inspection has possibility to contact INTERPOL through the Croatian police- Ministry of internal affairs what we still haven't done

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Ministry of environment and nature protection and Croatian agency for environment and nature assist and provide information's to prosecutors and investigators. Contacts are available on web portals.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Yes, we exchange experiences.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

There are no such attempts.

CYPRUS / CHYPRE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	CYPRUS
Organisation:	Game & Fauna Department
Name and position of responsible person:	Panicos Panayides, Game & Fauna Officer
E-mail:	panayides.gf@cytanet.com.cy
Phone:	00 357 22 867786 & 00 357 22 560 113
Date of completing the form:	7.3.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorised persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

- *Poaching, Illegal Trapping (2 main priorities). 2 bodies in charge for law enforcement: a) Game & Fauna Dept., and b) Cyprus Police.*

- Also education and awareness (via the Cypriot Council of Ministers Decision- May 2015) through the Strategic Action Plan against Illegal trapping of Wild Birds.

2. By which administrative or legal means have the national priorities been established in your country?

Legislation (Law No. 152 (I) / 2003-2015, law for the Protection and Management of Wild Birds and Game Species) and Council of Ministers Decision on the Strategic Action Plan against Illegal trapping of wild birds 2016-2020 (approved May 2015).

3. Which bodies and stakeholders were involved in the priority-setting process?

Official agencies and NGOs.

4. What are the bodies in charge of their enforcement?

Game & Fauna Department and Cyprus Police are charges for law enforcement. Other stakeholders are also charged with other parts of the Decision like awareness & education (i.e. Ministry of Education, NGOs etc.).

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Game & Fauna Service is the specialized agency dedicated for law enforcement and control mechanisms to ensure implementation of these priorities.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The evaluation of these benefits is very positive, but these need to be strengthened. No quantified evaluation is yet in place.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Reporting obligations are sent on time, and the national priorities are mentioned in the general document.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

A recording mechanism for reporting wildlife violations is in place. Violations are recorded per type, District, date etc. Also a web based mechanism is in place where all these are recorded on line for official use and real time checks in the field.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

No. It is not so practical.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Game & Fauna Service.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, a web based platform exists for national authorities where all violations, wildlife convictions, on the spot fines and relevant information on hunting licenses are included so that real time checks can be facilitated in the field.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Partially this is done when a statement is given by the Game Wardens at the time of the complaint at the Police, before prosecution.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

The GFS collects and accumulates data on wildlife violations. Data is collected in terms of criminal cases being prosecuted per year, per District and per type of violation ie. (out-of -Court fine or case being presented in Courts). GFS also collects data in terms of trapping paraphernalia being collected, but no person was possible to be prosecuted. A data collection system on trends and illegal trapping activity is also maintained by some NGOs.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Yes via 2 methods. A) Detailed questionnaire with which about 1% of national hunters are yearly being asked detailed questions. B) Road blocks during hunting days.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

There are no reliable estimates on mortality of illegal trapping. According to Birdlife Cyprus there is an estimate of 1.5-2.0 million birds / year, but this estimate is challenged by official bodies.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

There is no official study on this subject, but there are three (3) main basic drivers: a) Food consumption, b) 'Tradition' and (probably most important) c) Profit making.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

In the New Strategic Action Plan which was approved by the Council of Ministers (May 2015) a specific target and theme was included for education and awareness. This National platform will be officially put in place within 2016.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Presently there is no specific official communication strategy in place other than what is mentioned in point 2 above.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Yes, the national authorities and specifically the Cyprus Game & Fauna Department is conducting lectures and presentations in events as well as schools (elementary and secondary) about the issue. Special lessons are also conducted to the prospective hunters who wish to obtain a hunting licence for the first time and also to the convicted hunters who have committed a wildlife related crime (trapping, poaching etc.). This is a prerequisite in order to obtain a new hunting license for convicted individuals. Other similar initiatives in the education and awareness aspect are also undertaken by national NGOs involved in actions against illegal trapping and killing of birds.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

No official protocols exist. Information is sent on an ad-hoc basis and whenever asked.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Cooperation is very good, although in most cases the national Cyprus Police is more involved, but not Interpol.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

No such special mechanisms are in place, other than the formal procedural mechanisms that are in place as far as the prosecuted criminal cases presented in Courts.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

No

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Presently, sufficient cooperation and more effort is put for this purpose which has been enhanced and promoted by the new National Strategic Action Plan against Illegal Trapping of Birds.

CZECHIA / TCHEQUIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	Czech republic
Organisation:	Ministry of environment of Czech republic
Name and position of responsible person:	Ing. David Fuka
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Phone:	267 122 700
Date of completing the form:	21.3.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

On the basis of the inter-ministerial negotiations at the end of last year was found need to create a working group on this issue. One of the goals is to better coordinate the activities of institutions and create a national action plan, better cooperation with the judiciary and other institutions involved.

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Bodies in charge of enforcement and monitoring of wild bird crimes are especially Ministry of environment, Police of Czech republic and Czech Environment Inspection. These state authorities act in accordance with the laws according to clear rules.

Especially Act No 114/1992 Coll., on the Conservation of Nature and the Landscape
Act No 246/1992 Coll. on the protection of animals against cruelty, Act No. 40/2009 Coll., Criminal code, Act No. 100/2004 Coll. on the protection of species of wild fauna and flora by regulating trade therein and on further measures for protection of these species and on amendment of several acts (Act on trade in endangered species or CITES Act) and Act. No. 449/2001 Coll., on hunting (responsible authority is Ministry of agriculture).

1.1 Complementary information where appropriate (OPTIONAL) Specific details will be processed in turn newly formed interdepartmental working group

2. By which administrative or legal means have the national priorities been established in your country?

There are two primary laws in Czech republic. Act No 114/1992 Coll., on the Conservation of Nature and the Landscape - this law regulates the prohibited activities in the field of nature protection and sanctions for violations. Another law is Act No. 40/2009 Coll., Criminal Code, which addresses the issue of crime in general. In the context of specific cases to the Administrative Act. No. 500/2004 Coll., Procedure Code.

3. Which bodies and stakeholders were involved in the priority-setting process?

Ministry of environment and Ministry of Agriculture. In the framework of newly established working group is expected to involve all interested institutions and government bodies.

4. What are the bodies in charge of their enforcement?

Ministry of environment and Ministry of Agriculture

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Unified Systematic control doesn't exist, but there are single activities. For example the Report on the internal security of the Czech Republic or other government documents dealing with the issue within some departments or institutions (especially the Ministry of the Environment) is published each year. Authorities engaged in considerable attention to the issue, but in a newly created working group is expected better coordination of these activities.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

This assessment does not yet exist, it will be created within the activities of the newly formed interdepartmental working group.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Under the reporting obligations of Article 12 of the EU Birds Directive is (for affected species) fact of the treat mentioned, but we don't find other way of solving.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

The competent authorities in these matters are the Police and the Czech Environmental Inspectorate, within the newly established working group will be set a better coordination between these and other interested institutions. The greater involvement of the judiciary in joint negotiations is also assumed.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Such sophisticated system does not yet exist, but it will be development within the framework of the activities of the newly established working group, in the framework of police and Czech Environmental Inspectorate, there are eg. Specialized departments that deal with the issue directly.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There are not any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities, but in the framework activities of new formed working group it is purposed.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There are not any national platforms. There is web portal named www.karbofuran.cz, web site created by Czech Society for Ornithology. Other activities are assumed.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Implementation of these measures is subject to the following interdepartmental meetings.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

There are database of ornithological observations <http://birds.cz/avif/> (here is the ability to record cases of bird crime) and portal concerning the illegal digestion of wild animals, both projects ensures Czech Society for Ornithology. Other activities are purposed.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

The specific mechanisms don't exist, but every year is drawn up a report on the implementation and processing of selected laboratory tests of dead wild animals (which summarizes the results of the majority of detected cases of poisoned animals, another part of the processing of these analyzes provide at the request of state authorities (especially the police) State veterinary Institute, the majority of the cases detected with more information is published on the website of the Czech society for Ornithology (www.karbofuran.cz), which is dedicated to the issue fairly broad and long. All activities it is necessary to unify and coordinate.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

A similar estimate does not exist, but There is assumed, that it is significantly higher than the number of recorded cases.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

There is not any official study, but within the activities of the newly formed working group will be created a national action plan on the matter, where the issue will be comprehensively tackled.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

Ministry of environment collaborate with Czech society for ornithology and there are some common project on this topic. Emergence of a concrete platform is one of the issues envisaged anticipated National Action Plan, which should be created in this year.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

There is not any strategy adopted by government, it is question of future negotiations.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Similar activities are mainly addressed by non government companies and stations for handicapped animals wildlife, there are also individual activities at the level of state bodies, action is needed to more coordinate.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

In this time there are not any systematic protocols, procedures or mechanisms to ensure knowledge-sharing. There is only less formal communication between these entities, better cooperation is expected.

2. How would you evaluate the cooperation of your main enforcement agency (ies) with the relevant INTERPOL National Central Bureau?

Cooperation exists especially at the level of the police, the Environment Ministry is not in this communication are directly involved.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

It doesn't exist yet. It's proposed.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Such cooperation does not occur at this moment.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Within the Activity newly formed working group is expected cooperation with all these departments.

ESTONIA / ESTONIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	Estonia
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Date of completing the form:	26.03.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

In accordance with the Nature Conservation Act In the event of wild birds, it is prohibited to:

1) intentionally destroy or damage their nests and eggs or eliminate their nests, (except in the interests of public safety; in the interests of air safety;

if it is necessary to prevent damage to important agricultural crops or farm animals, fish farming or other important assets; educational or research purposes ; all this actions may be officiated on the basis of a permit issued by the Environmental Board);

2) to intentionally disturb them during nesting and brood rearing, except in the event if the animal directly endangers the life or health of a person and the attack cannot be prevented or controlled in any other mannerspecified when the Environmental Board must be notified of disturbing not later than one working day after the disturbing.

Also many wild bird species are inlisted as protected species (3 different categories). The protection of all known habitats of species in the protected category I will be ensured by formation of protected areas and limited-conservation areas or determination of species protection sites. The protection of at least 50 per cent of known habitats of the protected category II entered in the environmental register will be ensured by formation of protected areas and limited-conservation areas or determination of species protection sites based on the representativity of the areas and sites. The protection of at least 10 per cent of known habitats of the protected category III entered in the environmental register will be ensured by formation of protected areas and limited-conservation areas or determination species protection sites based on the representativity of the areas and sites. In habitats of species in the protected categories II and III that have not been differentiated, individual specimens of such species will be protected.

It is required by law to have Action plan for conservation and management of species in cases 1) organisation of protection of a species in the protected category I; 2) ensuring the favourable conservation status of a species, if the results of the species inventory indicate that the current measures fail to do so, or if prescribed by an international obligation; 3) management of a species if the results of the species inventory indicate a significant negative impact to the environment caused by the increase in the population of the species, or a danger to the health or property of persons.

2. By which administrative or legal means have the national priorities been established in your country?

Nature Conservation Act and it's subacts (action plans for different protected species; regulation for calculating environmental damage etc)

3. Which bodies and stakeholders where involved in the priority-setting process?

Ministry of Environment, the Environment Board, the Environment Agency, and the Estonian Ornithological Society

4. What are the bodies in charge of their enforcement?

Environment Board, the Environment Agency, Environmental Inspectorate

4. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

As priorities are in accordance in law there is no separate control mechanism about applying

5. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The most challenging issue is to raise awareness of hunters (especially foreign hunters) of wild birds

6. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Rapporteur is the Ministry of the Environment

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?
- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

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.....
.....

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Environment Agency and several specialized experts from research institutions (such as the University of Tartu, Estonian University of Life Sciences, Tallinn Zoo)

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Environmental Inspectorate collect data, analyze them and set up enforcement priorities to targeting and preventing of violations of Nature Conservation Act

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Professionals involved in fighting against illegal killing of birds are inspectors working in Environmental Inspectorate and there are specific data collecting and information tools. Also there is a public website of the Ministry of the Environment that provides different kind of information

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Guidelines are not adopted yet

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Environmental Inspectorate collects data about Hunting Act offenses, including the hunting of the bird, during supervision and inspection. We have specific database for collecting and analysing data about all offenses.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Environment Agency collect these data and publish it on its website

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

The experience shows, that over the past decade the interest of local hunters in hunting birds shows downward trend. However, there is increasing the interest of the hunters of foreign countries (especially from Southern Europe).

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

No

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

This particular issue is a part of the wildlife conservation program of the Ministry of Environment and the Environmental Board

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

There is no need for such particular communication strategy, it is a part of communications strategy about illegal hunting.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Campaigns to raise awareness of this matter will be conducted in accordance with the needs and possibilities (mostly in combination of other environmental issues) of both the Ministry of Environment and the Environmental Board.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

There is no need for such protocols as the same person has to cover most of these issues

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

.....

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

No

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

.....

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	
Organisation:	European Commission
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Date of completing the form:	30.5.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

5. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

NB: This section of the questionnaire (like other sections below) is primarily addressed to countries that are parties to the Convention. Therefore, while unable to inform on national priorities, the Commission provides below an update of its recent relevant activities.

Full enforcement of EU nature legislation as a whole is a priority identified in the EU Biodiversity Strategy and in the 7th EAP. Implementation of the Birds Directive within the EU is a responsibility of the EU Member States. To highlight the importance to take actions against illegal killing of birds, the Commission brings up systematically the issue of illegal killing of birds in the biannual meetings (Ornis Committee/Expert Group on Birds and Habitats Directives) with the Member States. On the basis of available information it has also addressed specific aspects of this issue with some Member States by requesting further information (through the EU Pilot system). Legal infringement cases are considered whenever appropriate.

The EU Action Plan against wildlife trafficking¹ was adopted on 26.2.2016. While its focus is on international illegal trade, the action to combat illegal killing of birds in the EU and the respective EU roadmap is part of the Action Plan (namely, under Action 11). The Action Plan refers to Tunis Action Plan as well (under Action 32). The EU Action Plan will be endorsed via Council conclusions in June 2016. In general, the Action Plan contains a set of actions that the EU and its Member States will take domestically as well as internationally, focused on the three pillars of prevention, enforcement and global partnership.

In December 2015 the Commission requested the European Chemicals Agency (ECHA) to prepare a so-called REACH Annex XV dossier for a potential restriction of the use of lead in shots across the European Union. This is part of the implementation of the AEWA Agreement to which the EU is a Party. In parallel to this, ECHA will also check the use of lead shots in other terrestrial environment, in lead weights and target shooting.

The Commission is financing the work of the intergovernmental Task Force to eradicate illegal killing, trapping, and trade in the Mediterranean under CMS, for 3 years. From the EU point of view, eight Member States are directly concerned and have been contacted by CMS to nominate Members to the Task Force.

A review on the Environmental Crime Directive is foreseen to start this year with an open-end in terms of outcomes.

2. By which administrative or legal means have the national priorities been established in your country?

.....

3. Which bodies and stakeholders were involved in the priority-setting process?

.....

4. What are the bodies in charge of their enforcement?

.....

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

.....

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

.....

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:87:FIN>

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

.....

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

.....

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

.....

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

.....

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The Commission has set up a website dedicated to activities to combat **illegal killing, trapping and trade of birds in the European Union**, including the EU Roadmap on the illegal killing of birds (http://ec.europa.eu/environment/nature/conservation/wildbirds/illegal_killing.htm).

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

The sentencing guidelines are relevant for individual Member States. However, the Commission has brought them to the attention of the European Forum of Judges for the Environment, which is a voluntary association of judges practising in the EU Member States, as well to the European Network of Prosecutors for the Environment.

Developing sentencing guidelines are also included in the policy recommendations of the EU funded EFFACE (European Union Action to Fight Environmental Crime) project².

6. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

The reporting format under the Article 12 of the Birds Directive requests information on threats and pressures (using scale 'low'-'medium'-'high' importance) and *trapping, poisoning, poaching* is part of the list of threats and pressures. However there is no quantified information requested.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

The new reporting format under the Article 12 of the Birds Directive (2013-2018) will request information on the hunting bags of Annex II bird species (hunnable species) and also on Annex V species of the Habitats Directive.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

.....

7. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

.....

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

The Commission has financed a project (under Criminal Justice Support Programme of the European Union) to establish a European Network against Environmental Crime (ENEC) **bringing together legal and other practitioners who work in the fight against environmental crime. The project**

² <http://efface.eu/>

team prepared also a proposal for an EU action plan to tackle illegal poisoning of wildlife. The Commission has informed the EU Member States on this proposed Action Plan and encouraged them to implement it.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

One best practise example:

Life+ VENENO project by SEO/BirdLife developed in 2015 the manual "Illegal use of poisoned-baits: Legal analysis and investigation", aiming to wipe out the illegal use of poisoned-baits in Spain's countryside. This manual has been recently translated into English, so it can be used more widely.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

The Commission is co-financing numerous LIFE projects working on the topic of illegal killing of birds (especially on use of poisoned baits). Birds of prey are key targets in these projects. Awareness raising activities are part of these projects, targeting wider public, school children, poachers etc depending on the projects' approach. Many of these projects can serve as best practise examples on raising public awareness.

8. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Commission is a member of the Special Focal Point and of the Task Force in the Mediterranean region (one and the same person), so this provides very good links between these groups and on the other hand with the Ornithology Committee/Expert Group on Birds and Habitats Directive which meet twice a year and provides an opportunity to share information between the EU Member States.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

INTERPOL is participating in the Commission's biannual stakeholder meeting on the illegal killing of birds. Other stakeholders of this meeting are BirdLife, FACE, Bern Convention, AEWA and IMPEL.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The Commission has established a close collaboration with the EU Forum of Judges for the Environment (EUFJE), the European Network of Prosecutors for the Environment (ENPE), the EU Network for the Enforcement and Implementation for Environmental Law (IMPEL) and EnviCrimeNet (the European Network of police officers combating environmental crime).

Training material on wildlife trafficking have been developed and workshops have been organised by Academy of European Law (ERA) and the Commission in April 2016³.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

The Commission is supporting IMPEL (EU Network for the Enforcement and Implementation for Environmental Law) projects which tackle illegal killing of birds. For example, IMPEL has started a project on hunting tourism, its legal and illegal scope and foresees also joint inspections in selected countries. IMPEL is also interested in developing a system on how to exchange information on illegal activities with NGOs. An IMPEL Implementation Review (IRI) took place in 2014 in Romania (peer review of the national enforcement system) and focussed on 'green enforcement'.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

.....

³ https://www.era.int/cgi-bin/cms?_SID=76256597fbfa4f60b9a8ba1d072a55570c0d338800471723106651&_sprache=en&_bereich=artikel&_aktion=detail&idartikel=125819

FRANCE / FRANCE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

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Date of completing the form:	02/03/2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

5. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

16. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Aucune liste des priorités n'a été établie pour l'instant.

Une législation est en place (voir C1).

L'Office national de la chasse et de la faune sauvage (ONCFS) assure un service de contrôle efficace sur le terrain grâce à 1 113 agents, commissionnés et assermentés, inspecteurs de l'environnement placés sous l'autorité des procureurs de la République. 17 000 infractions ont ainsi été relevées en 2013 (tous motifs confondus).

De plus, les inspecteurs de l'environnement de l'ONCFS ont été dotés de nouvelles prérogatives de police judiciaire depuis le 1er juillet 2013 par l'Ordonnance n° 2012-34 du 11 janvier 2012 portant simplification, réforme et harmonisation des dispositions de police administrative et de police judiciaire du code de l'environnement. Ils ont désormais la possibilité de conduire des enquêtes judiciaires poussées et de confondre les délinquants en dehors de toute flagrance et sans l'intervention d'un officier de police judiciaire.

Enfin, le projet de loi sur la reconquête de la biodiversité, de la nature et des paysages en cours de deuxième lecture par l'Assemblée nationale prévoit un renforcement des prérogatives des agents chargés de mission de police judiciaire. L'article 52 bis de ce projet de Loi Article 52 bis du Projet de loi créant un article L. 172-11-1 du code de l'environnement et un article 706-2-3 du code de procédure pénale, prévoit d'accorder aux inspecteurs de l'environnement la possibilité d'effectuer des « coups d'achat » sur Internet. Ce dispositif judiciaire leur permettra, en complément de la technique de « cyber-tracking », de se mettre en contact sous couvert d'un pseudonyme avec des personnes soupçonnées de vendre illégalement des spécimens d'espèces protégées sur internet.

La lutte contre le braconnage et le trafic des espèces protégées est inscrite comme l'une des priorités d'action de l'ONCFS dans son contrat d'objectif 2012-2016 passé avec l'Etat.

Une brigade de l'ONCFS spécialisée dans le trafic d'espèces protégées travaille en étroite collaboration avec les autres services en charge de la CITES. Cette brigade pilote et anime un réseau spécialisé composé de plus de 300 agents présents dans chaque service départemental, dont l'action est axée tant sur l'importation, le commerce et la détention d'espèces réglementées par la convention CITES, que sur la commercialisation d'espèces protégées autochtones dont les oiseaux.

L'ONCFS a recensé 2 838 spécimens d'oiseaux prélevés illégalement entre 2008 et 2014. À chaque fois, les animaux ont été saisis et les auteurs ont été traduits en justice.

L'ONCFS anime aussi en partenariat avec la fédération nationale des chasseurs (FNC), un réseau national d'épidémio-vigilance, le réseau SAGIR, qui suit les cas de mortalité non cynégétique de faune sauvage due, entre autres, aux intoxications volontaires.

17. By which administrative or legal means have the national priorities been established in your country?

Sans objet

18. Which bodies and stakeholders were involved in the priority-setting process?

Sans objet

19. What are the bodies in charge of their enforcement?

Sans objet

20. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Voir réponse A1.

21. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Sans objet

22. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

La France rapporte à la Commission européenne les dérogations à la Directive Oiseaux conformément à l'article 12 de cette Directive.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

L'ONCFS a mis en place un outil de gestion et de suivi des infractions constatées par ses services. Cet outil permet par ailleurs de préciser et comptabiliser les actes d'enquêtes mis en œuvre dans le cadre de chaque procédure judiciaire (saisies, perquisitions, auditions, etc.). Il permet ainsi d'éditer des bilans statistiques des actions de police mises en œuvre sur une période donnée. Ces données sont transmises chaque année à l'Observatoire National de la Délinquance et des Réponses Pénales afin d'alimenter un rapport annuel.

Cet outil permet également d'alimenter une base de localisation géographique des points sensibles et zones d'occurrence des infractions sur le territoire.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Au sein de l'ONCFS, la Direction de la Police a mis en place un réseau animé par une brigade nationale coordinatrice (la BMI CITES) Cf. point A.1. Cette brigade nationale est en contact régulier avec des experts tels que les ONGs comme TRAFFIC, des experts institutionnels tels que le Muséum National d'Histoire Naturel, etc.

Ils échangent également avec l'Office central de lutte contre les atteintes à l'environnement et à la santé publique (OCLAESP) spécialisé notamment dans les affaires de grande envergure de trafic d'espèces animales protégées. La BMI CITES interagit enfin avec les experts internes de l'ONCFS regroupés sous la Direction de la Recherche et de l'Expertise.

Des points focaux existent aussi en matière de CITES.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

cf. question 2.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Une telle plateforme existe pour la CITES sur : <https://cites.application.developpement-durable.gouv.fr/accueilInternaute.do>.

Par ailleurs, des contacts ont lieu entre les différents acteurs de la lutte contre le braconnage et les trafics d'espèces comme précisé dans la question B.2.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received from the authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

La fixation des peines est définie par la législation issue de la transposition des Directives Oiseaux et Habitats par les articles L.411-1 et suivants du Code de l'environnement (C. Env) : pour les habitats naturels, à travers notamment les articles L.414-1 et suivants, pour les espèces chassables, à travers les articles L.420-1 et suivants.

Les pénalités maximales ainsi définies sont les suivantes :

1. Abattage illégal

- *Espèces protégées : un an d'emprisonnement et 15 000 € d'amende ; un an d'emprisonnement et 30 000 € d'amende si le braconnage a lieu dans le cœur d'un Parc national ou d'une réserve naturelle (L.415-3, 3° C. Env.).*
- *Espèces chassables (grand braconnage) : 4 ans d'emprisonnement et 60 000 € d'amende si c'est une infraction de grand braconnage c'est-à-dire en réunion, en temps prohibé ou de nuit, avec port d'arme et usage d'un véhicule (L.428-5-1 C. Env.).*

2. Capture illégale

Espèces chassables : 1 500 € d'amende (amende de 5ème classe) ; 2 ans d'emprisonnement et 30 000 € d'amende si circonstances aggravantes, notamment : chasse à l'aide de moyens prohibés, en temps prohibé sur le terrain d'autrui ou sur un espace protégé, avec port d'arme.

3. Commerce illégal :

- *Espèces protégées : un an d'emprisonnement et 15 000 € d'amende pour commercialisation illégale (L.415-3, 3° C. Env.) ; 7 ans d'emprisonnement et 150 000 € d'amende pour trafic en bande organisée (L.415-6 du C. Env.)*
- *Espèces chassables : jusqu'à 4 ans d'emprisonnement et 60 000 € d'amende, en fonction des circonstances, pour transport et commercialisation de gibier tué.*

N.B : Le projet de loi sur la reconquête de la biodiversité, de la nature et des paysages déjà mentionné, prévoit une aggravation des peines => 1 an d'emprisonnement et 150 000 € d'amende pour trafic simple (amende multipliée par 10) ; 7 ans d'emprisonnement et 750 000 € pour trafic en bande organisée (amende multipliée par 5).

En complément, un document-cadre de coopération entre les services verbalisateurs (ONCFS, ONEMA, DDT) et la justice fixe les grandes lignes d'analyse de la gravité des impacts sur l'environnement et la biodiversité ainsi que les suites pénales les plus appropriées afin d'y répondre. Ce document garantit une harmonisation de la politique pénale dans l'ensemble des départements français.

What feedback – if any- was received from the authorities ?

À ce jour, 72 conventions ont été signées entre les services verbalisateurs et les Parquets.

6. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds?
Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Cf. question 1.B.1 (Outil de gestion des infractions alimentant une base de localisation géographique des points sensibles).

2. Has your country established statistics on mortality within bird populations due to legal harvest?
If yes, through which mechanism? *If not, please explain why*

Une enquête sur les tableaux de chasse de la saison 2013-2014 a été réalisée par l'ONCFS en partenariat avec la Fédération nationale des Chasseurs (FNC). Cette enquête, porte sur toutes les espèces chassées, mammifères et oiseaux. Les résultats de cette enquête seront bientôt disponibles. Ils permettront d'avoir un aperçu de l'évolution des tableaux de chasse par comparaison avec les résultats de la dernière enquête de ce genre réalisée en 1999.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

L'ONCFS a saisi 2 838 spécimens d'oiseaux prélevés illégalement entre 2008 et 2014. Ce chiffre n'est qu'un indicateur de la mortalité due aux activités illégales. Il est rigoureusement impossible de fournir une valeur fiable pour la mortalité nationale. Toute extrapolation faite à partir de ces chiffres serait hasardeuse et non valide scientifiquement compte tenu de leur mode de collecte.

Les saisies d'oiseaux effectuées au titre de la CITES au cours des années 2011 à 2014 sont en constante progression et se répartissent comme suit :

- 2011 : 24 spécimens vivants toutes espèces d'oiseaux confondues (dont 12 psittacidés)
- 2012 : 88 spécimens vivants toutes espèces d'oiseaux confondues (dont 35 psittacidés)
- 2013 : 273 spécimens vivants toutes espèces d'oiseaux confondues (dont 53 psittacidés)
- 2014 : 271 spécimens vivants et 100 kg de viande toutes espèces d'oiseaux confondues (dont 32 spécimens vivants et 10 kg de viande de psittacidés).

7. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

Globalement non. Cependant, fin 2015, l'ONCFS a conduit une étude sur la nature, les débouchés et l'évolution des trafics de chardonnerets et de fringillidés en France. Les résultats de cette étude ont été exploités sous la forme d'une note de problématique qui fera prochainement l'objet d'une médiatisation (voir PJ).

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

Aucune plateforme gouvernementale n'a été mise en place. La sensibilisation du grand public sur cette question est assurée par des ONGs, comme la LPO (Ligue pour la protection des oiseaux, représentant français officiel de BirdLife International).

Par ailleurs, l'information, la prévention et la sensibilisation du public font partie intégrante de l'action quotidienne des agents des services départementaux de l'ONCFS dans le cadre de leur mission de surveillance générale des territoires locaux.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Non.

Cependant, les résultats des opérations de police de l'ONCFS et notamment des actions de lutte contre le braconnage et les trafics d'espèces sont régulièrement portés à la connaissance des médias par le biais de la presse nationale et régionale et, ponctuellement, par le biais des médias audiovisuels.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Non

8. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Un point focal sur l'abattage illégal a été désigné pour représenter la France dans la Task-force pan-méditerranéenne de la CMS. Il travaille dans le même bureau du ministère chargé de l'environnement que le représentant au Comité Ornithologie avec lequel il collabore quotidiennement. (à noter : actuellement, le point focal de la Convention de Berne assure toutes ces fonctions).

Le point focal travaille également en liaison avec la Direction de la police de l'ONCFS responsable des contrôles CITES ainsi qu'avec le bureau CITES du ministère chargé de l'environnement.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Oui. Les services départementaux et les brigades mobiles d'intervention de l'ONCFS travaillent en relation étroite avec les Procureurs de la République et les Magistrats. Ces échanges permettent de s'assurer du bon suivi des procédures qui ont été initiées, d'éclairer les juridictions sur les enjeux environnementaux et de garantir une réponse pénale adaptée aux infractions.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

La Brigade nationale BMI CITES participe deux fois par an au Groupe de travail européen sur l'application de la CITES (Enforcement Working Group - EWG). Cette entité regroupe tous les services de police, de douane, ainsi que les organes de gestion qui œuvrent pour la CITES dans l'Union européenne. Les membres de l'EWG se retrouvent à Bruxelles pour s'informer mutuellement sur les tendances et techniques de trafic.

Cette Brigade spécialisée réalise également des formations dans d'autres pays afin d'améliorer l'application de la CITES et la lutte contre le braconnage et le trafic d'espèces protégées. C'est ainsi qu'elle a effectué des formations en Europe, notamment en Belgique, en Espagne et en Andorre, mais aussi en Amérique du Sud, en Equateur et au Brésil, à la demande des ambassades.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Les agents responsables du contrôle (ONCFS) sont placés sous l'autorité des procureurs de la République (ministère de la justice) ; dans certains cas, ils mènent des opérations conjointes avec les forces de police (ministère de l'intérieur). L'ONCFS est placé sous la double tutelle du ministère chargé de l'environnement et du ministère de l'agriculture. Les informations collectées par le réseau SAGIR sur les intoxications d'avifaune dues à l'usage normal ou frauduleux des pesticides sont partagées avec le ministère de l'agriculture. Dans quelques cas ces informations ont conduit au retrait de produits phytosanitaires.

GEORGIA / GÉORGIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

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Date of completing the form:	25.08.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

There are no specific priorities identified, but generally eradication of illegal hunting has a high priority. For that reason several articles against illegal hunting and violations of hunting rules are included in the Administrative Offense Code and Criminal Code.

2. By which administrative or legal means have the national priorities been established in your country?

Law on Wildlife, Administrative Offense Code and Criminal Code

3. Which bodies and stakeholders were involved in the priority-setting process?

The Biodiversity Protection Service under the Ministry of Environment and Natural Resources Protection is policy maker unit including bird conservation and hunting regulation issues

4. What are the bodies in charge of their enforcement?

Environmental Supervision Department, under the Ministry of Environment and Natural Resources Protection of Georgia, is responsible for implementation of anti-poaching activities and anti-poaching inspections; LEPL Protected Areas Agency

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Environmental Supervision Department publishes annual reports on wildlife offences

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The challenge most affecting implementation of priorities is lack of human and financial resources

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Georgia does not refer to the reporting obligations of Article 12 of the Birds Directive as we are not member state, however Georgia is responsible for implementation of the Birds Directive itself, except of the reporting obligations, under the EU-Georgia Association Agreement signed in June 2014

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

Environmental Supervision Department keeps record of data on wildlife cases/prosecution, however data is not available in automatic regime. It is published annually or available upon request.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Investigators and prosecutors are able to refer to the staff of the Ministry of Environment and Natural Resources Protection or scientists recommended by the Ministry for that specific case.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

No

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Environmental Supervision Department and the Ministry itself have web-site which contains general information on hunting regulations

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

No special actions are taken to promote implementation of the recommendation, however the list of gravity factors adopted through the recommendation are taken into account in process of evaluation

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Analytical unit is in place under the Environmental Supervision Department, which is responsible for analysing of offense statistics

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

No

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

There is available information on cases of illegal hunting, however these data does not show actual rate of mortality, considering that not all cases are revealed

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

No official study, however low level of awareness may be one of the reasons of poaching, tradition of falconry is also one of the drivers for poaching, having ancient tradition of falconry, current prohibition of harvest is not acceptable for hunters. Therefore sustainable and controlled harvest of raptors may be more effective. For that reason, this issue will be addressed in the new legislation being currently elaborated.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

There is no platform dedicated to raise awareness specifically on IKB

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

LEPL Environmental Information and Education Centre, under the Ministry of Environment and Natural Resources Protection, is responsible for educational campaigns, however yet none of the campaigns were implemented specifically addressing illegal hunting issues.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Biodiversity Protection Service is responsible on implementation of Bern Convention, CMS and CITES, therefore knowledge –sharing between the focal points is ensured

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

There is no communication between the Supervision Department and INTERPOL

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

No mechanism is in place, however assistance is available upon request

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

No

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Meetings to address illegal hunting are being held occasionally, where different stakeholders are present

HUNGARY / HONGRIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	Hungary
Organisation:	Ministry of Agriculture
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Phone:	+36-30-6788764
Date of completing the form:	2 March 2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

5. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Poisoning (targeted, against small game predators), Direct persecution of raptors by pigeon-fanciers (poisoning, shooting, trapping & other methods), Direct persecution of raptors at poultry and

pheasant/duck farms, Shooting (to protect small game), Egg/chick robbing from nest, Destruction of Bee-eaters and their colonies, Illegal shooting of protected wildfowl, Illegal trapping of songbirds (for keeping them as cage birds)

For bodies in charge of enforcement and monitoring, see excel file attached.

2. By which administrative or legal means have the national priorities been established in your country?

The national priorities have been identified during an internal process, no legal or administrative procedure was taken.

3. Which bodies and stakeholders were involved in the priority-setting process?

The national priorities have been identified during an internal process, in close co-operation between the Herman Ottó Institute (the background institute of the Ministry of Agriculture), the Ministry of Agriculture and MME/BirdLife Hungary. No other stakeholders were involved as these are the priorities of nature conservation bodies. Other stakeholders are and will be involved in the implementation, not in the priority-setting process.

4. What are the bodies in charge of their enforcement?

The national priorities will be taken into consideration in the planning of measures (e.g. training, submission of projects for funding), against illegal killing, trapping and trade of birds. Enforcement bodies are national park directorates' rangers, police, judiciary and county authorities.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

The Ministry of Agriculture on behalf of the government, and BirdLife Hungary from the civil side will keep track of the implementation of the priorities, but there is no particular, long-term mechanism in place. Presently, the HELICON LIFE project is running in this topic (until the end of 2016) and it has a mechanism for ensuring that at least the priorities concerning raptors are carried out. For the future, a new LIFE project is also in preparation.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The identification of national priorities has the benefit of providing a comprehensive overview of the problem areas and an agenda to take measures against them. The major challenges are lack of sufficient capacity for implementation (especially when the HELICON LIFE project ends) and inertia of other stakeholders (it takes a long time to raise awareness, change approaches and practices).

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

The prioritisation takes into account the national, EU-level and global status of the bird species affected by IKB.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution? *BirdLife Hungary keeps the national registration for IKB concerning raptors. Each National Park Directorate records every IKB case. BirdLife Hungary and the Ministry of Agriculture as well as national park directorates mutually inform each other about such cases. Prosecution is more difficult to keep track of, but information is requested from prosecutors and courts about the few cases that get into this stage.*
- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

Very few cases get into the prosecution stage (four persons sued and convicted in 2015). No statistical analysis is possible from so few cases.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Under the HELICON LIFE project, BirdLife Hungary is the beneficiary of the project and the National Bureau of Investigation as well as several National Park Directorates are partners. Good working relations have developed with the National Bureau of Investigation. There are no direct contacts with prosecutors (although training will take place in May 2016), but prosecutors contact the national park directorates in certain cases. In general, national park directorates are the expert bodies that can provide the necessary information and this possibility is known to prosecutors.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The HELICON LIFE project is such a structure, but another forum also exists: National Raptor Conservation Council Anti-poisoning Task Force (the Council involves all Hungarian state nature conservation bodies and NGOs active in raptor conservation).

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The website of the HELICON LIFE project contains, among others, the protocols on what to do when a poisoned/shot etc bird is found, protocol for veterinary etc.

<http://imperialeagle.hu/content/downloads>

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Three training sessions were held for representatives of the judiciary in February 2016, during which the sentencing guidelines and gravity factors were also presented (in summary) and made available. No specific feedback was received as yet on these documents (however, participants were very helpful and co-operative).

6. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

The national database kept by BirdLife Hungary concerns IKB against raptors, which is the main priority considering the level of threat. The protocols identified under the project also cover data collection and sharing between BirdLife Hungary, national park directorates and the police forces. In February 2016, the Ministry of Agriculture and BirdLife Hungary signed a Memorandum of Understanding on co-operation in various fields, including data exchange and collaboration in the field of IKB.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

The hunting bag is recorded precisely on the basis of hunting law. The statistics are available at: <http://ova.info.hu/vgstat.html> (the introductory webpage exists in English, but the statistics themselves are only available on the Hungarian part of the website). Legal harvest also exists in case of some non-game bird species, as well, i.e. *Phalacrocorax carbo*, *Cygnus olor*, *Larus michahellis*, *Larus cachinnans* and *Sturnus vulgaris*. These are carried out under derogation permits in order to prevent damage to agriculture and fisheries. The derogation permits are reported yearly to the European Union.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

There are no official estimates of mortality due to IKB. Under the HELICON LIFE project, such an estimate is planned for the Imperial Eagle (still in 2016).

7. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

The HELICON Life project documentation contains information on key drivers of IKB against raptors. See: <http://imperiaeagle.hu/content/threats>

The website also contains a report on a public opinion poll, exploring, among others, which groups of society are generally blamed by the public for IKB.

Benefits of wild-bird crimes have not been evaluated.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

The HELICON LIFE project has a strong communication element, see the Downloads and the Gallery sections for publications, communication materials, films etc.:

<http://imperiaeagle.hu/content/downloads>

Under the project, a visitor centre has also been established which focuses on IKB against raptors ("Eagle Centre"). The centre also functions as a wildlife rescue centre. Similar wildlife rescue centres (approximately 30 in the country) also spread information to the general public on threats to wildlife.

The National Raptor Conservation Council publishes annually "Heliaca", which contains the most important information concerning raptor conservation measures, species by species.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

The above-mentioned communication materials are also aimed at policy-makers.

The Anti-Poisoning Roundtable (with participation from the ministries responsible for nature conservation and for hunting, BirdLife Hungary, the Hungarian Hunters' Chamber etc.) made a declaration in 2008. This initiative was later followed by press conferences, too. IKB activities are unambiguously condemned by the general public and by policy-makers.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

See HELICON LIFE project communication materials.

8. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

In Hungary, the Special Focal Point for IKB is the same person as the national representative at the EU Ornithology Committee. The CITES officials at Ministry level work next door, within the same department, communication is straightforward. As far as we are aware, Hungary is not included within the CMS Pan-Mediterranean Task Force, lying outside this region.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Good working relations exist with the National Bureau of Investigation, which have been institutionalised under the HELICON LIFE project. There are regular contacts also at higher (Deputy State Secretary) level with corresponding officials of NBI.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Cooperation and exchange of information between investigators and prosecutors is established by general legislation and does not pose a problem in actions against IKB. The problematic area was to raise awareness of police forces to take IKB cases seriously, but there has been great progress in this respect, at least the local police investigate in the field every case of IKB. NBI also intervenes if necessary and even directly investigates outstanding cases, taking them over from local police.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

A new LIFE project proposal was submitted in 2015 in order to continue and expand certain activities under the HELICON LIFE project to neighbouring countries. This had been prepared in cooperation with potential partners abroad, exchanging experiences etc.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Nature conservation and hunting are within the same Ministry of Agriculture in Hungary. Representatives of the department responsible for hunting also participate at major events, such as high-level discussions with the National Bureau of Investigation. So far, there has been no need to involve other ministries, training of prosecutors and judges has been arranged by contacting the Chief Prosecutor's Office and the Supreme Court. The Chief Prosecutor's Office has also been contacted by the Ministry of Agriculture in order to achieve that national park directorates be involved in every IKB case, but there was no success with that.

ITALY / ITALIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	ITALY
Organisation:	Ministry of Environment Land and Sea
Name and position of responsible person:	Vittorio De Cristofaro Officier
E-mail:	decristofaro.vittorio@minambiente.it
Phone:	+39 0657223447
Date of completing the form:	March 22 th 2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

There is not an official national list of policing/investigation priorities to tackle IKB in Italy. By national law the main activities to tackle IKB are carried out by the State Forestry Corp, which is a police force specialized in environmental matters, by other national corps (Police, Carabinieri, and

Financial Police), by District Rangers, and NGOs voluntary guards. The State Forestry Corps has a special unit dedicated to the contrast of the IKB. This unit is based in Rome but operates at a national scale, in connection with regional units or independently, mainly in the IKB black-spots and to contrast the illegal trade.

After the signature of the Tunis Action Plan, the State Forestry Corp started a tight collaboration with ISPRA, the technical/scientific body of the Ministry of the Environment, to share experience and identify priorities.

In the course of 2016, the Ministry of the Environment and ISPRA are going to hold a workshop aimed at drafting a national action plan to tackle wild-bird crimes, involving the Ministry of Agriculture, Regional administrations, State Forestry Corps, District Ranger Corps, stakeholders (mainly NGOs and hunting associations), and experts.

2. By which administrative or legal means have the national priorities been established in your country?

Not applicable. The list of priorities has not been approved yet.

3. Which bodies and stakeholders were involved in the priority-setting process?

The priority-setting process started in 2015 and involves all the main actors working to contrast IKB: the Ministry of the Environment, the Ministry of Agriculture, Regional administrations, State Forestry Corps, District Ranger Corps, ISPRA, stakeholders (NGOs), and experts.

4. What are the bodies in charge of their enforcement?

The State Forestry Corps and the District Ranger Corps supported by other national police forces (Police, Carabinieri, and Financial police) and voluntary corps directed by local administrations and NGOs.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Identification of priorities is part of the on-going decisional process.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

See the answer above

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

The results of the IKB activities will be reported as appropriate within the next reporting exercise under the Article 12 of the Birds Directive.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

The State Forestry Corp inserts all the cases of crimes against animals in a national database which, however, does not allow to produce detailed analyses on species and number of birds involved. Furthermore, this database does not include any information concerning the crimes that are sanctioned by other police corps. However, an analysis of period 2013-2015, shows that over 20,000 police inspections have been performed by Stater Forestry Corps. In some regions more than 300 thousand inspections per year were carried out on average. Rate of administrative offences ranges between 6-7% of inspections: Number of offences seems to be constant (see document in attachment). District databases of crimes against wildlife are also available. Given the different structure of the databases, a national synthesis is difficult for the time being.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The Ministry of the Environment gave a mandate to ISPRA in 2015 to start an investigation on IKB in Italy and to set up a collaboration with the National Forestry Corps to highlight priorities and gaps in contrasting activities.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

A special Unit of the National Forestry Corps regularly operates at identified black-spots and holds a central database of documented illegal activities. However, a proper coordination structure has not been identified yet. Therefore, many anti-poaching and smuggling activities operated by regional or local police corps are not entirely documented and information are sparse, uneven and difficult to be collected.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The only national platform on IKB presently available is the already mentioned database of the National Forestry Corp, with the information limits described above. State Forestry Corps are also part of EU-TWIX community.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

No action taken so far.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

In 2015, ISPRA circulated a questionnaire to gather information on IKB among district administrations and NGOs which coordinate police corps and voluntary guards, in order to obtain a picture of the most relevant illegal activities carried out in Italy. The main results of this questionnaire are reported in attached document. Despite the lack of standardized national protocols, black-spots have been identified since decades by several and independent enquiries carried out by NGOs and substantially recognised by local and national authorities.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Following the prescription of the Interministerial Decree 6 November 2012, Regional administrations are requested to transmit information on the number of birds legally harvested to the Italian Government on annual basis. Not all administrations have transmitted complete reports, therefore national figures are not available yet. ISPRA, on mandate of the Ministry of the Environment, is setting up a national database which should gather all regional information following a standardised protocol.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

In 2015, an estimate of 5,600,000 (3,400,000–7,800,000) killed or trapped birds per year has been reported by LIPU (BirdLife Italy) (Anne-Laure Brochet et al. 2016. Preliminary assessment of the scope and scale of illegal killing and taking of birds in the Mediterranean. Bird Conservation International, 26, pp 1-28 doi:10.1017/S0959270915000416). However this estimate is based on informed expert opinions and mean confidence in estimates are considered ‘not at all confident’ by the authors. For this reason, this result should be taken with caution.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

An official study is not available yet, but a preliminary report circulated by ISPRA early in 2016 indicates that the main drivers of wild-bird crimes are: takings of small birds for commercial purposes (traditional gourmet cuisine), shooting of raptors accomplishing local traditions or vandalism, poaching of waterbirds, killings of problematic species, collection of eggs and chicks of raptors for trading, import and trade of wild birds as ornamental species, unobservance of hunting regulation.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

A national platform is not yet in place. However, there are some websites managed by NGOs or by LIFE Project managers put in place to raise awareness on the issue. See for instance:

<http://www.komitee.de/it/start>

<http://www.lipu.it/iba/4-caccia-e-bracconaggio/2-gigliola-magliocco-antibracconaggio-in-sardegna>

<http://www.lifeantidoto.eu/>

<http://www.lifepluto.it/it/>

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Not yet.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Awareness campaigns have been implemented in the framework of at least three LIFE projects aimed at preventing illegal trapping of birds in Sardinia (LIFE11 INF/IT/000253) and the poisoning of birds in central Italy (LIFE07 NAT/IT/000436 and LIFE13 NAT/IT/000311 PLUTO). Other awareness programs are regularly promoted by NGOs and National Forestry Corp at main black-spots, especially at Messina Straits, in Sardinia and Lombardia.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

The Ministry of the Environment guarantees a knowledge sharing process and the coordination among national focal points.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Cooperation on IKB is not active with INTERPOL, but information exchange with police corps of other countries has started in the framework of CEPOL courses organised by the European Police College. State Forestry Corps are part of EU-TWIX community.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

An exchange of information between investigators and prosecutors will take place at the Meeting organised by The Nation Forestry Corp, under the supervision of IMPEL in May 2016 at Messina Straits (see point below).

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

The Nation Forestry Corp, under the supervision of IMPEL will host in May 2016 an International meeting involving other European countries on IKB in the black-spot of Messina Straits.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

The discussion and approval of the National Action Plan to contrast IKB will involve the Ministry of the Environment, the Ministry of Agriculture, Regional administrations, State Forestry Corp, District Ranger Corps, ISPRA, stakeholders (mainly NGOs and hunting associations), and experts. This process will be completed by the end of 2016.

MALTA / MALTE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES
MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES
OF THE TUNIS ACTION PLAN 2020
[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	Malta
Organisation:	Wild Birds Regulation Unit, Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights
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Date of completing the form:	16/03/2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

*In Malta, national priorities concerning IKTTB are subdivided into: (a) the national policing and enforcement priorities established by **administrative** means and (b) **legal priorities embedded within national legislation**. The list of priorities pertaining to each category is enclosed in response to Question 1.2 whilst a detailed explanation of the nature and scope of these priorities is given in response to Question 2.*

At the time of compiling response to this questionnaire, the national legal priorities were already fully in place and were being implemented accordingly, whilst the policing and enforcement priorities were subject to discussions with all stakeholders, including enforcement authorities, the Malta Ornis Committee and NGOs. The latter priorities were not yet formally adopted as the discussions are still underway. Nonetheless this list provides a tentative indication of the priorities suggested by the enforcement entities, NGOs (Birdlife Malta and the hunting federation – FKNK) as well as independent experts.

1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
Legal No 1	Illegal targeting of species with the highest protection status	Illegal shooting or taking	Species listed in Schedule I (142 species) and Schedule IX of the Conservation of Wild Birds Regulations (SL 504.71)	Medium	<p><u>Legal sanctions:</u> automatic, non-discretionary fine of €5,000, imprisonment for one year, confiscation and permanent revocation of any license (on first conviction). On second conviction an automatic fine of €10,000 applies whilst the prison term is increased to two years. Where any illegal shooting or taking of a protected bird is perpetrated by a repeat offender whose licenses were previously revoked for life or the person concerned has been permanently disqualified from obtaining a license, the fine is increased to €15,000.</p> <p><u>Policing measures:</u> High intensity of enforcement deployment in the field during peak migration periods; high intensity of inspections and spot checks; use of technological surveillance means (e.g. drones)</p> <p><u>Other measures:</u> Awareness raising; hunter education.</p>	Continuous training of enforcement personnel.	Wild Birds Regulation Unit, Administrative Law Enforcement Unit of the Police; occasional support from the Armed Forces of Malta	Wild Birds Regulation Unit
Legal No 2	Illegal targeting of protected birds, illegal possession, importation, transport, sale, trade, breaches of hunting regulations	Illegal possession, importation, transport, sale, illegal taxidermy of protected birds, as well as illegal shooting or taking of any protected birds except those in Schedules I and IX, any breaches of spatial or temporal restrictions concerning hunting (e.g. shooting outside the season, in	All protected bird species including those that do not naturally occur in the wild state in Europe	Medium to low	<p><u>Legal sanctions:</u> On first conviction penalty range of €500 - €5,000 fine + confiscation + suspension of licenses for not less than 2 and not more than 5 years on first conviction, whilst on second conviction the range is increased to between €1,000 and €10,000 fine, confiscation, imprisonment for between 6 months and up to two years and permanent revocation of any</p>	Continuous training of enforcement personnel.	Wild Birds Regulation Unit, Administrative Law Enforcement Unit of the Police; occasional support from the Armed Forces of Malta, Customs, CITES Management Authority	Wild Birds Regulation Unit

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
		prohibited areas, etc)			<p>license or permit issued under these regulations and under Part XV of the Code of Police Laws. In determining the penalty applicable to each given offence within this range, the judiciary is guided by 8 gravity factors prescribed in the fourth proviso to regulation 27(2).</p> <p><u>Policing measures:</u> High intensity of enforcement deployment in the field during hunting seasons, high intensity of inspections and spot checks on hunters; use of technological surveillance means (e.g. drones, GIS databases, real-time game reporting systems); border inspections and controls; inspections of collections of stuffed birds; registration system.</p> <p><u>Other measures:</u> Awareness raising; hunter education.</p>			
Legal No 3	Miscellaneous offences against Conservation of Wild Birds Regulations, excluding IKTTB	Any offence under Conservation of Wild Birds Regulations that, on the one hand, is not subject to administrative penalty as defined in Schedule VIII, whilst on the other hand does not involve any form of illegal possession of live or dead protected birds, any illegal importation, sale or transport for sale, any illegal shooting or trapping, any breaches of any time or space restrictions pertaining to hunting seasons, or any	None	Low	<p><u>Legal sanctions:</u> This category of offences carries a range of penalties, which, on first conviction involve between a minimum of €500 and a maximum of €2,500 fine as well as confiscation of <i>corpus delicti</i>. On second or subsequent conviction the minimum fine is increased to €1,000 whilst the maximum is €5,000, in addition to possibility of imprisonment for up to two years.</p> <p><u>Other measures:</u> Regulatory systems, licensing processes, administrative compliance verification procedures, education and awareness raising</p>	Continuous improvement of regulatory systems, introduction of technological solutions (e.g. electronic game reporting systems), training and awareness raising	Administrative Law Enforcement Unit of the Police and the Wild Birds Regulation Unit.	Wild Birds Regulation Unit

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
		illegal taxidermy.			measures.			
Legal No 4	Minor offences and administrative irregularities	Minor firearms irregularities, administrative offences, use of certain illegal means in hunting practices	Illegal use of electronic lures during hunting seasons impacts the intensity of hunting effort targeting certain species, particularly Golden Plover and Quail.	Low	Legal sanctions: Administrative penalty as prescribed in Regulation 27A and Schedule VIII of the Conservation of Wild Birds Regulations apply a defined list of offences which are considered to be of relatively minor nature and are therefore deemed to be more effectively addressed through a system of administrative penalties (typically a €250 fine and confiscation of <i>corpus delicti</i>) as opposed to criminal prosecution. The Regulations provide for a defined list of such offences that qualify for an administrative penalty only in those cases where the minor offence was committed on its own, and not in conjunction with any other offence that carries a more severe penalty.	Higher intensity of night patrols to detect presence of remotely operated bird callers	Police, Wild Birds Regulation Unit	Wild Birds Regulation Unit
Draft policing priorities – not ranked – presently (March 2016) subject to discussion with all stakeholders including enforcement authorities and NGOs	Illegal shooting of protected species during spring and autumn migration periods, breaches of hunting regulations, illegal shooting in prohibited areas		All species, but especially raptors and waders	Low	Existing legal sanctions apply as per Legal Priority 1 and 2. Existing policing measures apply.	Continuation of the present measures.	Police (+ support from the AFM), Wild Birds Regulation Unit	Wild Birds Regulation Unit
	Illegal live-capturing of finches and other species		Seven species of finches, and to a lesser extent turtle dove, quail, golden plover and song thrush	Medium	Existing legal sanctions apply as per Legal Priority 1 and 2. Existing policing measures apply.	Continuation of the present measures + potentially need for more policing during March	Police, Wild Birds Regulation Unit	Wild Birds Regulation Unit
	Illegal use of electronic lures, especially at night		Mostly quail and golden plover	Low	Existing legal sanctions apply as per Legal Priority 3 and 4. Existing policing measures apply.	Continuation of the present measures + potentially need for more night patrols and greater collaboration	Police, Wild Birds Regulation Unit	Wild Birds Regulation Unit

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
						between the authorities and NGOs. Potential for increase in the fines and other legal deterrents should be explored. Hunting organisations should play greater role in promoting greater use of traditional hunting methods as opposed to electronic lures.		
		Illegal importation and trafficking of bird carcasses, illegal collections of stuffed protected birds, illegal taxidermy. Illegal trade and transport of protected birds especially those which are CITES-listed as well as potentially invasive alien avifauna.	All protected species including those not naturally occurring in Europe	Medium	Existing legal sanctions apply as per Legal Priority 1 and 2. Existing policing measures apply, including inspections at points of entry, in private residences, control over stuffed birds registration. Provision of guidance to lawful importers. Provision of guidance and education sessions for hunting trips organisers. New licensing process and regulatory system for taxidermy.	Need to upgrade and digitalise stuffed birds registration system, to enable more efficient verification and detection of offences. Need for greater collaboration amongst the various regulatory entities including WBRU, ALE, Customs, Veterinary Control and CITES authorities.	Police, Wild Birds Regulation Unit, CITES authority, Customs, Veterinary Control	Wild Birds Regulation Unit, Police, CITES, Customs, Veterinary Control
		Illegal importation of live finches especially by sea route from Sicily	Mostly seven species of finches	Low	Existing legal sanctions apply as per Legal Priority 1 and 2. Existing policing measures apply, including inspections at points of entry.	Need for greater collaboration amongst the various regulatory entities including WBRU, ALE, Customs, Veterinary Control... Need for more collaboration and intelligence sharing with the Italian Corpo Forestale, and Europol.	Police, Wild Birds Regulation Unit, Customs, Veterinary Control	Police, Wild Birds Regulation Unit, Customs, Veterinary Control
		Illegal trapping of wader species during summer months	Wader species	Low but increasing	Existing legal sanctions apply as per Legal Priority 1 and 2. Existing policing measures apply.	Need for more patrols during summer. Use of technology such as drones to map out potential sites used in this illegal activity.	Police, Wild Birds Regulation Unit	Wild Birds Regulation Unit

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
						Need for more collaboration with NGOs to aid detection of illegal activities.		
		Illegal trapping sites on Annex I habitats, especially on priority and sensitive habitats such as garrigue / phrygana, clay slopes, xeric grassland habitats and wetlands and marshlands	All species	Low	Existing legal sanctions apply as per Legal Priority 1 and 2. Existing policing measures apply, including inspections and spot checks, the use of GIS-enabled registry system; screening process for sites, etc.	Continuation of the present measures. Greater involvement of environment protection authority and development planning authority in the detection and prosecution of this activity. Potential for the revision of the law to impose habitat restoration and remedial actions as part of sanctions for illegal destruction of habitats. Use of Conservation of Wild Birds Fund to aid habitat restoration projects. Greater collaboration between the authorities and NGOs.	Environment and Resources Authority, Police, Wild Birds Regulation Unit	Environment and Resources Authority, Police, Wild Birds Regulation Unit
		Illegal targeting of protected birds at sea	All species, particularly protected duck species (e.g. Shelduck, Ferruginous Duck, Goosander, Red-Breasted Merganser)	Low	Existing legal sanctions apply as per Legal Priority 1 and 2. Existing policing measures apply.	Need for greater surveillance effort at sea, greater collaboration between the Administrative Law Enforcement Unit of the Police and the Armed Forces of Malta	Police, Armed Forces of Malta	Police, Wild Birds Regulation Unit

2. By which administrative or legal means have the national priorities been established in your country?

*The priorities are broadly divided into two categories: (a) the national policing and enforcement priorities, which are established by **administrative** means and (b) **legal priorities**. Administratively, the list of policing and enforcement priorities was discussed at the Malta Ornithology Committee, which includes representatives of the Environment Agency, the Wild Birds Regulation Unit of the Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights, representatives of the hunting community, Birdlife Malta as well as independent experts on bird conservation. The priorities were also discussed with the Malta Police Force. These priorities were developed with the primary aim of improving the coordination and prioritisation of physical enforcement measures on the ground. At the time of compiling response to this questionnaire, a tentative list of priorities was developed and discussed, but not yet formally adopted. It is expected that this discussion will be concluded before June 2016 with the resulting list adopted formally. This administrative prioritisation is further complemented by **legislative** measures already in place through the Conservation of Wild Birds Regulations (SL 504.71), which prioritises four categories of bird-related offences and assigns corresponding penalty measures depending on gravity. At the lowest end of the priority spectrum (**Legal Priority No 4**) is the category of offences that carry **administrative penalty** as prescribed in Regulation 27A and Schedule VIII of these Regulations. These offences are considered to be of relatively minor nature and are therefore deemed to be more effectively addressed through a system of administrative penalties (typically a €250 fine and confiscation of corpus delicti) as opposed to criminal prosecution. The Regulations provide for a defined list of such offences that qualify for an administrative penalty only in those cases where the minor offence was committed on its own, and not in conjunction with any other offence that carries a more severe penalty. The next category of offences (**Legal Priority No 3**) carries more severe range of penalties which are subject to **criminal prosecution**, as defined in Regulation 27(3). This category of offences comprise any offence that, on the one hand, is not subject to administrative penalty as defined in Schedule VIII, whilst on the other hand does not involve any form of illegal possession of live or dead protected birds, any illegal importation, sale or transport for sale, any illegal shooting or trapping, any breaches of any time or space restrictions pertaining to hunting seasons, or any illegal taxidermy. This category of offences carries a range of penalties, which, on first conviction involve between a minimum of €500 and a maximum of €2,500 fine as well as confiscation of corpus delicti. On second or subsequent conviction the minimum fine is increased to €1,000 whilst the maximum is €5,000, in addition to possibility of imprisonment for up to two years. The next category of offences (**Legal Priority No 2**) is subject to a higher range of penalties. These offences comprise any illegal possession, importation, transport for sale, sale, any illegal shooting or taking of any protected bird except birds listed in Schedules I and IX, any breaches of spatial and temporal restrictions concerning hunting, and any illegal taxidermy of any protected bird. These offences carry a penalty range of €500 - €5,000 fine + confiscation + suspension of licenses for not less than 2 and not more than 5 years on first conviction, whilst on second conviction the range is increased to between €1,000 and €10,000 fine, confiscation, imprisonment for between 6 months and up to two years and permanent revocation of any license or permit issued under these regulations and under Part XV of the Code of Police Laws. In determining the penalty applicable to each given offence within this range, the judiciary is guided by 8 gravity factors prescribed in the fourth proviso to regulation 27(2). The **last, more severe category of offences (Legal Priority No 1)**, involves any shooting or taking or any attempted shooting or taking of any protected bird listed in Schedules I (142 species) and Schedule IX (21 species) which enjoy the highest level of legal protection.*

*Any such offence is subject to an **automatic, non-discretionary fine** of €5,000, imprisonment for one year, confiscation and permanent revocation of any license (on first conviction). On second conviction an automatic fine of €10,000 applies whilst the prison term is increased to two years. Where any illegal shooting or taking of a protected bird is perpetrated by a repeat offender whose licenses were previously revoked for life or the person concerned has been permanently disqualified from obtaining a license, the fine is increased to €15,000.*

3. Which bodies and stakeholders were involved in the priority-setting process?

Administrative prioritisation exercise is coordinated by the Wild Birds Regulation Unit within the Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights. Discussions are being held within Malta Ornithology Committee, which includes representatives of the Environment Agency, representatives of the hunting community, Birdlife Malta as well as independent experts on bird conservation. The priorities are also being discussed with the Malta Police Force. The legal prioritisation exercise was carried out over three successive legal reforms implemented between 2013 and 2016.

4. What are the bodies in charge of their enforcement?

The main bodies in charge of enforcing and implementing these priorities are the Wild Birds Regulation Unit and the Administrative Law Enforcement Unit of the Malta Police Force. However other entities such as the Environment and Resources Authority, the Armed Forces of Malta and Customs are also involved in the specific aspects (e.g. CITES, border control, etc). Courts of Magistrates and the Administrative Review Tribunal exercise judiciary functions in respect of criminal and administrative offences respectively. Hunting organisations routinely deploy voluntary hunting marshals to assist the authorities in the monitoring of compliance during hunting season. A number of conservation NGOs are also very active in the field in monitoring and reporting any suspected breaches. The Malta Ornithology Committee provides a functioning inter-stakeholder platform for discussion and making recommendations to government at a strategic level.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

As regards legislative priorities already embedded within national legislation (see response to question 2 above), the control mechanism is the law itself, which is then applied accordingly by prosecution, and by judiciary in determining the corresponding levels of penalties. A legal reform in 2013 that established a system of administrative penalties for minor offences, through which such offences are dealt with swiftly without the need for recourse to lengthy and costly court proceedings, has helped to free up the necessary judicial resources which are then applied more effectively to higher priority cases involving serious crimes. As regards the national policing priorities developed administratively, these priorities serve as a guide to the respective implementing entities (e.g. the Wild Birds Regulation Unit) to assist in the planning and prioritisation of the necessary internal resources, for the purpose of guiding enforcement action on the ground, and for more effective inter-agency coordination. A Conservation of Wild Birds Fund, presently in the process of being set up, will further catalyse and support implementation of enforcement priorities by providing financial support for projects that directly contribute to the attainment of these priorities by various stakeholders including NGOs.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The embedding of priorities in legislation through successive legal reforms implemented in 2013, 2014 and 2015 resulted in a drastic reduction across virtually every category of bird-related crime. This rapid improvement trend is particularly evident in comparative crime statistics for the last three years published in various reports available under <http://environment.gov.mt/en/Pages/WBRU/Reports-and-Statistics.aspx> and <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804825a8>. The trend was also publically acknowledged by a number of environmental NGOs. The trend in the reduction of the most serious crime involving illegal targeting of protected birds is particularly pronounced: the large number of illegal shooting and trapping incidents reported prior to

2013 have been effectively reduced to a handful isolated occurrences throughout 2014 and 2015, with virtually all such cases disclosed within hours of the offence occurring, and with offenders receiving the harshest penalties possible. Apart from the reform of legislation, the national policing and enforcement priorities have also evolved over the past three years to respond effectively to the challenges on the ground. Although prior to early 2016 these policing priorities existed in an informal format, they evidently helped to drive a major qualitative and quantitative improvement in enforcement on the ground. Over a period of three years, enforcement deployment during peak bird migration periods has more than doubled whilst intensity of field inspections and spot-checks increased fifth-fold. Latest technologies including UAVs, portable GPS-enabled GIS databases and telephonic game reporting system for real time hunting bag reporting were deployed, resulting in considerable increase in efficiency of enforcement. In parallel, considerable effort was directed towards training and capacity building amongst enforcement officers (training sessions for officers are held twice a year) as well as towards dissemination of regulatory information to hunters and the general public. As a result, enforcement improved both qualitatively and quantitatively.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

The last Article 12 report submitted by Malta in 2013 contained a very scant overview of the enforcement effort deployed and the enforcement priorities at that time, whilst the bulk of the report focused on biological data related to population status of birds. However in the next reporting cycle it would be deemed opportune to provide a more detailed account of the implementation of enforcement priorities as these evolved since 2012, since these priorities are seen as being fundamental to the implementation of the Birds Directive.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

1.a

A mechanism for recording inspections, prosecution and disclosure of bird-related crime was established by the Wild Birds Regulation Unit and the Administrative Law Enforcement Unit of the police in 2013. This mechanism comprises a standardised format for the recording and processing of information resulting from field inspections and response to reported cases of bird-related crime as well as the information on the outcome of subsequent judicial processes.

1.b

Since 2013, enforcement information and national statistics on bird-related crime is published in reports on the state of enforcement, and in the annual reports concerning enforcement during spring and autumn seasons. These reports are available under the following link:
<http://environment.gov.mt/en/Pages/WBRU/Reports-and-Statistics.aspx>

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

A network of key enforcement agencies and expertise exists to assist investigators and prosecutors with specialised knowledge and expertise. The Specialist Enforcement Branch of the Wild Birds Regulation Unit provides specialised expertise to prosecutors and investigators in relation to taxonomy and bird identification, provides advice on biological aspects (e.g. conservation status) as well as legal factors (e.g. legal protection status of particular bird species under national and international law). Other authorities (e.g. the CITES authority, Customs, etc) are also involved in providing expertise as may be required depending on the exigencies of any case. Although formal agreements exist amongst some of these entities (e.g. between the Wild Birds Regulation Unit and the CITES authority), other arrangements are more informal and operational in nature. In some cases, the Courts also appoint independent experts to assist in the specific aspects of particular inquiries.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Due to Malta's size and the relatively small number of persons involved, as well as due to physical proximity of the various entities, to date no particular need was felt for any specific IT platform or infrastructure to facilitate exchange of information concerning illegal activities. However a number of systems have been developed by the Wild Birds Regulation Unit that are also available to police enforcement in the field, such as the GIS licensing database system pre-installed on portable tablet PCs that are used by police patrols during hunting seasons, as well as the hunting bag telephonic system through which hunters report their catch in real time. These auxiliary systems contribute significantly to information sharing and facilitating enforcement.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There is no dedicated web portal that is focused exclusively on enforcement, however the website of the Wild Birds Regulation Unit⁴ contains the largest publically available national repository of information on applicable legislation, enforcement statistics, regulations, administrative and other measures related to conservation of wild birds and sustainable hunting governance in Malta.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

⁴ <http://environment.gov.mt/en/Pages/WBRU/News.aspx>

The gravity factors were embedded within national law by means of inclusion in regulation 27(2) of the Conservation of Wild Birds Regulations (SL 504.71)⁵. Moreover, the Standing Committee Recommendation N 17(2015) was also disseminated to the Ministry responsible for Justice, and amongst those members of the Judiciary who are involved in the hearing of cases concerning bird-related crime. The sentencing guidelines were also brought to the attention of the Office of the Attorney General and the Commissioner of Police.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

A standardised approach to collecting and processing operational enforcement information has been agreed between the Wild Birds Regulation Unit and the Administrative Law Enforcement Unit of the Malta Police Force. Due to Malta's size, and the fact that any local hotspots are well-known to law enforcement agencies, there was no need to develop any dedicated methodology or protocol specifically for identifying black spots.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? If not, please explain why

Yes. Malta has been compiling detailed harvest statistics for all huntable species as reported by hunters through their carnet de chasse since 2002. In 2011, a real time bag reporting system was introduced in the case of derogations. All data collected through these systems is publically available online from the following link: <http://environment.gov.mt/en/Pages/WBRU/Reports-and-Statistics.aspx>. In 2016, the use of real time telephonic bag reporting system was extended as a mandatory legally binding requirement for all hunting seasons. Every licensed hunter / live-capturer is legally bound to report birds caught via a specially designed telephone system prior to leaving the hunting area. The system automatically captures information such as date and time of each report, the species and quantity caught, as well as the geographic location of the catch. All reported information enters into a database system, where the data is automatically cross-matched with the personal details of each licensed hunter, any bag limits and quotas as may be applicable to any specific seasons or species, and other information. This database is accessible to enforcement officers in the field who have the facility to verify in real time any information reported by any individual licensee. Non-reporting or misuse of the system is an offence punishable under regulations 27 and 27A of the Conservation of Wild Birds Regulations. Upon receiving a call from a licensed hunter, the system conducts automatic verification checks to verify identity of the licensee, his/her license categories and their validity, as well as the uptake of any quota or bag limit as may be imposed for any particular season. The system is also used to disseminate various regulatory information, including permitted times, bag limits and quotas.

⁵ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

*In 2015, the annual mortality due to illegal killing and trapping of wild birds in Malta was estimated to range **between 5,140 and 41,200 birds**. This estimate was provided by the Wild Birds Regulation Unit to Birdlife Malta and the Malta Ornithology Committee on 21st May 2015 as part of the review of the draft findings of IKTTB study for Malta conducted by Birdlife Malta through the project “Review of the scale, impact and geography of illegal killing of birds in the Mediterranean”.*

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

Although there is no “official” study on the key drivers and “benefits” of bird-related crime in Malta, various private researchers⁶ examined these drivers as part of their research. The most prominent driver of illegal targeting of protected birds in Malta is taxidermy and illegal trophy trade, as well as illegal trade in live birds. In the past, “recreational satisfaction”, including “thrill killing” aggravated by lack of hunting opportunities and frustration / rebellion against official regulations was also known to be a major driver, however due to major drive on the part of the authorities to disseminate regulatory information and promote compliance, as well as due to major increase in legal deterrents, this factor is no longer seen as a major contributor to IKTTB.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

Awareness raising amongst the wider public, and amongst the hunting community is one of the major operational objectives of the Wild Birds Regulation Unit. The Unit routinely disseminates a wealth of regulatory information through its website, through targeted media campaigns (press releases and advertorials), through bulk mailshots and bulk SMS as well as through personal meetings with hunters, representatives of hunting associations, other NGOs and general public. The Unit also disseminates informational posters, and conducts a number of hunter education processes including examinations that are a prerequisite for obtaining various categories of hunting licenses.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

There is no “formal” communication strategy; however there is a sustained and ongoing effort to promote compliance with the regulations through measures described in response to previous question.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

The authorities’ efforts, which include specific campaigns, are described in response to the previous question. In addition, a number of NGOs, including Birdlife Malta and the main hunting federation – FKNK routinely conduct educational campaigns including campaigns targeting schools (e.g. Dinja Waħda campaign at schools run by Birdlife Malta).

⁶ For instance Lia. R., “An investigation of the underlying factors that lead to the shooting of protected birds in the Maltese Islands: a prerequisite for in situ conservation and reintroduction programmes”, unpublished MSc thesis, University of London, 2011

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

The Wild Birds Regulation Unit represents Malta within the network of the Special Focal Points for Illegal Killing of Birds under the Bern Convention as well as within EU Ornithology Committee. The Unit has an informal MoU with the CITES authority, as well as an informal operational liaison protocol with the Administrative Law Enforcement Unit of the Malta Police Force. At the time of completion of this questionnaire, a representative of Malta has not yet been nominated on the CMS Pan-Mediterranean Task Force.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

To date there has not been much cooperation between Maltese law enforcement entities and Interpol on matters concerning IKTTB.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Very close operational cooperation exists between the prosecuting officers of the Administrative Law Enforcement Unit of the Police and the officials of the Wild Birds Regulation Unit's Specialist Enforcement Branch, who assist prosecutors in specialist investigations concerning IKTTB.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

In October 2013, Malta hosted IMPEL workshop on IKTTB which was attended by representatives of several contracting parties. In September 2014, Malta took part in the IMPEL Review Initiative expert mission to Romania. Maltese representative also participated in the International Conference on Best Practices to tackle the illegal killing of migratory birds held in Zante, Greece in July 2014.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Since the Wild Birds Regulation Unit structurally forms part of the Ministry for Sustainable Development, the Environment and Climate Change, very close cooperation exists between all entities that form part of the Ministry's wider portfolio, including with the Environmental Authority which is responsible for CITES. Close cooperation also exists with the Ministry responsible for Home Affairs and the Malta Police Force, as well as the Ministry for Justice.

MONACO / MONACO

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	
Organisation:	Direction de l'Environnement
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Date of completing the form:	21/03/2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

23. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Pas de liste actuellement – aucun crime contre les oiseaux n'a été recensé, de plus, la réglementation est en cours d'élaboration.

2. By which administrative or legal means have the national priorities been established in your country?

.....

3. Which bodies and stakeholders were involved in the priority-setting process?

.....

4. What are the bodies in charge of their enforcement?

.....

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

.....

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

.....

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

.....

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

La réglementation en vigueur prévoit des sanctions pour mauvais traitements aux animaux (Code Pénal, réglementation des expériences), cependant aucun cas n'a encore été signalé...

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Non – pas encore

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Non – aucun cas signalé à Monaco.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Les informations relatives aux inventaires de la biodiversité sont rendues publics.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Pas à propos actuellement.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Aucun mécanisme actuellement car aucune activité de ce genre à Monaco.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Non -

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

Sans objet.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

Sans objet.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

Non.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Non.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Pas encore.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Existence d'une concertation et échange d'informations entre les agents de l'administration concernés.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

A renforcer.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Sans objet.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Non .

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Les échanges entre les différentes institutions concernées se font aisément.

THE NETHERLANDS / PAYS-BAS

QUESTIONNAIRE FOR THE REPORTING OF PARTIES MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020 [RECOMMENDATION NO. 164 (2013)]

CONTACT DETAILS:

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DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

In the Netherlands, the possession and trade of protected species under the EU Wildlife Trade Regulation (Appendix A) has the highest priority on a national level. Police, justice, the Netherlands Food and Consumer Product Safety Authority (NVWA), the National Inspection for Animal Protection (LID) and provincial enforcement have capacity available to carry out inspections and large scale criminal investigations. These organisations discuss large scale investigations within the so-called Environmental Chamber (Milieukamer), which discusses and coordinates all large scale environmental investigations.

2. By which administrative or legal means have the national priorities been established in your country?

Ten priorities have been established at national level, among which fighting environmental crimes. The national priorities concerning nature crimes are adjusted in regular consultation between the ministries concerned, the Public Prosecution Service (Openbaar Ministerie; OM), the police and the NVWA. The OM has prosecution guidelines. (see also the answer under A1).

3. Which bodies and stakeholders were involved in the priority-setting process?

The Ministries of Safety and Justice, provinces, the NVWA, police and the OM (FP/Functioneel Parket - National Public Prosecutor's Office). These regularly hold strategic, tactical and operational consultations.

4. What are the bodies in charge of their enforcement?

These are the police, Special Investigation Officers (BOA), the Netherlands Food and Consumer Product Safety Authority (NVWA), the National Inspection for Animal Protection (LID) and the Netherlands Enterprise Agency (RVO).

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

The executing organisations run year plan cycles, for which they give account to the ministry concerned. The annual report of the NVWA is offered to the national parliament. The annual report of the National Inspection for Animal Protection (LID) is published on the website. <https://www.dierenbescherming.nl/inspectiedienst>.

The provinces have enforcement plans and execution programs for control and enforcement of the Flora and Fauna Act.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

An integral consideration of all interests takes place at all levels concerned.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

The threats per qualifying species are under the reporting obligations of Article 12 of the EU Birds Directive. Pressure factors recorded are among others poisoning, shooting, trapping, hunting and poaching (taking from nests). (source: Van Kleunen, André et al., 2013. Toelichting op de geleverde vogelinformatie voor de Vogelrichtlijn rapportage 2008-2012 van Nederland. Sovon-notitie 2013-110.)

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

Most organisations register their data in an own system. These systems are not connected due to financial, juridical and IT-reasons. This complicates statistical analysis. The organisations concerned overcome this constraint with top-down and bottom-up consultations.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Specialised inspectors deal with wildlife crime at the National Public Prosecutor's Office (Functioneel Parket/FP).

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The Netherlands police has, under responsibility of the Environmental Chamber (Milieukamer), organised a regular consultation between information inspectors of the different departments. This working group continuously exchanges information concerning wildlife crimes.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

BOA professionals and the national police have their own registration systems, which allows them to extract information

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

The Recommendation was presented to the FP/Functioneel Parket - National Public Prosecutor's Office prior to the meeting of the Standing Committee. The feedback was that in the Netherlands the judiciary already works according to these principles.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Specialised officials with the police and the NVWA deal with the analysis of data in the field of environment and nature crimes. A broad research on illegal trade of birds has yet not been commissioned by the national government, apart from an MBA thesis at the police academy in 2015.

The Birds of Prey Working Group (Werkgroep Roofvogels Nederland, WRN) collects data concerning birds of prey persecution in a standardised way. Based on these data a number of black spots could be identified in the Netherlands.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Yes. All provinces have fauna and wildlife management units. These units have licenses to legally disturb and kill a certain number of birds to prevent to prevent serious damage to crops, forests, protected animals and plants, and in the interests of public safety. The data on legal disturbance and killing per province are collected and reported to the European Commission (Bird Directive art artikel 9.2) and to the Bern Convention Secretariat. The licences are assigned based on a fauna management plan.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

- The national number of birds of prey illegally killed in 2014 was 49 (source NGO Birds of Prey Working Group; Werkgroep Roofvogels Nederland, WRN). This number includes only those cases where the WRN observes that birds of prey nests with ringed chicks, have failed due to persecution.
- Main causes of death are deliberate disturbance of nests, poisoning (occasionally with parathion) and shooting. Trapping only incidentally occurs. 40% of the cases takes place in the province of Friesland. Marsh Harrier (*Circus aeruginosus*), Goshawk (*Accipiter gentilis*) and Buzzard (*Buteo buteo*) were the most usual victims, but also a Peregrine falcon (*Falco peregrinus*) was shot.

Based on the sample of 2915 nests of 12 species of raptors, and the relative frequency of species-specific nest destruction, it is calculated that at least 206 birds of prey nests must have been intentionally destroyed in 2014. (Source: Bijlsma R.G. & Tulden P.W. 2015. Raptor persecution in The Netherlands in 2014. De Takkeling 23: 52-60.)

- The NGO WRN estimated in 2007 that some 5600 birds of prey were persecuted in ten years of time. Whether this is the tip of the ice-berg is not clear. The Frisian Environment Federation estimated in a pilot in 2010-2011 (source Roofvogels in Beeld), that the number of birds of prey persecuted in Friesland was three times higher compared to the WRN-numbers.
- The number of illegal trades seized is only an estimated 10-15% of total illegal trade in the Netherlands (Van Uhm 2012). Illustrative are the monthly fairs on amphibians, reptiles and birds in which the Netherlands play a substantial role (Van Uhm 2009).
- Uhm, D.P. van (2009) Illegale dierenhandel en de rol van Nederland. Masterscriptie Criminologie. Universiteit Utrecht: Willem Pompe Instituut voor strafrechtswetenschappen.
- Uhm, D.P., van (2012) Illegale handel in beschermde diersoorten. Justitiële verkenningen, jrg. 38, nr. 2, 2012. Groene criminologie; p91-100.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

No

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

The Netherlands Society for the Protection of Birds implements substantial awareness raising activities. Besides there is the campaign website www.wildlifecrime.nl or www.wildlifecrime.eu

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No there is no such a communication strategy or protocol. Reacting in public occurs in an opportunistic way, if the situation requires. Like recent media attention regarding the illegal catching of Mute Swans <https://nl.wikipedia.org/wiki/Zwanendrift> and the number of illegal captured and traded wild birds: http://binnenland.eenvandaag.nl/tv-items/67081/inspectie_nl_se_vogels_massaal_uit_natuur_geroofd

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Several awareness raising actions have been implemented:

- Twelve organisations on nature and environment have set-up the Wildlife Crime Campaign about crimes in general against wild animals in the Netherlands.
- The Parrot Foundation (Stichting Papegaai) started a campaign in 2014 aiming to stop (illegal) trading of birds on bird markets.

- The Netherlands Society for the Protection of Birds is lobbying to put birds of prey and owls on the 'negative list', which makes it illegal to keep these species as pets.
- The Netherlands Society for the Protection of Birds occasionally informs the public with news items on wildlife crime, like at the site Nature Today of 18 May 2016: https://www.naturetoday.com/intl/nl/nature-reports/message/?utm_source=newsletter&utm_medium=e-mail&utm_campaign=user-mailing&msg=22722
- The Netherlands Society for Animal Protection (*Dierenbescherming*) informs the public with news items on wildlife crime

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Coordination is not foreseen as it currently has no priority.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

The relation with INTERPOL is good and intensive on all fronts concerning environmental crimes.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Public prosecutors lead the investigations and are familiar with the problems concerned.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Yes, like the European Workshop on Environmental Crime: Illegal Poisoning of Wildlife

6th November 2015, Barcelona, which was attended a.o. by The Netherlands Society for the Protection of Birds and the Frisian Environment Federation.

The Ministry of Economic Affairs of the Netherlands hosted the international conference on wildlife crime from 1 to 3 March 2016 in The Hague. This was on wildlife crime in general, among which on birds.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Currently this has no priority. It might have if a scientifically sound study would confirm that illegal killing, trapping and trade of birds is a problem for national wild bird populations. Currently, studies like these do not exist and as such this inter-sector cooperation is not enhanced.
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NORWAY / NORVÈGE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

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Date of completing the form:	8.3.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Main challenges today are illegal egg collecting or collecting of specimens for either falconry or taxidermy

1.1 Complementary information where appropriate (OPTIONAL)

[illegible]

2. By which administrative or legal means have the national priorities been established in your country?

Norw Environm Agency sets priorities, also based on information from NGOs or public

3. Which bodies and stakeholders were involved in the priority-setting process?

State Inspectorate, Customs

4. What are the bodies in charge of their enforcement?

Customs, police, State inspectorate and often in collaboration

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Regular reporting back to the Norw Environm Agency

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Coordination and option for action based efforts

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

NA

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

.....

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, based with the police. Country divided into areas with one officer in charge of coordination (32 coordinators)

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Police records main source for statistics etc. and annual evaluation.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, but only with password and username. Administered by the police.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Sentencing/gravity factors taken into consideration when revising national regulations and updates.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Standard follow the report format of the data base of cases (with the police).

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

All huntable species must be reported to the national statistics agency. Failure will imply fines (also when no birds were shot there is a need to report). Bag statistics are reliable and can be used to regulate or remove species from the list of huntable species. Most numerous species is the willow grouse, with ca 500.000 specimens annually (declining now), this constitutes close to half the population.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

No official figure, probably very low – but depending on species (some are more rare than others and any offtake would be detrimental).

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

No

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

No

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Not at the moment, can happen when seen as needed (eg major cases revealed).

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Coordination can happen because they are often the same persons involved (small administration).

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Good

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Through the national police authority/office on environmental crime.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Yes, of police officers (via Interpol exchanges).

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Long standing and good collaboration, and drawn upon when needed.

POLAND / POLOGNE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES
MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES
OF THE TUNIS ACTION PLAN 2020
[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

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Date of completing the form:	9/9/2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Due to other responsibilities, there is no time to tackle the issue. However, the need for establishing the priorities is recognized, therefore actions to prepare such document might be undertaken in the future.

2. By which administrative or legal means have the national priorities been established in your country?

The national priorities haven't been established by administrative or legal means.

3. Which bodies and stakeholders were involved in the priority-setting process?

Doesn't apply (see answer 2.)

4. What are the bodies in charge of their enforcement?

Doesn't apply (see answer 2.)

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Doesn't apply (see answer 2.)

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Doesn't apply (see answer 2.)

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Doesn't apply (see answer 2.)

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

The Act of 16 April 2004 on Nature Conservation requires reporting of dead animal specimens of species that are under species protection, but it doesn't address the issue of the cause of death of the specimen (legal or not).

There might be regulations in operation that require the police to collect data on wildlife crime. No details are known.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Due to other responsibilities and limited staff, there is no time and human resources to tackle the issue. However, it is possible that proper actions will be undertaken in the future.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There is no need for a dedicated infrastructure at the moment.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The website of the General Directorate for Environmental Protection is a platform that is kept up to date. Should a need occur, it could be used as a platform of communication and sharing information.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Due to other responsibilities, there was no time to tackle the issue. However, it is possible that proper actions will be undertaken in the future.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Due to other responsibilities and limited staff, there is no time and human resources to tackle the issue. However, it is possible that proper actions will be undertaken in the future.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? If not, please explain why

Data is available and annually collected on the base of reports of the use of permits (legal harvest) issued by the General Director for Environmental Protection and regional directors for environmental protection.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

No estimates of mortality due to illegal killing and trapping are available.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

There is no official study.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

The aforementioned website of the General Directorate for Environmental Protection serves such purpose.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

An official strategy hasn't been adopted so far.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

No campaign has been implemented yet.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Should a need occur, the General Directorate for Environmental Protection employee could coordinate the efforts. At the moment no actions are being undertaken though, therefore there was no need to establish procedures or other mechanisms regulating the issue.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

General Directorate for Environmental Protection hasn't cooperated with the INTERPOL yet. It might be possible that the police does, but it isn't possible to provide any details.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Should a need occur, the General Directorate for Environmental Protection employee could coordinate the efforts. At the moment no actions are being undertaken though, therefore there was no need to establish procedures or other mechanisms regulating the issue.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Poland hasn't exchanged experiences about the issue with other parties.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

No actions are being carried out.

SERBIA / SERBIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES
MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES
OF THE TUNIS ACTION PLAN 2020
[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

Country:	SERBIA
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Date of completing the form:	9 th May 2016.

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

.....

1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
1.	Investigation wild bird crimes	poisoning of wild birds	Haliaeetus albicilla, Buteo buteo, Circus aeruginosus	high	Toxicological analyses	filing criminal charges	-Public prosecution, -Police, -relevant inspection authorities, -Expert nature protection organizations- Veterinary institutes and Veterinary service, -Phyto- sanitary agencies -Ordinary and Misdemeanor Courts.	Institute for Nature Conservation of Serbia and Institute for Nature Conservation of Vojvodina Province

2. By which administrative or legal means have the national priorities been established in your country?

All relevant mechanisms in connection with illegal activities

3. Which bodies and stakeholders were involved in the priority-setting process?

Government of the Republic of Serbia

4. What are the bodies in charge of their enforcement?

Ministry of Agriculture and Environmental Protection, Public Prosecution, Ministry of Interior, Institute for Nature Conservation of Serbia, Institute for Nature Conservation of Vojvodina Province, International organization and NGO's

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Relevant Strategies with Action Plans and Sectoral Law's including sub-law acts.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Cooperation between all competent authorities must be improved

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Transposition and implementation of the EU Bird Directive is ongoing

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

In accordance with the Crime Law and Amendments of the Law on Nature Conservation statistical evidence will be improved and it will be used for investigation, prevention and prosecution.

Protocol on the Procedures and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds has been drafted by the Ministry of Agriculture and Environmental Protection of the Republic of Serbia *as a Instrument for* the actions and cooperation among relevant competent authorities and organizations to take full and active role in combatting these illegal activities in a comprehensive manner including investigation, prevention and prosecution

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

In accordance with the Law on Nature Protection (Official Gazette of RS, No. 36/09, 88/10, 91/10 and 14/16) and the Law on Inspection Control ((Official Gazette of RS, No. 36/2015) investigation and control officially regulated in this field including cooperation among all sectoral inspections and experts.

Protocol on the Procedures and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds identifies compiling a list of exp for providing quick, timely and effective investigation and/or protection of wild birds immediately after the occurrence of illegal threat, killing and trapping of wild birds, FP for Bern Convention and FP for Focal point for illegal killing birds organize meetings at the National level

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Institute for Nature conservation of Serbia and Institute for Nature conservation of Vojvodina Province in cooperation with civil society providing an adequate exchange of information on black-spots of illegal activities.

In accordance with the Protocol will be improved coordination of the procedures in this respect

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Protocol on the Procedures and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds in this respect has been drafted by the Ministry of Agriculture and Environmental Protection of the Republic of Serbia

It will be established by the Government of the Republic of Serbia until September 2016.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

All illegal cases in this respect have been forwarded to the public prosecution

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Ministry of Agriculture and Environmental Protection in cooperation with the Institute for Nature conservation of Serbia and Institute for Nature conservation of Vojvodina Province and civil society have been organising several meetings in this respect

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

In accordance with the article 75 of the Amendments to the Law on Nature Protection the Ministry of Agriculture and Environmental protection keeps records of the issued permits on exceptions and derogations.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

High mortality in Agricultural Areas by Illegal using the plant protection product FURADAN 35 ST contrary to provisions of the Article 47 of the Law on Plant Protection

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

Protocol on the Procedures and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds in this respect has been drafted by the Ministry of Agriculture and Environmental Protection of the Republic of Serbia

It will be established by the Government of the Republic of Serbia until September 2016.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

Protocol on the Procedures and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds in this respect has been drafted by the Ministry of Agriculture and Environmental Protection of the Republic of Serbia

It will be established by the Government of the Republic of Serbia until September 2016.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Protocol on the Procedures and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds in this respect has been drafted by the Ministry of Agriculture and Environmental Protection of the Republic of Serbia

It will be established by the Government of the Republic of Serbia until September 2016.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Campaign against poisoning White-tailed Eagles in the Amazon of Europe organized by WWF office in Belgrade

WWF team in Serbia initiated several activities in order to improve the living conditions of the white-tailed eagle and protect these species. Several meetings with individual ornithologist and the Institute for Nature Conservation of Vojvodina Province have been held where the common activities for the conservation of the white-tailed eagles in Serbia have been agreed.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Protocol on the Procedures and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds in this respect has been drafted by the Ministry of Agriculture and Environmental Protection of the Republic of Serbia

It will be established by the Government of the Republic of Serbia until September 2016.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

In accordance with the Crime Law Ministry of Interior- Directorate of the border police in charge to cooperate with the INTERPOL

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Protocol on the Procedures and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds in this respect has been drafted by the Ministry of Agriculture and Environmental Protection of the Republic of Serbia

It will be established by the Government of the Republic of Serbia until September 2016.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Implementation of the LIFE Project "Protection eagle reducing mortality caused by human activities in the Pannonian region" ongoing in cooperation with EU members, Austria, Hungary, Czech Republic, Slovak Republic and Serbia regarding development protocol on the best practices in research poisoning of wild birds and other forms of destruction of birds

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Investigation and prevention of the poisoning of wild birds and other forms of destruction of birds require cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior, Public Prosecutors and Justice

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

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Date of completing the form:	8. 4. 2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

The list of priorities has not been established yet because of ongoing process of creation of a national action plan to eliminate the wildlife crime (“national action plan”).

2. By which administrative or legal means have the national priorities been established in your country?

National priorities should be established in the national action plan which should be approved by the Government of the Slovak Republic. The document is in the process of preparation.

3. Which bodies and stakeholders were involved in the priority-setting process?

There are following authorities involved in the process of creation of national action plan:

- Ministry of Environment of the Slovak Republic,
- Slovak Environmental Inspection,
- State Nature Conservancy of the the Slovak Republic,
- Ministry of Justice of the Slovak Republic,
- General Prosecutor Office,
- Presidium of the Police Force,
- Ministry of Agriculture and Rural Development of the Slovak Republic,
- State Veterinary and Food Administration of the Slovak Republic,
- Financial Administration of the Slovak Republic,
- Criminal Bureau of the Financial Administration of the Slovak Republic.

4. What are the bodies in charge of their enforcement?

There should be following bodies in charge of their enforcement:

- Slovak Environmental Inspection,
- State Nature Conservancy of the Slovak Republic,
- General Prosecutor Office,
- Police Force,
- State Veterinary and Food Administration of the Slovak Republic,
- Financial Administration of the Slovak Republic,
- Criminal Bureau of the Financial Administration of the Slovak Republic.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

The enforcement bodies should meet at least twice a year and they should report a progress in the process of implementation of the national action plan.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The national priorities should help to establish better system of cooperation between different responsible bodies and to improve a focus of their activities to the most important areas.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

The national priorities have not been yet officially established because of ongoing process of creation of the national action plan.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b. and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

All wildlife criminal cases are recorded in the official police database. All administrative offences are reported in the system of Ministry of Environment of the Slovak Republic. There is also an unofficial database of bird crime cases which has been established and ran by NGO.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There are 10 police specialists for the environmental crime in the Presidium of the Police Force who are competent to assist investigators in the process of investigation of these cases. There is 1 specialist in the General Prosecutor office who is competent to assist prosecutors.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There is a no special permanent interministerial body apart for MISO-MEKO.... All relevant authorities meet at least once a year and discuss about actual problems in this field.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The official web portal to provide information and resources for the professionals has not been established yet.. There is however web page of NGO which offers the information for the public. <http://www.dravce.sk/vtaciakriminalita/>

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

The list of sentencing guidelines has not been forwarded to the judiciary yet. The implementation of this recommendation should be involved in the national action plan which is in the process of creation.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

There are no special mechanisms in place for analysing existing data. These mechanisms should be involved in the national action plan which is in the process of creation.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

The Slovak Republic has not established statistics on mortality. These statistics should be involved in the national action plan which is in the process of creation.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

There are no estimates.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

There is no official study.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

There is no operation platform appart for above mentioned web site of NGO which contains the information about the bird crime.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

There is adopted communication strategy to eliminate the bird crime.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

There was not any special campaign but NGO as well as responsible bodies regularly inform the public on the actual cases of bird crime and their possible consequences.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

There is only not permanent interministerial body which enables regular meeting and information exchange.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

In this time only the Police uses Interpol National Central Bureau for information exchange and for cooperation with the Police of another states in investigation.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The cooperation and exchange of information between the investigators is realized through the environmental specialists who work at the Presidium at the Police Force. The cooperation and exchange of information between the prosecutors is realized through the environmental specialist who works at the General Prosecutors Office.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Presidium of the Police Force realized a special two days long regional meeting with the environmental crime police specialist from Czech Republic and Hungary. Regular cooperation in ongoing investigations is realized also with environmental crime police specialist from Austria.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Inter-sector cooperation should be improved by the national action plan whose creation is ongoing now.
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SPAIN / ESPAGNE**QUESTIONNAIRE FOR THE REPORTING OF PARTIES****MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES
OF THE TUNIS ACTION PLAN 2020****[RECOMMENDATION No. 164 (2013)]****CONTACT DETAILS:**

Country:	SPAIN
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Date of completing the form:	15th March 2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS**A. IDENTIFICATION OF NATIONAL PRIORITIES**

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

.....

1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
1	High	Illegal poisoning	Predators in general, scavengers in particular	High	1. Regional plans against poisoning 2. Examination and traceability of cases in the field 3. Necropsies analyses 4. Judicial and punitive measures 5. Mitigation with canine patrols	- Reporting regional data to a national database - Improvement of case findings in the field - Improvement of legal procedures	1, 2, 3 and 5. Autonomous communities, their veterinary services and regional environmental rangers. 2, SEPRONA 4, judicial and court bodies	Autonomous communities at regional level and the Ministry of Agriculture, Food and Environment at the national level
3	Medium	Illegal trapping	Songbirds (specially insectivorous)	Unknown-low	Persecution of illegal actions at “parany” points. Judicial and punitive measures	Definitive judicial and punitive measures to offenders	Autonomous communities and regional environmental rangers.	Autonomous communities at regional level and the Ministry of Agriculture, Food and Environment at the national level
4	Medium	Illegal shooting	Medium-sized birds (including raptors)	Unknown	Persecution of illegal actions during hunting periods. Judicial and punitive measures	Definitive judicial and punitive measures to offenders	Autonomous communities and regional environmental rangers.	Autonomous communities at regional level and the Ministry of Agriculture, Food and Environment at the national level

2. By which administrative or legal means have the national priorities been established in your country?

Through legislation (Ley 42/2007 at national level and different regional regulations) and technical documents, approved by coordinated bodies. There are national guidelines in relation to:

- Fight against illegal poisoning
- Finches trapping (which is legal following derogation procedures included in the article 9 of Birds Directive)

Regarding the parany, there are several judgements prohibiting this activity and there is only necessary to enforce the legislation through prosecution by the law enforcement agencies.

3. Which bodies and stakeholders were involved in the priority-setting process?

National and regional administrations, competent in wildlife monitoring and protection, as well as several ONGs participating in national working groups on threats

4. What are the bodies in charge of their enforcement?

Autonomous communities (competent in monitoring and management of wildlife in terrestrial Spain) from an administrative point of view, and environmental rangers at regional level and SEPRONA (Guardia Civil) at national level as police corps.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

There are not such type of control mechanisms aiming at ensuring that the identified priorities are applied as such.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The key question in Spain is that related to the reduction of the impact of poisoning in Spain, as there are only few coordinated and global data and its trend. In general, all the mentioned issues are being improved and being benefited by their consideration as priorities, for instance in the prosecution of illegal trapping at parany. The main challenge is to compile accurate data of the impact of poisoning and illegal shooting.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

No references on the national priorities regarding illegal killing of birds have been mentioned in the report of Article 12 of the EU Birds Directive.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

There are national working groups on different issues, like the illegal poisoning. There are not global and accurate national data regarding the issues of poisoning, illegal trapping and illegal shooting, due to the lack of data provision from the regional authorities –competent of collecting data- to the Ministry of Agriculture, Food and Environment.

- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

There are not current statistical evidence of the main areas in which the issues are provoked.

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

Specially, the lack of official procedures for compiling data of the mentioned issues, the lack of common and coordinated databases at the different autonomous communities and the absence of a proper communication of data from regional administrations to the national bodies (Ministry of Agriculture, Food and Environment).

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

We have a national focal point for the Strategy against illegal poisoning (Mr. Ricardo Gómez) which also coordinates the rest of issues for the global Spanish administrations, experts, scientists, etc. Nevertheless, we have detected the need of increasing the cooperation between competent authorities in managing wildlife at the regional level and the national bodies (Ministry of Agriculture, Food and Environment)

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, there is an official working group on the Illegal poisoning but not for the general matter of illegal killing of birds.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

No, there are not. The way of providing data from regional competent authorities to national bodies is through direct communication within the framework of official working groups

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

For the moment, these guidelines and gravity factors adopted by the Standing Committee have not been forwarded to the attention to the judiciary.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

There are no standardised protocols for data collection, and the compiled information is received through direct communications from the competent authorities

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Yes, we have good statistics of legal trapping of finches following the derogations established in article 9 of Birds Directive, by communication from regional authorities. We have not updated data on issues like legal hunting since this unit is not competent on this matter.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

It is not possible releasing an estimate of bird mortality due to illegal trapping and trade and illegal activities in Spain, since the extent of these activities are not subject of any official or robust monitoring scheme. Thus, any data provided in this regard may be considered as unrealistic

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

No, there is not

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

There are some initiatives developed by ONGs (i.e. SEO/BirdLife and WWF) partially commissioned by administrations (EU, Ministry of Agriculture, Food and Environment) aiming at raising awareness on these aspects. Similarly, there is an initiative in Spain - program ANTIDOTO- for monitoring and disseminating this threat at the national level

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Yes, there is an official approved Strategy against illegal poisoning by the Ministry of Agriculture, Food and Environment (<http://www.magrama.gob.es/es/biodiversidad/publicaciones/pbl-fauna-flora-estrategias-lucha-venenos.aspx>).

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

Yes, within the framework of several projects (i.e. VENENO, ANTIDOTO) there have been public campaigns to raise awareness on this matter.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, they are all within the same unit and are only two persons (Mr. Ricardo Gómez and Mrs. Bárbara Soto-Largo).

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

We do not have accurate data on this issue but we suppose this cooperation (between SEPRONA of Guardia Civil) and INTERPOL is widely fruitful.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, there exists an established link between investigators (i.e. regional environmental rangers and SEPRONA) with prosecutors.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Yes, several projects have implemented shared activities with prosecutors, police bodies and wildlife biologists to deal with illegal killing, for instance within different LIFE projects against the use of illegal baits.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

There are periodic coordination meetings among the different Ministries dealing with these environmental issues, within the European Network of Environmental Authorities for the Cohesion Policy.

SWEDEN / SUÈDE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES
MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES
OF THE TUNIS ACTION PLAN 2020
[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

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Date of completing the form:	20160322

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

5. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

A national Action Plan has been proposed, included in a report on how to streamline and tackle wild-life crime written by the Swedish Board of Agriculture and the Swedish Environmental Protection agency

(http://www2.jordbruksverket.se/download/18.4dfd5d3a1526082877c787df/1453452903479/ra16_2.pdf). This AP has been produced in accordance with the EU Recommendation 2007/425.

This plan lists priorities and suggested actions to minimize wild-life crime, not only related to birds. Although the AP has not been produced with Rec. 171 in mind, it nevertheless covers many aspects of it, as well as pointing out further actions.

Although occurring in Sweden, wild-life crime concerning native wild bird species is most probably relatively scarce. A well-functioning legal system for handling environmental – including wild-life – crime has been in place for a long time and is generally complied with. The legal system is in accordance with EU legislation in general, as well as regarding Wild-life crime. Apart from EU legislation, the legal system as well as other actions/efforts follows other international treaties and recommendations, such as AEWA, CITES, CMS RAPTORS MoU etc.

2. By which administrative or legal means have the national priorities been established in your country?

Wild-life crime is a violation of The Hunting Act and the Species Protection Ordinance, and so punishable by national law. The process of detecting, investigating and prosecuting requires close cooperation between the relevant and responsible authorities.

A national cooperation unit has been formed, consisting of competent and enforcement authorities, i.e. The Swedish Police, The Swedish Customs, The Swedish Coast Guard, The County Administrative Boards, The Swedish Prosecution Authority, The Swedish Environmental Protection Agency (the SEPA), The Board of Agriculture and The Swedish Agency for Marine and Water Management (Swam). The unit cooperate in matters regarding wild-life crime in general as well as in specific cases. Mainly by coordinating the actions and efforts and by sharing knowledge.

Legal measures and systems are already in place, in accordance with EU and national legislation. However, the national priorities listed in the AP that does not require changes in legislation (some proposals do require changes, which can only be made by the Swedish Government) are still recommendations from the competent authorities, and the report is pending the response from the Swedish government.

3. Which bodies and stakeholders were involved in the priority-setting process?

The Swedish Board of Agriculture, The SEPA, The Swedish Police, The Swedish Customs, The Swedish Coast Guard. Swam, The Swedish Prosecution Authority, The National Veterinary Institute and the Swedish Museum of Natural History.

4. What are the bodies in charge of their enforcement?

See question A2.

The Swedish Customs is in charge of controls of the import of goods outside of the EU. They handle cases of smuggling and have their own staff of prosecutors.

The Swedish Police is in charge of detecting, investigating and preventing crime – in general, which also includes Wild-life crime.

The County Administrative Boards are in charge of supervision and licensing according to the Species Protection Ordinance.

The Swedish coast Guard monitors areas where protected species dwells in the sea by way of boat and airplane. Mainly detecting, investigation, and prevention of wild-life crime at sea.

The Swedish Prosecution Authority has since 2009 a dedicated operative unit working with

environmental crime. The Authority work closely with the Police.

The Swedish Board of Agriculture has a particular responsibility regarding the implementation of CITES, and is responsible for granting derogations for import, export and transport of certain species.

The SEPA works mainly with guidance regarding wild-life crime and has a particular responsibility for guidance to the CABs on inspection and enforcement according to the Species Protection Ordinance and CITES.

The Swam is responsible for the aquatic species, mainly regarding species protection and sustainable management.

The Swedish Museum of National History contributes with expertise in matters of species identification and overall species knowledge.

The National Veterinary Institute advises the executive authorities.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

See question A2. Legal system in place, identified priorities in AP are under implementation.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

If the Action plan, and the proposals therein, is fully implemented, it will generate a better system for handling wild-life crime, from the early stages of detection to the prosecution of perpetrators. Challenges include increased knowledge base, and for example funding in order to facilitate proper monitoring.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Not strictly applicable, since wild-life crime in Sweden is so low that it is considered to have no impact on the wild populations.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?
- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

1.a. Yes. A national unit within the Police handles all cases of Wild-life crime and serious violation of The Hunting Act. Also, a national unit within the Prosecution Authority work together with the Police on the same cases, meaning that all cases are handled by these two authorities.

1.b. Too few cases for statistical analysis.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes. The national cooperation unit and appointed national experts on CITES species.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

So far only through and within the cooperating unit. However, the AP proposes an infrastructure for information exchange and coordination.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

See question B3.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

In accordance with EU and national legislation, the recommendations in Rec 177 are already mainly in place.

6. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

The AP highlights the need to investigate the magnitude and nature of wild-life crime. However, standardized protocols have not been considered yet, due to the fact that wild-life crime on birds is probably relatively low.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

To some extent data is collected and reported through HABIDES - reporting of derogations under the Birds Directive (and the Habitats Directive). For huntable species, data is available through the Swedish Association for Hunting and Wildlife Management.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

Very low.

7. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

Proposed in the AP. Pilot study carried out by the Swedish Crime Survey 2008.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

Yes. Public awareness campaign launched by the CABs in cooperation with the Police and the SEPA: <http://www.naturvardsverket.se/oppetoga>.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Not considered yet.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

See 3.2 above.

8. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

No protocols per se, but the relevant authorities work closely together in these matters.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Cooperation is smooth and functional. Information from INTERPOL reaches national contacts via national NCB properly.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes. The Police and National Prosecution Authority cooperate in these matters.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Only one case: during one large case regarding egg-collection, training visits to Finland were made.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

When issues/questions arises that involves more than one ministry, the relevant ministries are contacted and included in the process.

TURKEY / TURQUIE

QUESTIONNAIRE FOR THE REPORTING OF PARTIES MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020 [RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

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Date of completing the form:	22.03.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

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1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
1	Decrease/Stop Poaching of particular species	Poaching <i>(shooting in closed period, shooting in areas with shooting prohibition, non-respect of bag limits)</i>	Waterfowl <i>(especially ducks)</i> , chukar, woodcock, turtle dove, quail. <i>(These are all game birds in Turkey)</i>	High	Inspection and control, Establishment of Hunting Ground System	Inspection and control, Establishment of Hunting Ground System, Actions taken in order to combat against rural poverty	Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police forces	Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police forces
2	Decrease/Stop Trapping and Illegal Trade of Raptors	Trapping and Illegal Trade of them to (especially) Gulf Countries	Hawk, Sparrow hawk	High	Inspection and control	Inspection and control, Legal Changes	Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police forces	Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police Forces

2. By which administrative or legal means have the national priorities been established in your country?

Land Hunting Law coded 4915.

3. Which bodies and stakeholders were involved in the priority-setting process?

Implementation of the Land Hunting Law coded 4915 is enforced by the annual decisions of Central Hunting Commission which is constituted by 21 members selected from the Ministry of Forestry and Water Affairs, Ministry of Food, Agriculture and Animal Husbandry, NGOs, universities, private hunting ground owners, and from organizations of hunters (hunting clubs and associations). Therefore aforementioned GO/NGOs were involved.

4. What are the bodies in charge of their enforcement?

Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police forces

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

For the successful implementation of conservation measures efficient inspection and control mechanisms have to be developed. Within the frame of this policy, wildlife rangers working in 15 regional and 81 provincial offices of the Ministry of Forestry and Water Affairs have been trained in inspection procedures and a handbook is prepared, published, and distributed to all provincial and regional offices in order to provide standardization. In addition, to develop an efficient control mechanism, necessary equipment such as guns, radios, binoculars, cameras, sleepingbags, tents, and field vehicles have been provided to all the rangers in the provincial and regional offices.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

It is undoubtedly useful in decreasing the rates of illegal bird killings. On the other hand, more efforts should be made considering large territories of Turkey.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive? NA

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B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

We have established a new web based information system called Hunting Ground Management Information System (AVBIS) which is developed for the sustainable management and conservation of game and biological diversity.

Hunting in Turkey is regulated according to the annual game quotas calculated for each species based on the hunting grounds. AVBIS is developed in order to make hunters use their own quotas by internet. AVBIS allows us to control the quotas used by the hunters electronically.

More importantly, each penalty or fine issued for illegal killing or trapping of bird (or any other animal) is recorded by our officials to AVBIS. It is possible for us to screen fines and penalties throughout Turkey. It is also possible to see the type of crime (which article of the law has been broken), the date and the place of crime, the name of the offender, the amount of fine imposed, etc. This application is being used from the beginning of 2016.

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

AVBIS can be used by Country organization of GDNCNP which has 15 regional directorates, and 81 provincial directorates. So the areas of offending can be filtered from AVBIS and statistical data can be obtained.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

It is thought that there are not enough experts, academicians, scientists, etc. specialised in this subject in Turkey at the time.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

Yes, the annual meeting of Central Hunting Commission. Additionally, we hold meetings in different regions of Turkey nearly every month. These meetings are attended by the regional and provincial directors of the GDNCNP and exchange of information and coordination of actions are ensured.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

Yes, AVBIS (please see the answer of 1.a and 1.b). Additionally, a comprehensive leaflet is published and distributed to all stakeholders in large numbers after the annual Central Hunting Commission Meeting is finalised and the decisions on that hunting period are made. All kind of knowledge regarding huntable birds, quotas, periods, etc. is included to leaflet.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

There are studies within this regard but they are quite premature.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

In case of an illegal activity, wildlife rangers working for GDNCNP or gendarmerie apply the same procedure and impose fine and/or penalty. From the beginning of 2016 these cases are recorded to AVBIS (please see part 1). So an official of the GDNCNP can see the black spots which crimes are more often.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism?

Hunting in Turkey is regulated according to the annual game quotas calculated for each species based on the hunting grounds. AVBIS is developed in order to make hunters use their own quotas by internet. AVBIS allows us to control the quotas used by the hunters electronically. So this gives us a general idea.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

As it is mentioned previously, AVBIS allows us to see the crimes committed, and therefore we can see the numbers wild birds confiscated. But it is important to remind that it does not involve the illegal cases which we could not catch/investigate.

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

There is not any official study, but the main key drivers are mainly known.

For poaching (even though it is not an official study) it is the uncontrolled, insensible, covetous and unsatisfied urge for hunting. It is believed that the benefit (especially financially or as meat) is not main reason in Turkey.

The illegal trapping and trade of raptors may be caused by financial value of the bird since they are in demand especially in Gulf countries.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

The one who wants have hunter's licence is obliged to have an education. Within the framework of Hunters Education Program, this issue is highly emphasized. Additionally, NGOs engaged with nature conservation organizes many events and education programmes.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No, there is not.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

In 2014 and 2015, we had a very big campaign against poaching and had several events within this regard. In addition, provincial directorates organise educational events for primary school students each year. These are all focused on anti-poaching generally not illegal killing of birds particularly.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithological Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

There are recently started studies for a better cooperation between involved actors.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

It is poor.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

There is no specific mechanism for this issue. Investigators and prosecutors get in touch with the provincial directorates if they need to.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

No, we have not.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Since poaching is still a priority for us, cooperation with Ministry of Internal Affairs is very important for us. And it can be improved. Ministry of Education is important because of raising awareness studies. Ministry of Food, Agriculture and Animal Husbandry is vital in terms of using fertilizers and pesticides. We cooperate with these ministries but it can be more efficient and result oriented.

Additionally, hunting clubs and associations can be more active in combating with poaching.

UNITED KINGDOM / ROYAUME-UNI

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION No. 164 (2013)]

CONTACT DETAILS:

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DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- [Recommendation No. 164 \(2013\)](#) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- [Recommendation No. 171 \(2014\)](#) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- [Recommendation N° 177 \(2015\)](#) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 \(2014\)](#)], as well as the bodies in charge of their enforcement and monitoring *:

**In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

The key bodies in charge (or have a role in tackling wildlife crime) of the enforcement and or monitoring of wildlife crime in England (and Wales) include:

- **The UK** Police Service has a role in preventing wildlife offences and are the lead agency for the investigation of offences relating to protected species.
- The National Wildlife Crime Unit (NWCU) is a police led, stand alone, multi-agency unit with a UK wide remit for wildlife crime. The NWCU gathers intelligence on national and international wildlife crime and also provides analytical and investigative support to the Police, United Kingdom Border Force, Government Organisations, Statutory Nature Conservation Organisations and Non-Government Organisations. The NWCU is the intelligence conduit between all agencies, domestically and internationally, that have a legal obligation or interest in dealing with wildlife crime. The primary objective of the NWCU is assisting in the prevention and detection of wildlife crime.
- The Partnership for Action against Wildlife Crime (PAW UK) comprises representatives of statutory and non-government organisations working together to combat wildlife crime. Its objectives are to reduce wildlife crime through effective and targeted enforcement, better regulation and improved awareness.

The current [UK Wildlife Crime](#) priorities are (those relating to wild birds highlighted in bold):

- Badger Persecution
- Bat Persecution
- Cites Issue
- Freshwater Pearl Mussels
- Poaching
- **Raptor Persecution** including poisoning, egg theft, chick theft, taking from the wild and nest disturbance/destruction and to concentrate on golden eagle, goshawk, hen harrier, peregrine, red kite and white-tailed eagle

In addition the other [Areas of Wildlife Crime](#) identified as requiring additional intelligence are:

- Cites timber
- **Finch trapping**
- Illegal seal shooting
- **Illegal taking of wild birds (including nest disturbance and illegal photography)**
- **Illegal trade in parrots**
- Introduction of invasive of non-native species

2. By which administrative or legal means have the national priorities been established in your country?

The [Wildlife and Countryside Act 1981](#) consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive) in Great Britain (NB Council Directive 79/409/EEC has now been replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)).

The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally:

- kill, injure, or take any wild bird,

- take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the [Natural Environment and Rural Communities Act 2006](#)), or take or destroy an egg of any wild bird

Special penalties are available for offences related to birds listed on Schedule 1 of the Act, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The Act also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.

The national strategic Wildlife Crime Tasking and Co-ordinating Group (UK TCG) establishes and monitors action against wildlife crime priorities for targeted enforcement action in the UK. UK's wildlife crime priorities are set every 2 years by the UKTCG.

3. Which bodies and stakeholders were involved in the priority-setting process?

The Wildlife Crime Conservation Advisory Group (WCCAG) (formerly known as the Wildlife Law Enforcement Working Group), is an informal advisory body to the UK Wildlife Crime TCG.

The aim of the WCCAG is to advise the UK Wildlife Crime Tasking and Co-ordination Group (UK TCG) on the impact of crime on the conservation status of protected species and/or habitats as well as identifying conservation priorities and intelligence requirements for wildlife law enforcement in the UK and to provide recommendations on these, and other related issues, to the UK TCG.

Membership of the Working Group includes relevant representatives from: **Statutory Nature Conservation Agencies**, Joint Nature Conservation Committee, **Natural England**, **Natural Resources Wales**, **Northern Ireland Environment Agency**, **Scottish Natural Heritage**

Other Statutory Agencies include, **Animal Health Veterinary Laboratories Agency**, **Environment Agency**, **Food Environment Research Agency**

Marine Management Organisation, **Royal Botanic Garden Kew**

Enforcement Authorities include: **National Wildlife Crime Unit**, **Metropolitan Wildlife Crime unit**, **UK Border Force (CITES Team)**

Non-Governmental Organisations with a national remit and which assist enforcement authorities in the prevention and detection of wildlife crime include - **Bat Conservation Trust** , **TRAFFIC** , **Royal Society for Protection of Birds** **WWF**

Others may be invited to join the Group for one or more meetings as needed and if agreed to by the WCCAG.

4. What are the bodies in charge of their enforcement?

In England, the Police are responsible for enforcement and investigating most offences against protected species.

5. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

Please see answer to question 2. [Offences under the Wildlife and Countryside Act 1981](#)

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The [National Wildlife Crime Unit's Strategic Assessment](#) provides an evaluation of the benefits and threats.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Fully

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

- 1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

- 1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

- a. Co-ordination of recording reports of wildlife crime is undertaken by the NWCUC
b. Full analysis takes place to identify these issues.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The National Wildlife Crime Unit (as detailed in section Enforcement and Legal Aspects question 1.)
The NWCUCs strategy and mission statement can be viewed [here](#)

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

- [National Wildlife Crime Unit](#) (see question 1)
 - A memorandum of understanding on the prevention, investigation and enforcement of Wildlife Crime between Natural England Natural Resources Body for Wales The Crown Prosecution Service and the National Police Chiefs' Council which outlines how the parties will work in partnership on the prevention, investigation and enforcement of wildlife crime, both at a national strategic level and a local casework level.
- [National Wildlife Crime Unit Priority Delivery groups](#) The purpose of a UK Priority Delivery Group is to progress the priority in relation to prevention, intelligence and enforcement, including:
- Awareness raising (across law enforcement agencies, partners, stakeholder communities and the public)
 - Raising the profile via media exposure

- Increase of information sharing
- Coordination of enforcement activity

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

- [POLKA](#) (Police Online Knowledge Area) – which is run by the police for the police service where information can be exchanged
- Environmental Records Centres (ERCs) Local ERC's play an important role in collating and analysing species data in set geographical regions, enabling communities and local authorities to monitor and protect wildlife in their area. This data can be presented in the form of interactive maps that can be accessed online.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 \(2015\)](#) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Sentencing standards have already been set within the Wildlife and Countryside Act 1981 (WCA). Full details regarding sentencing and penalties is available within the Supplemental [section 21 of the WCA](#)

Sentencing for wildlife crime is set at a UK statutory maximum of level 5.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

The National Wildlife Crime Unite provides a centralised capacity for intelligence collection and analysis and the delivery of professional practice in relation to wildlife crime.

The NWCU gathers intelligence on national and international wildlife crime and also provides analytical and investigative support to the Police, United Kingdom Border Force, Government Organisations, Statutory Nature Conservation Organisations and Non-Government Organisations.

Data can be used to identify blackspots – an example of this include maps produced which show [incidents of bird poisoning](#)

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Assume – legal harvest actual refers to legal hunting?

Natural England operates a licensing system for activities which may affect wild birds. Licensing returns provide intelligence to inform reporting to the Commission

The UK reports fully within derogation reporting under Article 9 of the Birds Directive.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

Unknown

3. AWARENESS ASPECTS

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

Studies are, in the main, NGO (Non-Government Organisation) led and include:

- The Royal Society for the Protection of Birds (RSPB) quarterly Legal Eagle – an investigative newsletter
- The RSPB's annual Bird Crime report

The [NWCU's Strategic Assessment](#) 2013 provides reporting on political, economic, social, technological, environmental, legal and organisational factors that could have a bearing on wildlife crime.

The [World Animal's Protection Report](#) 2014 sets out what wildlife crime looks like in the UK and the widespread impacts it has on both animals and people

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

- The National Wildlife Crime Unit raises awareness of incidents of wildlife crime and reports upon prosecutions via targeted press release and the unit's dedicated news site
- The UK Priority Delivery Groups (see previous answer to section 'Enforcement and legal aspects' question 3) undertakes awareness raising (across law enforcement agencies, partners, stakeholder communities and the public), and raises the profile of UK crime priorities via media exposure.
- Under the Wildlife Crime MOU section 13 publicity (see answer to section- question -) all parties will endeavour to raise awareness of wildlife crime for example by highlighting key issues and prosecution cases. Every possible media option should be considered and use of joint press releases should be the default where a joint investigation has led to a prosecution.
- The Partnership for Action Against Wildlife Crime UK (PAW UK) (see Section 1. Question1.) helps statutory and non-government organisations to work together to combat wildlife crime, and one of its key objectives is to raise awareness of wildlife legislation and the impacts of wildlife crime

NGO activity (see section Awareness Aspects question 1) also raises awareness of the impact of illegal activity in relation to wild birds.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

UK line for policy makers, delivery bodies and law enforcement remains that 'all illegal killing is unacceptable'.

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

The NWCU features [Education and Training](#) via its website. The pages include features on key information relating to certain species of wild birds.

Numerous campaigns are led by police forces, and NGO's which seek to raise awareness and target specific types of wildlife crime (including wild birds and eggs). A list of recent campaigns can be viewed [here](#) and include [Operation Easter](#) – a campaign targeted at stopping egg thieves and egg collectors.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornithology Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

There is regular policy level contact between the Special Focal Point for Illegal Killing of Birds under Bern, the National rep at the EU Ornithology Committee, Cites enforcement officers and UK policy colleagues.

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

Excellent ongoing working relationship

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes necessary mechanisms in place (as detailed in earlier answers (see section 1 answer 1))

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

UK frequently works with other parties on wildlife crime initiatives.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Cooperation is enhanced by regular meetings and contacts between key statutory and NGO organisations including UK Border, the Ministry of Justice, the Home Office and the Joint Nature Conservation Committee (the public body that advises the UK Government and devolved administrations on UK wide and international nature conservation).

The PAW Steering group (See Section 1, question 1) brings together representatives of statutory and non-government organisations working together to combat wildlife crime.