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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

34th meeting
Strasbourg, 2-5 December 2014

**1st Meeting of the Select Group of Experts
on Illegal killing, trapping and trade of wild birds**

Strasbourg, 19 May 2014

- MEETING REPORT -

*Secretariat Memorandum
prepared by
the Directorate of Democratic Governance*

1. OPENING OF THE MEETING

The Chair of the Group of Experts on the conservation of Birds, Mr Rastislav RYBANIČ, opened the meeting of the Select Group of Experts and welcomed the participants.

He recalled the most recent developments related to the work of the Bern Convention on fighting against illegal killing, trapping and trade of wild birds, and emphasised on the Tunis Action Plan 2020 which recommends – among others - the setting-up of a network of Special Focal Points for illegal killing of birds. He was pleased to announce that already 18 contracting parties had appointed a Special Focal Point and that another 5 informed they were in the designation process, bringing the number of members of the Network to 23.

The Chair further informed the Select Group of the late apologies received from the Special Focal Points of Armenia, Cyprus, and the European Union, as well as by the representative of the Federation of Associations for hunting and Conservation of the EU (FACE). He concluded by thanking the representatives of the AEWA, the INTERPOL and BirdLife International for their participation in the meeting as well as for their contribution to the work carried out by the Bern Convention in this field.

The Secretariat reminded the main tasks of the Special Focal Points, among which sharing experiences and knowledge, ensuring synergies at national and international level among all relevant bodies, identifying the most suitable interlocutors and experts for each of the specific issues related to wild-bird crimes and report to the Standing Committee via the Secretariat.

The Secretariat further detailed the objectives of the meeting of the Select Group, and namely to: proceed to a step-by-step analysis of the Tunis Action Plan and its work-plans for 2014-2015 so to identify the responsible bodies for the implementation of the activities to be launched or completed within that deadline; set procedures and specific methodologies where needed; set timeframe and milestones for the evaluation of progress; identify activities needing co-operation of multiple stakeholders and extra-funds; decide on monitoring and follow-up.

Finally, the Secretariat stressed the need to work on maximising synergies with other relevant stakeholders, as well as to federate the efforts of all under the overall framework provided by the Tunis Action Plan.

As this was the first meeting of the Select Group, gathering a number of new members, participants introduced themselves, including their work and expertise in the field combating illegal killing of birds.

2. ADOPTION OF THE AGENDA

The Agenda was adopted without amendments.

3. INTRODUCTION BY THE SECRETARIAT – IMPLEMENTATION OF THE TUNIS ACTION PLAN AND OVERVIEW OF THE WORK-PLAN FOR 2014-2015

The Secretariat recalled that the issue of illegal killing, trapping and trade of wild birds has been regularly on the agenda of the Standing Committee meeting for the past fifteen years. Concerned by the extent and negative trends of these activities in Europe, the Bern Convention promoted in 2011 the organisation of the first "European Conference on illegal killing of birds" (Larnaca, Cyprus), delivering the so-called "Larnaca Declaration" as well as Recommendation No. 155 (2011) on the illegal killing, trapping and trade of wild birds.

In order to move forward from the "vision" set in Larnaca to the "Action" and concrete implementation, the Parties to the Bern Convention met again in Tunis, in 2013, and prepared the "Tunis Action Plan for the eradication of illegal killing, trapping and trade of wild birds, 2013-2020". The Action Plan has been then adopted by the Standing Committee through Recommendation No 164 (2013).

The Action Plan foresees the setting-up of concrete tools in the field of enforcement of legislation, biological matters, institutional aspects, and awareness and education. The deadlines and milestones for the main objectives of the Plan are included in its log-frame. However, the actions to be

implemented for reaching the Plan's objectives were not specified and have been detailed afterward in the work-plans for 2014 and 2015. The deadlines and responsible bodies for each of these actions should be agreed by the Select Group.

The Secretariat further explained that implementation of the Action Plan started already this year with, among others, the setting-up of the Network of Special Focal Points and the launch of the consultation process on the identification of criteria for setting-up national lists of wildlife crime priorities, as well as the list of gravity factors to be used for elaborating the toolkit on sentencing. A number of actions, namely in the field of the biological and the awareness aspects, may be more difficult to implement without the necessary coordination of existing activities or the creation of specific tools which the Parties need to use for the implementation of the Plan at national level.

The Secretariat concluded with a more in depth presentation of the sub-actions foreseen for this biennium.

4. SHORT PRESENTATION OF THE ACTIVITIES PLANNED OR IMPLEMENTED BY THE MAIN INTERNATIONAL ORGANISATIONS INVOLVED IN THIS FIELD

- Through a written statement sent to the Secretariat for the purposes of the meeting, the Special Focal Point of the European Union reiterated the strong support of the European Commission towards the work done by the Bern Convention against illegal killing of birds and recalled the EU priorities in this field, mainly related to achieving effective enforcement of EU legislation by national authorities and their respective competent services. The statement contained also reference to the Roadmap against Illegal killing of birds and to the Communication on the EU approach to wildlife crime, adopted in February 2014.
- The representative of the INTERPOL presented in a nutshell what is the world's largest international police organization, with 190 member countries, and reiterate INTERPOL's interest in contributing to the implementation of the Tunis Action Plan 2020 and, more particularly, to the activities requiring capacity building, training, and the setting-up of high-tech infrastructure. She confirmed the readiness of INTERPOL to put at the disposal of the Parties the technical and operational support of the organization, pending the availability of funds.
- The representative of the AEWA gave an overview of the activities which might contribute to the efforts against illegal killing of birds under the AEWA and the CMS frameworks. For instance, he informed about a draft resolution on the Prevention of illegal killing, taking and trade of migratory birds in the Mediterranean, which will be examined at the CMS COP 11 (Ecuador, 4-9 November 2014). The draft resolution acknowledges, among others, the work carried out by the Bern Convention as well as the Tunis Action Plan, and also calls on the AEWA Secretariat to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean. If adopted, the draft resolution will certainly mark AEWA contribution to one of the objectives set in the Tunis Action Plan.

Finally, the representative of the AEWA wished to raise attention on the massive bird catching – mainly but not only targeting the quail - along the coasts of Egypt and Lybia, and informed about the targeted support which the AEWA is bringing to these countries. An operational Plan of Action dedicated to this area was elaborated following a technical meeting to address this topic. The representative explained that although this issue is not directly related to the Tunis Action Plan because of its geographical coverage, the bycatch in those areas has a serious impact on the birds breeding on the territory of the Contracting Parties to the Convention.

- The representative of BirdLife International congratulated the governments of Contracting Parties to the Bern Convention for the commitment towards fighting against illegal killing of birds. He emphasized on the negative impact on biodiversity of these practices which must be stopped. He then gave an overview of the possible contribution of BirdLife International and BirdLife partners to the implementation of the Tunis Action Plan, namely concerning the research/assessment, knowledge and biological aspects. He informed that a compilation of on-going activities at different levels has been sent to the Secretariat and published on the Bern Convention's website under the reference [T-PVS/Inf\(2014\) 07](#). The latter should be regularly updated so to ensure that the outcomes of other related initiatives are taken into account and used as examples of good

practices. He concluded by stressing that awareness and visibility of good performances and best practices is an important aspect which should not be neglected as it serves the double purpose of putting knowledge at the disposal of all, and rewarding at a political level the commitment of the authorities.

5. IMPLEMENTATION OF THE WORK-PLAN FOR 2014 - 2015: IDENTIFICATION AND ALLOCATION OF TASKS

Discussions continued on the following topics:

ENFORCEMENT

National wildlife crime priorities

The Secretariat clarified that the list of priorities should be elaborated at national level by each Contracting Party and according to its specific needs and national legislation. However, the Standing Committee will be called to advise Parties on the criteria to be taken into account in the identification of their priorities.

Participants analysed the replies already received (the deadline for the reporting being the 20th June 2014). They noted that there might be few differences among the Parties, mainly due to the specificity of their legal system and the degree of discretion given to the judiciary. The replies of parties should therefore be assessed, where possible, in conjunction with a study of the nature of the national legal frameworks as well as of the species protection and environmental protection legislations. A methodology document, including a check-list to guide the Parties in the process towards the setting up of national policing/investigation priorities to eradicate illegal killing, trapping and trade of wild birds, should be then prepared. It should also include the identification of criteria to select priorities, as well as guidance on disseminating the national lists and making the best use of them in view of enhancing coordination, promoting a coordinated approach to tackling wild-bird crimes between the relevant stakeholders at national level, and fostering efficient enforcement.

In this respect it was stressed that, as mentioned in the information note on the on-going initiatives tackling illegal killing of birds (document T-PVS/Inf (2014)7), SEO and RSPB (BirdLife's partnership) recently launched a two year project funded by DG Justice (European Commission) to, among others, improve the implementation of the Directive 2008/99/EC on the protection of the environment through criminal law. It was agreed that sharing the outcomes of the assessment to be done under this project will be beneficial to the work of the Special Focal Points for illegal killing of birds.

Furthermore, INTERPOL agreed to check the possibility of setting-up a database for information sharing on national legislation, which would be open to the Special Focal Points and compare different national legislation systems.

The importance of the reporting of Parties was also raised: in fact, although this might be a time-consuming exercise for the Parties, the analysis of the reports help on the one hand identifying where the gaps are and where the efforts put in place are insufficient or inadequate to bring the expected results; and on the other hand, reports can be used to acknowledge the contribution, commitment, and results achieved by the Parties, and to put forward their success stories for the benefits of all.

Concerning the procedure, participants agreed to conduct an electronic peer review of the methodology document, as well as of the draft recommendation which will be then sent to the Bern Convention focal points for comments prior to the submission to the Standing Committee for examination and possible adoption.

Gravity factors

The difference between gravity factors and national list of priorities was highlighted. Gravity factors are in fact more related to prosecution and sentencing and should mainly support prosecutors and the judiciary in evaluating the seriousness of the committed offence in relation to the (even potential) adverse effect on the subject of the protection granted by the law.

Contrary to the list of national priorities, the gravity factors should be identified and standardized in order to be used for the preparation of sentencing toolkits.

After analyzing the replies already received by some Parties, participants agreed that the ranking of the different gravity factors proposed by the Secretariat may strongly vary from a country to another, particularly because the ranking itself provides a lot of scope for interpretation. It was agreed that the further analysis of the replies of Parties should be supported by a few case studies.

Concerning the methodology and procedure, it was agreed to follow the same *iter* identified for the national lists of priorities.

The preparation of the Sentencing toolkit would follow in 2015, and should count with the contribution of representatives of the judiciary. The independence of the judiciary must remain a key principle. However, the level of discretion should be indirectly proportional to the gravity of the offence.

Conservation Impact Statements

Recognition and evaluation of the impact of illegal killing, trapping and trade of wild birds on the conservation status of the affected species should be mainstreamed in investigation, prosecution and sentencing phases. Inter-sectoral work should be encouraged, as well as the building of bridges between environmental legislation and criminal law, where they are separated.

One of the major obstacles to this cooperation is the different administrative belonging of the enforcement and environmental agencies in many contracting parties. This is for instance the case in Portugal where, to overcome the problem, an inter-sector working group has been set up and special training formats on wildlife crimes are being prepared for junior judges and prosecutors. Moreover, in the framework of the CITES, Portugal has prepared a manual with the procedural steps and requirement for bringing cases to Court. A similar approach could benefit also officers in charge of investigating and prosecuting illegal bird crimes.

Difficulties in coordinating all the institutions dealing with wildlife crimes at national level has been raised also regarding other countries, including Italy where, for instance, the *Corpo forestale* (Ministry of Agriculture) is the body in charge of enforcement. This has the advantage of being a specialized structure, but the inconvenient of lacking the very technical expertise necessary to consider the conservation status of the species while setting enforcement priorities. Co-operation and co-ordination with the Ministry of Environment becomes therefore essential. In this respect, the creation of the Network of Special Focal Points under the Bern Convention, and the nomination by Italy of two focal points (one from the Ministry of Agriculture and another from the Ministry of Environment) was praised by the participants as an example of good practices.

Another example of good practices has been identified in the Slovak Republic, where the Ministry of Interior set up a specific inter-sector body bringing together all ministries involved in enforcement and in environmental legislation.

In Spain, a National Scientific Unit gathers people with expertise in different fields of nature conservation whom cooperate in addressing bird crime issues. A database is regularly fed with updated information and a web-portal is being developed as a tool for information sharing to be particularly used for the investigation phase. Moreover, the Ministry of environment has recently launched a collaboration project in the framework of which environmental experts are going to support the work of national police and environmental prosecutors with knowledge and expertise on monitoring and crime detections.

In Malta, the competences are centralized due to the size of the country. Although the administrative law enforcement unit also deals with wildlife crime, there are plans to set up a fully dedicated specialized unit, as this is the case in countries like the United Kingdom or Italy.

However, awareness raising and capacity building of enforcement officers are already carried out in Malta, namely through a programme of professional training for police officers interested in combating wildlife crime.

Participants agreed to use the network of Special Focal Points for sharing information on best practices related to internal cooperation and capacity building, as well as to develop – where appropriate – international staff exchange programmes, for the sake of mutual training

BIOLOGICAL AND INSTITUTIONAL ASPECTS

Analysis of data on illegal activities

It was clarified that the analysis of data on illegal activities would be carried out on the basis of existing data and knowledge. The activities to be taken into consideration will be the various illegal activities/methods undermining the conservation of the species and enforcement efforts.

It was noted that the Parties should first agree on the kind of data to be analysed, as well as on a methodology for extrapolating the information from the sources. Moreover, considerations on the possible different legal status of an activity in one or the other country should also be taken into account. The protocols used by Spain in a similar exercise conducted at national level for the collection of statistics were put forward as a possible model for countries which have not yet set their own protocols.

The results of this investigation should be presented under the form of a report which would be then circulated to the Special Focal Points for peer review.

BirdLife International offered its technical assistance for this work.

Black-spots of illegal activities

It was stressed that this work should concentrate on identifying areas where illegal activities at national level are particularly persisting and causing greater negative impact on the conservation of the affected species. In fact, some illegal activities can be specific to given local areas or regions. Understanding which activity and which impact the latter has on the targeted species will help the parties to better addressing the problems affecting the local level.

It was agreed that the collection and analysis of data should be done based on both existing knowledge and data to be requested to the Parties. The issue of the nature of the data was raised, and namely the different outcomes of using official figures or estimates. It was agreed that a clear methodology should be elaborated for the Parties, together with a check-list that they could use in the reporting exercise. The analysis should end in a dedicated report to be published in 2006.

BirdLife International offered its technical assistance for this work.

➤ Setting-up of a Pan-Mediterranean Working Group to eradicate illegal killing of birds

The participants agreed to wait for the discussions on the draft resolution on the “Prevention of illegal killing, taking and trade of migratory birds in the Mediterranean” at next CMS COP 11 and encouraged their colleagues in charge of the follow-up of the CMS to support its adoption.

AWARENESS ASPECTS

Work on awareness should be an on-going effort aiming at increasing understanding of the challenges and impact of illegal killing of birds at all level of the enforcement chain, of the general public and of future generations. This should include scientific work for highlighting and overcoming knowledge gaps, as well as providing scientific evidence base, public activities (communication campaigns, media alliances, publicity and transparency in policy implementation, etc.), and education.

The Bern Convention has already produced an analysis of the social, educational and cultural dimensions of illegal killing of birds through document [T-PVS/Inf \(2011\) 12](#) on “Human Dimensions as a tool for bird conservation”, suggesting a paradigm shift from people as a problem to people as part of the solution. However, Parties should now conduct their own stakeholders analysis based on the national/local/regional cultural challenges and possibilities for conflict resolution.

In the case of Spain, for instance, the cultural component is a prominent driver for illegal killing of birds in the south-eastern part of the country. Awareness and understanding of the negative consequences of illegal activities against birds should be increased not only in the general public but

also among the police forces in charge of the prosecution of these crimes. This is an objective that the authorities are pursuing through pilot intersectoral collaboration projects.

In Turkey, the Ministry of Forestry and Water Affairs is working on a strategy document which will introduce European standards in species conservation policies and legislation. The country will certainly benefit from its membership in the network of Special Focal Points for illegal killing of birds.

In Malta, a national strategy to overcome illegal killing of birds is under preparation and includes very strong communication and awareness components. However, this work is facing some major challenges due to very polarized opinions on hunting in general, and to the confusion between legal and illegal hunting. Attention of the media to bird-crimes is high and some of the most serious incidents gain relevance in public discussions. However, the lack of correct and factual data is deplored by the authorities as a counterproductive element for an informed public opinion.

Nonetheless, a positive result of the interest of the media for illegal killing of birds was the public outcry generated recently on these issues, which supported the removal – to a certain extent - of judiciary discretion in specific situations characterized by a high degree of gravity.

Participants praised this achievement in Malta but also recognized that media attention should not only denounce problems but also make the successes and efforts of the authorities more visible. Again, it was stressed that the competent authorities of contracting parties should devote greater endeavor to reporting and informing about their work.

INTERPOL has a longstanding experience in defining and framing global cooperation, also in the field of environmental security. Communication and information sharing are an essential part of this work and the INTERPOL is developing a new public interactive web-space which will be used to both awaken public opinion and engage the public in the monitoring and alert works. Similar tools could be conceived specifically for officers and stakeholders committed towards eradicating illegal killing of birds, pending availability of financial resources.

Participants also identified two issues which should be addressed in depth in future meetings and which may be relevant for awareness, transparency, and clarity: the problem of the illegal hunting tourism, which is particularly relevant for Italy, Croatia, and probably other South-Eastern European countries; and the incorrect use of derogations regarding hunting.

The [European Charter for Hunting and Biodiversity](#), elaborated under the framework of the Bern Convention, can definitely contribute to addressing the first concern, as it was conceived as a guide setting out common principles and good practices for hunting, particularly for the organisation of hunting tourism on the European continent. The dissemination of the Charter should continue and improve until reaching the general public.

OTHER CHALLENGES

By analyzing the detailed work-plans for 2014 and 2015 the participants realized that the Parties might need external help for the reaching some of the objectives set in the Action Plan, particularly those requiring international cooperation, the setting-up of specific reporting and communication tools, including IT Tools, and capacity building. They therefore welcomed the proposal of the Secretariat, the INTERPOL, and BirdLife International to look into external funding possibilities, particularly at the level of the EU Grants. A joint project proposal could be prepared by these and other possible partners, in the light of application to relevant call for grants.

The general terms of such a possible cooperation have already been discussed and the Secretariat requested the assistance of the Office of the Directorate General of Programmes (ODG-PROGR) of the Council of Europe. The latter is the Directorate in charge of ensuring the coherence and consistency of Council of Europe's programmes in the intergovernmental sector, including the external presence and externally-funded projects.

A senior officer of ODG-PROGR presented to the participants the mandate, structure, and achievements of the Directorate since its creation.

6. NEXT STEPS FOR THE PROPOSALS TO THE STANDING COMMITTEE TO THE BERN CONVENTION

The Select Group of Experts will provide electronic input into the documents and draft recommendations concerning the national lists of priorities, the gravity factors, and data on existing illegal activities and their blackspots (under preparation).

The two draft recommendations will be further circulated to delegates of contracting parties to the Bern Convention prior to their submission to the Standing Committee for examination and possible adoption.

The Select Group further requests the Standing Committee to:

- Welcome the setting up of the Network of Special Focal Points for Illegal killing, trapping and trade of birds, as a major step towards improving international coordination and action in this field, and exhort contracting parties who have not yet done so, to appoint their Special Focal Point as soon as possible;
- Encourage other relevant stakeholders committed in activities towards eradicating illegal killing of birds to refer to the list of Special Focal Points for cooperation and information sharing needs;
- Encourage contracting parties to continue efforts aimed at enhancing inter-sector cooperation at national level and involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education;
- Express its gratitude to the INTERPOL, the AEWA, and BirdLife International for contributing to the first meeting of the Select Group, as well as to the other international partners for their continuous support;
- Convene a second meeting of the Network of Special Focal Points in the first three months of 2015, in order to enable them preparing the second year of implementation of the Tunis Action Plan.

7. OTHER BUSINESS

None were raised.

Annex 1



Bern Convention Select Group of Experts on Illegal killing, trapping and trade of wild birds

Strasbourg, 19 May 2014

DRAFT AGENDA

09H30 – 12H30

1. Opening of the meeting

Chair of the Bern Convention's Group of Experts on the Conservation of birds

2. Adoption of the agenda

3. Introduction by the Secretariat – Implementation of the Tunis Action Plan

4. Short presentation of the activities planned or implemented by the main international Organisations involved in this field

European Commission

INTERPOL

UNEP/AEWA

BirdLife International

FACE

5. Overview of the Work-Plan for 2014 – 2015

Presentation by the Secretariat

6. Implementation of the Work-Plan for 2014: identification and allocation of tasks

Discussion on the following issues:

➤ Enforcement priorities:

- Criteria for establishing national policing/investigation priorities;
- Possible impact of the overuse of derogations on the national policies against illegal killing of birds;
- Blackspots for the identification of enforcement priorities: what are the criteria/examples already used by the Parties and what information is still needed to ensure successful enforcement in priority areas;
- Gravity factors to be taken into account when determining the level of the sanctions: contribution to the draft list and way forward (role of the judiciary in the preparation and dissemination of the Sentencing Guidelines)

12:30 Lunch Break

14H00 – 18H00

Cont. : Work-Plan for 2014 – identification and allocation of tasks

- Effectiveness of National Action Plans, strategies, and policies:
 - Identification of crucial stakeholders within the country;
 - Cooperation and coordination of activities at the level of the State, regions and provinces (where appropriate);
 - Examples of best practices: alternative activities for specific illegal killing methods.
- Communication campaigns: best practices, general messages, the role of the NGOs and the general public
- International/regional cooperation on specific topics such as poisoning, trapping: needs, exchange of information and way forward.
- Reporting formats: identifying the needs, target audiences and best practices;

7. Other Business

Annex 2

**LIST OF PARTICIPANTS /
LISTE DES PARTICIPANTS**

I. CONTRACTING PARTIES / PARTIES CONTRACTANTES

ALBANIA / ALBANIE

Ms Elvana RAMAJ, Head of Biodiversity Unit, the Directorate of Biodiversity and protected Areas, Ministry of the Environment, Rruga e Durrës, No. 27, TIRANA.

Tel/Fax: +355 42270624. E-mail: Elvana.Ramaj@moe.gov.al or eramaj@hotmail.com

[Apologised for absence / Excusée]

CROATIA / CROATIE

Ms Maja POLIĆ, Nature Protection Inspector, Directorate for Inspection, Sector for Nature Protection Inspection, Ministry of Environmental and Nature Protection, Mike Tripala 6, HR-21000 SPLIT.

Tel: +385 21 340 405. E-mail: maja.polic@mzoip.hr

CYPRUS / CHYPRE

Mr Michalis ANTONIOU, Game & Fauna Department Officer, Ministry of the Interior, 1453 NICOSIA, Cyprus

Tel. +357 22 867 897. Fax. +357 22 867 780. E-mail : wildlife.thira@cytanet.com.cy

[Apologised for absence / Excusée]

ESTONIA / ESTONIE

Ms. Helena TÄÄR, Leading Inspector of the Nature Conservation Dept., Environmental Inspectorate, Kopli 76, 10416 TALLINN.

Tel +372 6962243. E-mail: Helena.Taar@kki.ee

[Apologised for absence / Excusée]

EUROPEAN UNION / UNION EUROPEENNE

Mr Joseph van der STEGEN, Policy Officer, European Commission - DG Environment, Unit B.3 "Nature", BU5 6/124 , B-1049 BRUSSELS

Tel : +32 2 29 88 386. E-mail : joseph.van-der-stegen@ec.europa.eu

[Apologised for absence / Excusée]

FRANCE / FRANCE

Mr Jacques BAZ, Chargé de mission avifaune, ministère de l'Ecologie, du Développement durable et de l'Energie (MEDDE), La grande Arche- 92055 LA DEFENSE Cedex.

Tel/Fax : +33 140 81 31 89 / +33 140 81 13 62. E-mail : jacques.baz@developpement-durable.gouv.fr

ITALY / ITALIE

Mr Alessandro ANDREOTTI, Researcher of ISPRA, National Institute for Environmental Protection and Research, Via Ca' Fornacetta 9, 40064 OZZANO EMILIA (BO)

Tel: + 39 051/6512225. Fax: + 39 051/796628. E-mail: alessandro.andreotti@isprambiente.it

Mr Claudio MARRUCCI, Head of Core operating anti-poaching- Officer, Italian State Forestry Corp, 9 floor, 1 division, operating core anti-poaching, Viale Antonio Ciamarra 139, I-00173 ROME.

Tel: +39 067246631. Fax: +39 067233054. E-mail: c.marrucci@corpoforestale.it

MALTA / MALTE

Mr Sergei GOLOVKIN, Head, Wild Birds Regulation Unit, Parliamentary Secretariat for Agriculture, Fisheries & Animal Rights, Casa Leone, St VENERA, Malta
Tel: +356 23886213. Email: sergei.a.golovkin@gov.mt

PORTUGAL / PORTUGAL

Mr João José LOUREIRO, Chefe da Divisão de Gestão das Espécies da Fauna e da Flora (Head of Unit), Instituto da Conservação da Natureza e das Florestas, ICNF, Avenida da República nº 16 a 16B 1050 - 191 LISBOA
Tel. + 351 21 350 79 00. Fax +351 21 350 79 84. E-mail: joaloureiro@icnf.pt

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

Mr Rastislav RYBANIČ, Director General, Division of Nature Protection and Landscape Development, Ministry of the Environment, Námestie L. Stura 1, SK-812 35 BRATISLAVA
Tel : +421 2 5956 2160. E-mail: Rastislav.rybanic@enviro.gov.sk

SPAIN / ESPAGNE

Mr Rubén MORENO-OPO, Technical Advisor, General Directorate on Nature, Ministry of Agriculture, Food and Environment, Pza. San Juan de la Cruz s/n 28071 MADRID
Tel: +34 690653311. E-mail : at_sgb4@magrama.es

TURKEY / TURQUIE

Mr Burak TATAR, Wildlife Biologist, Department of Wildlife Management, Ministry of Forestry and Water Affairs, Sogutozu Cad. No: 14 / E Bestepe / ANKARA
Tel: + 90 312 207 6080. Fax:+ 90 312 287 1178. E-mail : btatar@ormansu.gov.tr

II. OBSERVERS / OBSERVATEURS**Secretariat of the Convention on Migratory Species (UNEP/CMS) / Secrétariat de la Convention sur les Espèces migratrices (PNUE/CMS)**

Mr Sergey DERELIEV, Technical Officer, UNEP/AEWA Secretariat, African-Eurasian Waterbird Agreement, UN Campus, Platz der Vereinten Nationen 1, 53113 BONN, Germany.
Tel: +49-228-815-2415. Fax: +49-228-815-2450. E-mail: sdereliev@unep.de. Website: [Web: www.unep-aewa.org](http://www.unep-aewa.org)

BirdLife International / BirdLife International

Mr Willem VAN DEN BOSSCHE, Conservation Officer, BirdLife Europe, Avenue de la Toison d'or 67, 1060 BRUSSELS / Belgium.
Tel : +32 2 541 07 82. Fax: +32 02 230 38 02. E-mail : willem.vandenbossche@birdlife.org

Federation of Associations for hunting and conservation of the EU (FACE)

Mr Cy GRIFFIN, Director of Conservation, FACE - Federation of Associations for Hunting and Conservation of the EU, Rue F. Pelletier 82, B-1030 BRUSSELS, Belgium.
Tel: +32 (0) 2 732 6900. Fax: +32 (0) 2 732 7072. E-mail: cy.griffin@face.eu

[Apologised for absence / Excusée]

INTERPOL

Ms Therese SHRYANE, Environmental Security Sub-Directorate (ENS), INTERPOL General Secretariat, 200 Quai Charles de Gaulle, F-69006 LYON, France
E-mail: t.shryane@interpol.int

III. SECRETARIAT / SECRETARIAT

Council of Europe / Conseil de l'Europe, Office of the Directorate General of Programmes / Bureau de la Direction générale des programmes, Europe Division / Division Europe, F-67075 STRASBOURG CEDEX, France

Mr Stefano DOMINIONI, Head of Europe Division / Chef de la Division Europe

Tel : +33 3 88 41 43 27. E-mail : stefano.dominioni@coe.int

Council of Europe / Conseil de l'Europe, Directorate of Democratic Governance / Direction de la Gouvernance démocratique, Biodiversity Unit / Unité de la Biodiversité, F-67075 STRASBOURG CEDEX, France

Tel : +33 3 88 41 20 00. Fax : +33 3 88 41 37 51.

Ms Ivana d'ALESSANDRO, Head of the Biodiversity Unit / Cheffe de l'Unité de la Biodiversité

Tel : +33 3 90 2151 51. Fax : +33 3 88 41 37 51. E-mail : ivana.dalessandro@coe.int

Ms Tatiana STATE MASSON, Principal Administrative assistant, Biodiversity Unit / Assistante administrative principale, Unité de la Biodiversité

Tel : +33 390 21 43 98. Fax : +33 3 88 41 37 51 E-mail : tatiana.state-masson@coe.int

Ms Véronique de CUSSAC, Administrative Assistant, Biodiversity Unit / Assistante administrative, Unité de la Biodiversité

Tel : +33 3 88 41 34 76. Fax : +33 3 88 41 37 51. E-mail : veronique.decussac@coe.int