COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

3rd Meeting of the Special Focal Points for Illegal killing, trapping and trade of wild birds
/
3e Réunion des Correspondants spéciaux pour la mise à mort, la capture et le commerce illégaux des oiseaux

Albania (14-15 April 2016)
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Albanie (14-15 avril 2016)

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

- QUESTIONNAIRE FOR THE REPORTING OF PARTIES -

Document prepared by
the Directorate of Democratic Governance

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

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

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

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

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

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

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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 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

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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

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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

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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

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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*

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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)?

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3. AWARENESS ASPECTS

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

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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?

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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?

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

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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 Ornis 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

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

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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?

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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?

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