



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 25 October 2010
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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

30th meeting
Strasbourg, 6-9 December 2010

**Draft Revised MODEL FORM
FOR BIENNIAL REPORTS**

*Secretariat Memorandum
prepared by
the Directorate of Culture and Cultural and Natural Heritage*

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PRELIMINARY NOTE

Contracting Parties are requested to use the enclosed forms for their biennial report, bearing in mind the Revised Resolution No 2 (1993) as amended by the Standing Committee on 9 December 2010, on the scope of articles 8 and 9 of the Bern Convention, according to which the Standing Committee :

"RESOLVES that, in future, the reports which the Contracting Parties are required to submit every two years under Article 9 on the exceptions made from the provisions of Articles 4, 5, 6, 7 and 8 shall cover only:

- a) General exceptions;*
- b) Individual exceptions if they are so numerous as to result in a generalised practice;*
- c) Individual exceptions concerning more than 10 individuals of a species;*
- d) Individual exceptions concerning individuals of endangered or vulnerable populations of species."*

and

"RESOLVES that, following common procedures and guidance in other fora, derogation reports specify, as appropriate, additional information to help provide an understanding of the reasoning behind the derogations and monitor their impacts, including for example:

- a) Information on the conservation status of the derogated species;*
- b) Special justification for derogation for a species in an unfavourable conservation status;*
- c) Alternative solutions considered and scientific data used to compare them;*
- d) Results of derogations implemented, including cumulative effects and the effects of any compensation measure taken, where relevant.*

As the text will not be translated or retyped, Parties are asked to write clearly all information requested (use as many photocopies of the forms as needed)

European Union States do not need to report on exceptions regarding birds, as the European Union will cover that obligation for all its member States.

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EXCEPTIONS CONCERNING ARTICLES 5, 6, 7 and 8

Use as many photocopies as required.

Specify:

- *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,*

Specify where appropriate:

- *The conditions of risk and the circumstances of time and place under which such exceptions were granted,*
- *The controls involved*

EXCEPTIONS PERMITTED UNDER ARTICLE 9

Article 9 permits exceptions to be made on the following grounds:

- i. *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 (which?)*
- iv. *for the purposes of research and education, repopulation, 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)*

Specify the reason for the exception and the action permitted

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1. EXCEPTIONS CONCERNING STRICTLY PROTECTED FLORA SPECIES
(APPENDIX I)

Name of the species	Number of licences	Number of specimens (when practical)	Information on the conservation status of the derogated species	Reasons for issuing of licences ¹	Impact on population
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Where applicable, please add a text providing information on:

Special justification for derogation for a species in an unfavourable conservation status

Alternative solutions considered and scientific data to compare them

Results of derogations (eg. Cumulative effects and compensation measures where relevant)

¹ A – for research/education/repopulation or reintroduction
 B – for exploitation
 C – for other overriding public interest (which?)

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EXCEPTIONS ON STRICTLY PROTECTED FAUNA SPECIES (Appendix II)

Article 6 of the Convention prohibits the following:

- a) Deliberate killing*
- b) Deliberate damage to or destruction of breeding or resting sites*
- c) Deliberate capture and keeping*
- d) Deliberate disturbance of wild fauna*
- e) Deliberate destruction or taking of eggs*
- f) Possession and internal trade*

Specify the action that has been permitted.

Article 9 permits exceptions to be made on the following grounds:

- i. 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 (which?)*
- iv. for the purposes of research and education, repopulation, 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)*

Specify the reason for the exception.

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2. EXCEPTIONS CONCERNING STRICTLY PROTECTED FAUNA SPECIES **(APPENDIX II)**

Name of species	No. of licences	No. of individuals (when practical)	Action permitted (a to f)	Information on the conservation status of the derogated species	Reason (i to v)	Means of killing/capture	Impact on population
_____	_____	_____	_____	_____	_____	_____	_____

Where applicable, please add a text providing information on:

Special justification for derogation for a species in an unfavourable conservation status

Alternative solutions considered and scientific data to compare them

Results of derogations (eg. Cumulative effects and compensation measures where relevant)

3. EXCEPTIONS CONCERNING FALCONRY

For each species used in falconry, state (use a separate sheet for each species):

Name of species:

Number of birds in captivity (after entry into force of the Convention):

Origin of birds: % captured from the wild in the State

 % imported

 % reared in captivity

Estimated population in the wild (in the State):

Number of birds captured from the wild each year:

Number of birds imported (specify country of origin):

Means authorised for capture:

Controls involved:

4. EXCEPTIONS CONCERNING PROTECTED FAUNA SPECIES (APPENDIX III)²

Name of species	No. of licences	No. of individuals (when practical)	Action permitted (a to f)	Information on the conservation status of the derogated species	Reason (i to v)	Means of killing/capture	Impact on population
_____	_____	_____	_____		_____	_____	_____

² Kindly note that exceptions to species listed in Appendix III concern only those captured or killed using indiscriminate means of capture or killing and in particular methods specified in Appendix IV.

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EXCEPTIONS CONCERNING ARTICLE 8 (Appendix IV)

They concern the use of means of capture and killing specified in Appendix IV for :

- a) Exploitation of species in Appendix III*
- b) Species in Appendix II subject to exception (Article 9)*

Possible reasons:

- a) For the protection of flora and fauna*
- b) To prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property*
- c) In the interests of public health and safety, air safety or other overriding public interests*
- d) For the purposes of research and education, of repopulation, of reintroduction and for the necessary breeding*
- e) 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*

Method used:

- 1. Snares*
- 2. Live animals used as decoys which are blind or mutilated*
- 3. Tape recorders*
- 4. Electrical devices capable of killing and stunning*
- 5. Artificial light sources*
- 6. Mirrors and other dazzling devices*
- 7. Devices for illuminating targets*
- 8. Sighting devices for night shooting comprising an electronic image magnifier or image converter*
- 9. Explosives*
- 10. Nets*
- 11. Traps*
- 12. Poison and poisoned or anaesthetic bait*
- 13. Gassing or smoking out*
- 14. Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition*
- 15. Aircraft*
- 16. Motor vehicles in motion*
- 17. Limes*
- 18. Hooks*

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