

Strasbourg, 26 February 2016  
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**T-PVS/Files (2016) 9**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

36<sup>th</sup> meeting  
Strasbourg, 15-18 November 2016

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**Complaints on stand-by**

**Presumed deliberate killing of birds  
in Serbia**

**- REPORT BY THE GOVERNMENT -**

*Document prepared by  
the Ministry of Agriculture and Environmental Protection of the Republic of Serbia*

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**Republic of Serbia**  
**MINISTRY OF AGRICULTURE**  
**AND ENVIRONMENTAL**  
**PROTECTION**

No. 337-00-00016/2016-17

Date: 19<sup>th</sup> March 2016

Belgrade

**Council of Europe**

Biological Diversity Unit

F-67075 Strasbourg Cedex

Ivana d'ALESSANDRO

Secretary of the Bern Convention

**Ref.: Report on the Complaint No. 2014/3 – Presumed deliberate killing of birds in Serbia**

Attn – Case filed with the Council of Europe: Complaint Form sent by Bird Protection and Study Society of Serbia on 9 April 2014

Dear Ms Alessandro,

Regarding the request of the Secretariat of the Bern Convention from 25 December 2015. for submitting the full report on the implementation of the Tunis Action Plan as well as of any other activities to prevent the risk of poisoning of migratory birds elaborated under the CMS, the Ministry of Agriculture and Environmental Protection would like to send you official report on Complaint No 2014/3.

Previous report on Complaint from Bird Protection and Study Society of Serbia from 9<sup>th</sup> April 2014 on reporting cases of death of birds, White-tailed Eagle (*Haliaeetus albicilla*), Common Buzzard (*Buteo buteo*), Rough-legged Buzzard (*Buteo lagopus*), Marsh Harrier (*Circus aeruginosus*), Barn Owl (*Tyto alba*), Short-eared Owl (*Asio otus*) and Griffon Vulture (*Gyps fulvus*) by poisoning in the Republic of Serbia was sent by the Ministry of Agriculture and Environmental Protection, dated 5<sup>th</sup> March 2015.

In accordance with your request for more detailed information in terms of the above mentioned Complaint regarding the steps undertaken towards prevention of deliberate killing of bird species including migratory birds under the CMS, we would like to indicate following facts:

1. The provisions of the Bern Convention are fully transposed into the legislation of the Republic of Serbia.
2. The Law on Amendments to the Law on Nature Protection was adopted by the Parliament on 19<sup>th</sup> February 2016. Article 93 was upgraded regarding Treatment of Found Specimens of Protected Wild Animals including collecting data and analysis that are important in the investigative procedure.
3. The Ministry of Agriculture and Environmental Protection organized a meeting on 5<sup>th</sup> February 2016 in order to prepare second report for the upcoming meeting of the Bureau of the Bern Convention.

All relevant institutions and organizations have been invited to this meeting including representatives from the Ministry of Agriculture and Environmental Protection including CITES Unit and Inspection, Public Prosecution of the Republic of Serbia, Provincial Secretariat for Urban Planning, Infrastructure and Environmental Protection of Vojvodina, Institute for Nature Conservation of Serbia, Institute for Nature Conservation of Vojvodina Province, WWF Office and Bird Protection and Study Society of Serbia.

In accordance with your request, the competent institutions and organizations have submitted their reports on the continuing prevention of deliberate killing of bird species from Appendix II of the Convention including migratory and official collaboration among all relevant stakeholders which is an essential commitment in implementing the Bern Convention, in order to investigate all cases and provide detailed information on the mentioned Complaint.

4. Concerning the implementation of the Tunis Action Plan 2020, draft Protocol on the Actions and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds was prepared and considered at the same meeting held on 5<sup>th</sup> March 2016 in order to prepare the document for adoption by the Government of the Republic of Serbia, which obliges ministers in charge of environmental protection, public prosecution and internal affairs to sign and implement this Protocol.

Draft Protocol on the Actions and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds among other things states the following:

- All forms of illegal killing, trapping and trade of wild birds pose considerable threat to birds and their habitats, including migratory bird species.
- Bearing in mind that illegal killing, trapping and trade of wild birds have been identified as major legal and institutional concerns, it is necessary to regulate the actions and cooperation between authorities and organizations (hereinafter: relevant entities) to take full and active role in combatting these illegal activities in a comprehensive manner.
- The specific objectives of the Protocol are:
  - to provide universal and unique rules and guidelines for the actions, good practice and cooperation between different countries, state authorities, organizations and other interested legal entities and individuals in case of illegal killing, trapping and trade of wild birds;
  - to enhance wild bird protection and reduce the number of undetected cases as well as increase the number of those sanctioned;
  - to develop a common understanding of the purpose and fundamental principles of wild bird protection related to illegal killing, trapping and trade;
  - to provide quick, timely and effective investigation and/or protection of wild birds immediately after the occurrence of illegal threat, killing and trapping of wild birds, during the criminal or misdemeanor proceedings, or upon completion of these procedures;
- For the purposes of this Protocol, the relevant entities dealing with combating illegal activities shall be institutions, authorities and organizations whose legally defined competences or work programs oblige them to implement the activities aimed at identifying cases of illegal killing, trapping and trade of wild birds, at ensuring safety and punishing the perpetrators of illegal actions.

In accordance with positive acts, the obligation to act in case of illegal killing, trapping and trade of wild birds, refers to:

- public prosecution,
- police,
- relevant inspection authorities,
- expert nature protection organizations,

- veterinary institutes and other forms of veterinary service,
- phyto-sanitary agencies
- ordinary and misdemeanor courts.

5. First Criminal Charge (No. 130-501-428/1/2014-06 dated 17th April 2014) was raised against non-identified criminal offender for the reason of killing of number of species of which some were specified as protected according to Article 269. Par. 2 of the Criminal Code (“Official Gazette of the Republic of Serbia”, no. 85/05, 88/05, 107/05, 72/09 and 121/12 ). In the period February 21<sup>st</sup> until March 14<sup>th</sup> 2014, 2 specimens of *Buteo buteo*, 7 specimens of white-tailed eagle *Heliaeetus albicilla* and 3 specimens of *Canis aureus* were found poisoned. Buzzard *Buteo buteo* and white-tailed eagle *Heliaeetus albicilla* are strictly protected species and *Canis aureus* is protected (hunting) species according to the Rulebook on proclamation and protection strictly protected and protected wild species of plants, animals and fungi (“Official Gazette of the Republic of Serbia”, no. 5/10 and 47/11).

Toxicological examination of the samples of killed animals has shown the presence of carbofuran-7-phenol and carbofuran (commercial name Furadan).

**This criminal charge is still in the process of investigation.**

6. Second criminal charge (No. 130-501-696/1/2014-06 dated 2<sup>nd</sup> June 2014) was raised against non-identified criminal offender for the reason of killing of one specimen of strictly protected species White-tailed eagle (*Heliaeetus albicilla*). Toxicological examination of the sample has shown the presence of carbofuran-7-phenol. **In accordance with the Criminal Law this criminal charge was rejected on the grounds that in this period the use of furadan was allowed.**

7. A phytosanitary inspector filed charges for commercial violation against AD ‘Sanad’ from Sanad and for the responsible person in legal entity – director of the company, No. 270-321-00057-6/2014-11 on 6<sup>th</sup> May 2014 to the Ordinary Public Prosecution in Zrenjanin, Vojvodina.

Public prosecution office in Zrenjanin (Vojvodina Province) issued indictment no. KP 17/14 of September 29<sup>th</sup> 2014 to Economic Court of Zrenjanin pursuant to Article 100 of the Law on Economic Offenses against legal entity Sanad a.d. and its director and responsible person Knezevic Djordje for using the plant protection product FURADAN 35 ST contrary to provisions of Article 47 of the Law on Plant Protection which was registered by the official decision of the Ministry of Agriculture, Trade, Forestry and Water management – Plant Protection Directorate of the Republic of Serbia and classified as especially dangerous and whilst not having the act on approval of the utilization which is to be issued by the Minister and in this way committed the offence in accordance with Art. 79, Par. 1, Point 11 and Par. 2 of the Law on Plant Protection as well as the offence in accordance with Art. 79, Par. 1, Point 8 and Par. 2 of the same law for using this product contrary to provisions of Article 44 of the Law on Plant Protection and not acting in accordance with the official decision on registration, declaration of the product, principles of good agricultural practice and integral plant protection practice, with the purpose and the aim of suppression and in a manner in which human and animal health as well as the environment is not threatened.

It is suggested to conduct investigation of the above executed offence by considering the records of Plant Protection Directorate – Phytosanitary inspection of Severnbacki District No. 270-321-00057/2014-11 dated February 26<sup>th</sup> 2014 and No. 270-321-00057-5/2014-11 dated May 5<sup>th</sup> 2014, No. 270-321-00057-6/2014-11 dated May 5<sup>th</sup> 2014, Report of the laboratory examination No. f-14-326 dated April 29<sup>th</sup> 2014 and expert opinion of the Institute for Nature Protection of Vojvodina Province No. 03-949 dated May 27<sup>th</sup> 2014.

8. According to the Law on plant protection products (“Official Gazette of the Republic of Serbia”, No. 41/09) and the list of approved active substances products (“Official Gazette of the Republic of Serbia”, No. 72/14) Serbia accepted EU list of approved active substances on 31<sup>st</sup> December 2013.

From February 2014 Serbia has been implementing a Twinning project named **Implementation of sustainable use of plant protection products and establishing systems for regular technical inspection of pesticide application equipment.**

Creation of the National Action Plan is one of the components of the Project. With this strategic document Serbia would set out quantitative objectives, targets, measures, timetables and indicators to reduce risks and impacts of pesticide use on human health and the environment and way of monitoring the use of plant protection products containing active substances of particular concern including active substances that Serbia has had problems with in terms of poisoning protected species of birds in the last few years. In his National Action Plan Serbia would describe how it will ensure the implementation of measures to protect wildlife.

The creation of that document is carried out within a working group that includes representatives of different Institutions such as Ministry of Agriculture and Environmental Protection and the Ministry of Health and other relevant bodies, including agriculture institutes and faculties, agriculture extension services, plant producers associations and NGOs.

One of the components of the Project is also preparation for implementation for obligatory trainings of professional users on safety use of plant protection products, which will officially start from June 2017. In the meantime professional users are trained on a voluntary basis, according to programs developed in 2009, which is very similar to those established by the EU Directive on sustainable use (2009/128/EC). One of the aims of those trainings is to point to hazards and risks associated with plant protection products, ways to identify and control them and measures to minimize risks to humans, non-target organisms and the environment.

9. 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.

The campaign had four levels of approach:

- ***Media work***

As an initial kick-off event, a press conference in Novi Sad was organized on 7 April 2015 in collaboration with WWF Office in Serbia, the Provincial Secretary for Urbanism, Construction and Environmental Protection and the Institute for Nature Conservation of Vojvodina Province. The event was attended by the major media representatives from Vojvodina Province and important national media correspondents.

In addition, a special campaign webpage was as part of the [www.wwf.rs](http://www.wwf.rs). Amazon of Europe pages: [http://www.wwf.rs/wwf\\_u\\_srbiji/zastita\\_evropske\\_linije\\_zivota/cujte\\_i\\_ne\\_trujte\\_orao\\_pao/](http://www.wwf.rs/wwf_u_srbiji/zastita_evropske_linije_zivota/cujte_i_ne_trujte_orao_pao/)

- ***Activities with local and national authorities***

On 15 May 2015, a high level round table was organized in Sombor. The meeting was attended by 25 representatives of relevant institutions. The goal of this high level meeting was to identify responsibilities of relevant institutions and all necessary steps that have to be fulfilled in case poisoning occurred (from registering the poisoning case to the prosecution). WWF and the Institute for Nature Conservation of Vojvodina Province presented an operational model of the procedure in order to increase the cooperation between the responsible institutions at all levels.

- ***Work with local public through public debates***

With the intention to reach specialized public (farmers, hunters, pesticide dealers) and other representatives of general public in targeted municipalities, a total of five public debates were organized. The goal of the debates was to raise awareness about the consequences of irresponsible use of pesticides on wildlife, environment and human health and to acquaint the general of their possibility and right to report cases of pesticide abuses. Keynote speakers at the debate included WWF representatives, as well as other relevant partners involved in the campaign including the Provincial Secretary for Urbanism, Construction and Environmental Protection, Institute for Nature Conservation of Vojvodina Province, the Public Enterprise Vojvodinašume, the Hunting Association of Vojvodina Province, the Hunting Association Mostonga, the Hunting Association Jastreb, the Agricultural Aid

Service of Sombor, Bird Protection and Study Society of Serbia, WWF-Serbia and individual ornithologists and coordinators of the monitoring of White-tailed eagle in Serbia .

The public debates were organized on:

17 April 2015, Odžaci, 40 participants

24 April 2015, Apatin, 32 participants

14 May 2015, Svilojevo, 12 participants

15 May 2015, Sombor, 75 participants

29 May 2015, Bačka Palanka, 25 participants

- ***Educational component***

As a part of the campaign, interactive educational program for the youngest audiences in targeted municipalities is being developed, including school class preparation on white-tailed eagle. The implementation of the activity is planned for the school year 2015/2016.

- ***Media campaign against poisoning***

The campaign "Listen up and stop the poisoning! The eagle is down!" that WWF launched in April 2015 in order to stimulate more responsible use of the pesticides and stop the poisoning of endangered species and other domestic animals had four levels of approach: media work, activities with local and national authorities, work with local public through public debates and educational component.

- ***Feeding place for White-tailed eagle near Svilojevo, Serbia***

The construction of the feeding place for white-tailed eagles in Svilojevo (the municipality where most of the poisoning cases occurred) was completed on 18<sup>th</sup> December 2014. The feeding place covers the area of 12.5 acres and it is buried in the ground. It also includes an observation post. All the necessary permits have been obtained and the feeding place has been included in the real estate registry.

In early December 2014, the feeding activities started to be implemented in cooperation with local people who were already bringing 100 kg of food on a weekly basis.. This was an important step in order to involve local community and raise awareness among them. Ever since the feeding activities started, three white-tailed eagles were spotted. The regular monitoring activities will continue over the upcoming period.

10. Regarding derogations from 2013-2014, we inform you that all relevant information were sent to the Secretariat of the Bern Convention for consideration and approval by the 35<sup>th</sup> Standing Committee of the Bern Convention.

11. Two Draft laws on accession and ratification of the AEWA and EUROBATS Agreements were adopted by the Government of the Republic of Serbia and sent for further procedure in Parliament.

As strong implementation instruments of the Convention *on Conservation of Migratory Species of Wild Animals* – CMS), these agreements will help Serbia to improve implementation of the CMS including EU Directives and Bern Convention with Tunis Action Plan in the context of the conservation of wild migratory species, their habitats and migratory corridors.

Taking into account the concerns for possible illegal killing of bird species and respecting the principal of a precautionary measures, the Ministry of Agriculture and Environmental Protection will continue to improve the system of monitoring and take all necessary measures to prevent the illegal killing of birds in accordance with the Protocol on the Actions and Cooperation between Authorities and Organizations in Eradicating the Illegal Killing, Trapping and Trade of Wild Birds.

Hoping that we have provided you with sufficient and adequate information on undertaken steps leading to prevention of deliberate killing of bird species from the Appendix II of the Convention including Migratory species. we would like to thank you in advance for taking this report into highest consideration at the upcoming meeting of the Bureau of the Berne Convention on 22<sup>nd</sup> March 2016.

Sincerely Yours,

STATE SECRETARY

Zoran Rajić, PhD

Submitted to:

- the Secretariat of the Bern Convention
- Archive