

Biennial Report 2013-2014

Article 9 to the Bern Convention permits exceptions from the obligations accepted by Contracting Parties in pursuance of Articles 4 to 8. The possibility of derogating from the mentioned articles of the Convention is subject to two very clearly defined general conditions, and some non cumulative specific reasons, listed exhaustively in Article 9.

The two general conditions that must be met are:

- a. that there is no other satisfactory solution; and
- b. that the exception will not be detrimental to the survival of the population concerned.

These two conditions are mandatory and cumulative.

The specific reasons for which the exceptions may be granted are the following:

- i. for the protection of flora and fauna;
- ii. to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property;
- iii. in the interests of public health and safety, air safety or other overriding public interests (please, specify);
- iv. for the purposes of research and education, of repopulation, of reintroduction and for the necessary breeding;
- v. to permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers
- vi. falconry (falconry is dealt with separately)

These specific reasons are mandatory and non cumulative.

According to Article 9§2, Contracting Parties shall report every two years to the Standing Committee on the exceptions made. The reports must specify:

- a. the populations which are or have been subject to the exceptions and, when practical, the number of specimens involved;
- b. the means authorised for the killing or capture;
- c. the conditions of risk and the circumstances of time and place under which such exceptions were granted;
- d. the authority empowered to declare that these conditions have been fulfilled, and to take decisions in respect of the means that may be used, their limits and the persons instructed to carry them out;
- e. the controls involved.

Respondent details

Country
> Albania

Entity
> Directorate of Biodiversity and Protected Areas (Ministry of the Environment)

EXCEPTIONS CONCERNING STRICTLY PROTECTED FAUNA SPECIES (ART. 6 - APPENDIX II)

Article 6 of the Convention prohibits the following:

- a) all forms of deliberate capture and keeping and deliberate killing;
- b) the deliberate damage to or destruction of breeding or resting sites;
- c) the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention;
- d) the deliberate destruction or taking of eggs from the wild or keeping these eggs even if empty;
- e) the possession of and internal trade in these animals, alive or dead, including stuffed animals and any readily recognisable part or derivative thereof, (where this would contribute to the effectiveness of the provisions of this article).

Vertebrates

MAMMALS > CETACEA

Ziphiidae

Ziphius cavirostris

Confirmation of species occurrence

Please confirm the occurrence of the species in the country

- The species occurs in the country

No. of specimens involved (when practical)

> 1

Authorised action (art. 6, a. to f.)

- the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention;

No. of licences

> 1

Reasons for issuing of licences (art. 9, i. to v.)

- iv.: for research / education / repopulation / reintroduction / necessary breeding

Impact on population

- > No significant impact

Conditions of risk and the circumstances and the time and place under which exceptions were granted

- > To respect the national legal framework and the provisions of the Bern Convention

The authority empowered to declare that the conditions have been fulfilled

- > Directorate of Biodiversity and Protected Areas in the Ministry of the Environment

The controls involved

- > Environmental Inspectorate monitors the research activity

Where appropriate: indiscriminate means of capture and killing

- 16. Motor vehicles in motion

