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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

35th meeting
Strasbourg, 1-4 December 2015

**5th meeting of the Group of Experts
on the Conservation of Birds**

Strasbourg
12-13 October 2015

- MEETING REPORT -

*Secretariat Memorandum
prepared by
the Directorate of Democratic Governance*

The Group of Experts on the conservation of birds met in Strasbourg, at the Council of Europe, on 12-13 October 2015.

The Standing Committee is invited to:

- Take note of the report and decisions of the meeting of the Special Focal Points for illegal killing of birds (Madrid, February 2015), as supported by the present Group of Experts;
- Take note of the report of the 5th meeting of the Group of Experts on the Conservation of Birds;
- Convene, in 2016, an ad hoc Working Group made up of a restricted pool of experts on the osprey, in order to improve and complete the second draft Action Plan in view of the submission of a final draft to the 36th Standing Committee meeting; encourage contracting parties to volunteer for participating in this work;
- Invite the authorities of the countries with pending complaints on stand-by to continue the fruitful cooperation with the Bureau in view of finding appropriate solutions;
- Take note of the strong worries of the Group of Experts in relation to the situation of migratory birds in the Northern-East coast of Bulgaria and invite the authorities to carry out a comprehensive, independent and quality assessment of the impact of windfarms' developments on both breeding and migratory bird species;
- Invite the authorities of Iceland to facilitate the organisation of a joint AEWA / Bern Convention mission to the country in relation with the afforestation policy, during the first semester of 2016;
- Endorse the Methodology document on the identification of black-spots of illegal killing of birds, and encourage Parties to bring it to the attention of both the practitioners and the representatives that will be appointed to participate in the CMS Mediterranean Task Force for illegal killing of birds;
- Examine and, if appropriate, adopt the draft Recommendation 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 bird.

1. OPENING OF THE MEETING

The Chair of the Group of Experts on the Conservation of Birds, Mr Rastislav Rybanič, opened the meeting by welcoming the participants and thanking the speakers for their contribution to the discussions. He further informed that, due to the strict deadlines set for the translation and publication of documents before the forthcoming Standing Committee meeting, the report of this meeting would be a short summary of the main discussions and decisions.

He then introduced the agenda, highlighting a couple of changes due to unforeseen circumstances which obliged one of the speakers to cancel his participation.

2. ADOPTION OF THE AGENDA

The Chair invited the participants to consider the draft agenda which was adopted with minor amendments.

3. INTRODUCTION TO THE MEETING

Ms Ivana d'Alessandro gave a short overview of the work carried out by the Group of Experts during the past two years, and emphasised on the agenda items for which the Group is requested to take follow-up decisions. These items were mainly related to possible tools for the conservation of the osprey (*Pandion haliaetus*), ways and means to improve the enforcement of the legal aspects related to illegal killing of birds, and a number of pending complaints related to bird species, that had been forwarded to the Group by the Bureau of the Standing Committee. For each of these topics she clarified the expected outcomes.

Finally, Ms d'Alessandro emphasised on the contribution of other partner organisations to the work of the Convention on the conservation of birds, as well as on the relevance of the presentations related to the current challenges and available tools for the future work of the Group.

4. UPDATES ON ACTIVITIES AND PRIORITIES RELATED TO THE CONSERVATION OF BIRDS IN OTHER FORA

The representative of the AEWA, Mr Sergey Dereliev, gave a detailed presentation on the work carried out under the Agreement, focusing on the issues on the agenda of three forthcoming meetings. These include progress on species action and management plans, international reviews, waterbird monitoring, and the preparation of guidelines on topics such as – among others - renewable energy technologies and migratory species, and sustainable harvest of migratory waterbirds.

The representative of BirdLife International, Mr Willem Van den Bossche, presented the main activities currently implemented by his organisation, stressing that some of them would be the object of more detailed presentations over the two-day meeting of the Group of Experts. Among the highlights, he described the work done for the implementation and prioritisation of the Species Action Plans, the support provided to the European Union in the frame of the Fitness check for the Birds Directive, and the results of the projects implemented in some EU countries for the identification of Marine Important Bird Areas.

The representative of Euronatur, Dr Stefan Ferger, presented the most important projects carried out by Euronatur for the conservation of migratory birds along the Adriatic Flyway. Work started in 2006 with a view to promote the establishment of hunting ban areas, improving hunting laws, decreasing illegal killing, and empower civil society in Balkan countries. The main activities include monitoring, stakeholder workshops, communication and capacity building.

The delegate of the European Union, Ms Marita Arvela, gave an overview of the most recent EU initiatives for the conservation of birds. These cover a wide range of activities, going from studies, guidelines and reviews, to monitoring of effectiveness of EU policies and their implementation. Ms Arvela also emphasised on the recent endeavors towards addressing wildlife trafficking, among which illegal killing of birds.

The discussions which followed this set of presentations focused on the utility of prioritising populations for targeted action and management planning; the rising potential conflicts between renewable energy technologies and birds, particularly migratory species; the importance of building trust and long-term cooperation between the authorities and the stakeholders in order to improve conservation of birds at the local level.

5. UPDATE ON THE STATUS OF SPECIES AND POSSIBLE FOLLOW-UP: SECOND DRAFT ACTION PLAN FOR THE RECOVERY AND REINTRODUCTION OF THE OSPREY

The Secretariat recalled that the decision of working on the preparation of a dedicated Action Plan for the recovery and reintroduction of the osprey was taken by the Standing Committee at its 33rd meeting (December 2013) following the conclusions of an international workshop organised in France to address the problematic of the recovery of the species. On that occasion, the Committee highlighted that the species had disappear from at least 15 European countries, and emphasised on the fact that the osprey is an important flagship species in nature conservation. Last year the Committee assessed a first draft Action Plan and requested that the final draft identifies specific actions to be implemented at both regional (transfrontier) and national level.

A second draft has been prepared ahead of the meeting of the Group of Experts by Mr Roy Dennis this year. The Secretariat invited the participants to have a discussion on the opportunity of presenting it to the Standing Committee.

The representative of BirdLife International asked the floor for putting forward some suggestions for ameliorating the present draft. In his views, although the document has substantially improved compared to the previous version, it still lacks clear reference to actions. These actions should be classified according to the results expected on the short, medium and long terms. Moreover, the final draft should put more emphasis on the threats, including habitat degradation and anthropogenic factors, and suggest remedy actions. Finally, the draft Action Plan should be put in conformity with international standards for species action plans.

Several Parties stressed the links between successful conservation actions and habitat management, including forests and wetlands or even fishponds. Some other Parties regretted the lack of a dedicated chapter on forest management. Moreover, the issue of the osprey's natural spread has been taken into account only partly. Regarding the threats, participants considered that mortality factors like collision, electrocution and illegal killing should make the object of deeper considerations.

With regards to the proposed actions, representative of Malta noted that the proposed action "Enforce protection status of migratory ospreys by enhanced wildlife crime prevention" should not apply exclusively to Malta, where incidents of illegal targeting of ospreys are relatively rare, but to all Parties in the wider region.

Other participants said that the section related to the aims and goals of the Action Plan should be worked out more thoroughly, and be based on sound and uncontroverted scientific data. Besides, an overall analysis of the threats, including the scientific analysis of the reasons why in some area the populations have not recovered as expected, would help prioritising the areas to be targeted, and probably increase the success rates. Information on target areas should also be included in the final draft.

Regarding reintroduction, while some Parties stressed that this is a very important issue, other emphasised on its controversial nature and suggested that this conservation tool should not be imposed. Some countries will not be in a position to carry out any reintroductions; some other would appreciate that the Action Plan provides more thorough information and analysis of the areas where reintroductions have been successful.

In conclusion, the Group agreed that it was premature to submit the present draft Action Plan to the forthcoming Standing Committee meeting. Instead, the Group will request to the Standing Committee to set-up a restricted pool of experts that will gather next year in a working group to improve further the present draft. One of the experts delegated by Switzerland and the NGOs BirdLife International and *Nos Oiseaux* expressed the wish to be part of this working group. Other Parties and Observers will have the opportunity to express their interest at next Standing Committee meeting.

6. CURRENT CHALLENGES AND AVAILABLE TOOLS

The representative of the FACE, Mr Cy Griffin, gave a presentation on the most recent developments in adaptive harvest management in Europe. This work is carried out through the Waterbird Harvest Specialist Group of Wetlands International, which includes members of the hunting associations, conservation NGOs, scientists and researchers. The aims of the Specialist Group is to promote at local level a conservation process which takes into account both wildlife management and recreational needs. Monitoring and risk assessment are implemented to ensure the adaptability of the harvest management process. Mr Griffin presented the working methods employed, including the governance structure, the mechanisms for ensuring the sustainability of the process, and the main results so far obtained.

The discussion which followed the presentation focused on the quality of data related to hunting harvesting and populations and the need to improve the methodology about collecting such kind of data. The representative of the FACE encouraged the hunters to participate in data collection, and invited other stakeholders to put trust in the cooperation with the hunting community.

Dr Christina Ieronimidou, from BirdLife International, presented the recently released European Red List of Birds, prepared after three years of studies and assessments of 530 wild bird species occurring naturally in Europe. This work has been carried out through a project implemented by BirdLife International with funding from the European Commission. The Red list includes factsheets summarising the geographic distribution, population size and trend, habitat and ecology, major threats, conservation measures and regional (European continent) Red List status of each of the species assessed. Dr Ieronimidou further presented the headline results of the European Red List of birds, showing both the improvements and the deteriorations occurring between 2004 and 2015. The Red List provides further information on the factors that threaten European birds, and can be helpful for the prioritisation of species to be targeted by species action plans.

The participants asked questions about the impact that the European Red List would have at global level and the presenter explained how this will actually change the status of some birds in the global IUCN Red list.

Mr Gabriel Gargallo, Co-ordinator, presented the Euro Bird Portal (EBP) an online tool for data sharing. This is a project of the European Bird Census Council (EBCC) developed through a partnership that currently comprises 29 institutions from 21 different European countries. The EBP is a European data repository based on aggregated data from online bird recording portals from across Europe. It collects and improves the value of data provided by volunteers through local online data collection platforms. Mr Gargallo explained how the system works and showed the models and maps generated through the tool. He also detailed the advantages of such a technology and listed the potential drawbacks, explaining how these can be reduced. He insisted on the fact that data collected through the EBP shall not have vocation to replace standard traditional monitoring but rather to facilitate and complete it.

The discussion which followed focused on the need to carry out modelling for improving the quality of raw data; the handling of possible mistakes in the identification of species by non-professional observers; the mechanisms in place for the verification of data; the coordination between all the networks which feed the EBP with their own data; and the complementarity between the online system and standard monitoring.

7. ILLEGAL KILLING OF BIRDS: PROGRESS TOWARDS THE IMPLEMENTATION OF THE TUNIS ACTION PLAN 2020 AND DRAFT RECOMMENDATION

➤ Outcomes of the 2nd meeting of the Special Focal Points for Illegal Killing of Birds

The Secretariat presented the outcomes of the 2nd meeting of the Special Focal Points (SFP) for Illegal killing of birds, which took place in February 2015 in Madrid, Spain. Ms d'Alessandro presented the conclusions of the monitoring of progress carried out by the SFP, detailing the steady progress on some issues, and identifying some remaining challenges. She further explained that the SFP have finalised two major documents: the analysis of gravity factors to be used on a preliminary basis by investigators, prosecutors, and also the judiciary, in order to evaluate wildlife crime in a similar way across all Parties' jurisdictions; and the sentencing principles, i.e. a set of basic standards

able to fit across different ranges of jurisdictions, that should help judges in the evaluation of the offence for sentencing purposes. Both documents are the basis of the draft Recommendations that the Group of Experts was requested to analyse in view of its possible submission to the Standing Committee.

➤ **Update on the setting-up of the Pan-Mediterranean Task Force for illegal killing of birds**

In the absence of Mr Fernando Spina, Chair of the CMS Scientific Council, the Secretariat gave a short update on the progress towards the setting-up of the Pan-Mediterranean Task Force for illegal killing of birds, to be established by the CMS as a contribution to the Tunis Action Plan 2020.

The Secretariat informed about the results of the meetings of an informal contact group¹ on the Task Force, which identified the main tasks that should be included in its mandate, and agreed on some Terms of Reference for the position of Co-ordinator of the Task Force. The latter will be financed for the next three years by the European Commission. The position will be advertised soon by the CMS through the UN recruitment platform.

The Secretariat further informed that the dates of the forthcoming meeting of the Special Focal Points for Illegal killing of birds (19-20 April 2016) have been communicated to the CMS with a view of trying to convene the first meeting of the Task Force back-to-back.

➤ **Presentation of the conclusions of the BirdLife review of illegal killing and taking of birds in the Mediterranean**

Ms Anne-Laure Brochet, from BirdLife International, presented the draft conclusions of the BirdLife review of illegal killing and taking of birds in the Mediterranean. Ms Brochet presented the background of the review, detailing the countries which were assessed and the methodology employed. The review included an assessment of national legislation, the identification of the scale, scope and impact of illegal killing of birds, and the analysis of existing data, which were used to produce estimates. The preliminary results were presented end of August at the Bird fair 2015 (United Kingdom). However, these are now being reviewed for more accuracy. Before concluding Ms Brochet asked for the co-operation of all Parties for the improvement of the report, particularly regarding data checks and further collection.

The presentation of the study awaked some criticism, particularly by some parties that considered the figures and data used for the estimates as not reliable. Some countries stressed that the report considers illegal some of the actions implemented by States within legal derogations regimes. A discussion on the sustainability of the killings, whether they are legal or illegal, followed without the reaching of common views on the matter.

What seemed important was to find an agreement on the definition of illegal actions, and to limit this kind of researches to the illegal offences.

Ms Brochet explained that the report is being reviewed in light of the comments received by some countries and ensured that the derogations will not be considered for the figures to be presented in the final version.

➤ **Proposals for informing the process for the imposition of sanctions in wildlife crime cases and Analysis of gravity factors to be used to evaluate offences and draft list of standardised/harmonised gravity factors**

Mr Nicholas Crampton, consultant, gave a detailed presentation of the work carried out for the preparation of a commonly agreed list of gravity factors and of sentencing principles. He recalled the Tunis Action Plan 2020 as the reference framework for this work, and detailed the changes and amendments done during and after the 2nd Meeting of the Special Focal Points to reflect the comments of Parties. More specifically regarding the gravity factors, Mr Crampton explained the added value of

¹ Composed of representatives of the CMS, the AEWA, the raptors MoU, the Bern Convention, the European Union, BirdLife International and the FACE.

producing a non-prescriptive list of factors that can be used by all agencies in Contracting Parties to evaluate the seriousness of the incident reported or investigated, in a harmonised way. Contracting Parties would of course retain total flexibility over the choice of type of sanction used.

On the sentencing principles, he focussed on the role of judiciaries and explained how the proposed principles would fit and compose with the principle of judicial independence. Besides, Mr Crampton submitted the produced draft documents to a couple of international judges for their opinion and collected their satisfied agreement. He concluded by highlighting that both documents are a pioneer experience in the legal field.

During the discussions which followed the presentation, parties expressed their full satisfaction towards the documents prepared and praised the consultant for the high quality of his work.

The delegate of Hungary informed that the Chief prosecutor office and the Supreme Court of his country have been contacted on the possibility of organising trainings for prosecutors and the judiciary. The idea was welcome, although it was noticed that there are only few precedents in Hungary regarding convictions for wildlife crime that could be taken as reference for further prosecutions. Moreover, the Chief prosecutor stressed that the range of sanctions to be applied will in any case be proportionate to the sanctions imposed for other crimes.

Mr Crampton advised Hungary to take, as examples to be used in the training, those countries where the number of convictions for wildlife crimes is higher, for instance Cyprus, Malta, the United Kingdom or Spain.

The delegate of Malta expressed his country's full support to both the background documents and the draft Recommendation, and informed that for a number of months his authorities have informally applied the sentencing principles, while they have already transposed into national law eight out of eleven gravity factors.

The delegate of the European Union conveyed the appreciation of the European Commission for the work of the consultant and emphasised on the uniqueness of this exercise so far in Europe.

The delegates of Switzerland and of the Netherlands also welcomed the steps towards a more harmonised approach to sentencing and prosecution.

On the joint proposal of Switzerland and Hungary, the gravity factor number 2 was then slightly amended to reflect the concerns related to the role that the individual victim of the offence would have played at the level of the population, and thus the higher gravity of the actual or potential impact of its death.

➤ **Draft Recommendation 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**

The Secretariat presented the draft Recommendation based on the documents discussed under the previous agenda item. The amendments proposed for the list of Gravity factors were reflected in Appendix I to the draft Recommendation. Moreover, a discussion on the need to apply derogations/exceptions in conformity with international standards led to a slight amendment in order to reflect the concerns expressed. The Group agreed to submit the draft Recommendation as amended to the Standing Committee for possible adoption.

➤ **2nd draft Methodology document to identify black-spots of illegal killing of birds**

Mr Willem Van den Bossche presented the 2nd draft Methodology document to identify black-spots of illegal killing of birds, stressing that this work was requested by the Special Focal Points as a way for prioritising action in key geographic areas, thus also improving cost-efficiency. A first draft had been circulated last year, and the 2nd and final draft was discussed by the Special Focal Points at their second meeting in February 2015. Since then, none of the Parties has presented additional comments or proposals for amendments. Mr Van den Bossche emphasised on the relevance of the methodology document also in light of the results of the BirdLife review on illegal killing of birds.

The participants agreed to present the Methodology document to the Standing Committee for information, together with the request of encouraging Parties to bring it to the attention of both the practitioners and the representatives appointed to participate in the CMS Mediterranean Task Force for illegal killing of birds.

8. FOLLOW-UP OF COMPLAINTS CONCERNING BIRD CONSERVATION IN EUROPE

The Secretariat recalled that all the Parties and complainants concerned by this agenda item had submitted written updates about their respective files.

➤ 2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica

[T-PVS/Files (2015) 22 – Government report]

[T-PVS/Files (2015) 35 - Report of the NGO]

[T-PVS/Files (2015) 28 –EU report]

The delegate of Bulgaria summarised the national report on the follow-up of this complaint, emphasising on the recent improvements of national legislation – including regarding mandatory EIA, the adoption of a strategic approach towards wind-energy developments, and the setting-up of a ban on the construction of wind power generators in 26 Natura 2000 sites.

He further recognised that targeted monitoring of the impact of wind turbines has not been made, so as the relocation of the most dangerous wind farms in the country. The delegate made further reference to the case pending before the European Court of Justice, informing that the formal Opinion of the Advocate General supports in full the claims of the European Commission against Bulgaria. However, the Court has not yet delivered its judgment.

He stressed that the authorities will react on this case after the court decision.

Finally, the delegate of Bulgaria recognised that the country has not replied to the request of the Standing Committee to prepare an Action Plan for the implementation of the relevant Recommendation, but stressed that many of the measures recommended have been implemented in the past years.

The representative of the complainant, BirdLife Bulgaria, gave a deep overview of the case pending since 2004, presenting the situation of each wind farm complex in North Eastern sea-coast of Bulgaria, with particular focus on the status of wind farms in Kaliakra. She acknowledged the steps undertaken by the authorities to address the matter, but she regretted that these measures do not comprehensively address the concerns of the Standing Committee. Moreover, implementation was so much delayed that the results expected have not been attained. The representative of BirdLife Bulgaria further presented an analysis of each of the 10 composite recommendations issued by the Standing Committee, detailing the actions undertaken for complying with them, as well as the evaluation of their impact. Unfortunately, the conclusions of this assessment are not positive. She further regretted the lack of capacity for conducting a thorough investigation of the full scale of potential impacts on birds in coastal Dobrudzha region, despite the availability of raw data collected in 2015 during the monitoring of operational wind farms by BirdLife Bulgaria.

She concluded by listing the requests for the Standing Committee, including the issuing of an opinion on the compliance of Bulgaria with Recommendation 130 (2007) and the assistance of the Convention for the preparation of the overall impact assessment.

During the discussion on this case, several Parties noted its complexity, and agreed that a thorough independent analysis of available data might be beneficial to move the solution of this complaint forward.

Some Parties further noted a possible lack of coherence of energy policies at the EU level, with strong encouragements for countries to invest in green energy against climate change without proper regional assessments of the impact that these developments might have on biodiversity.

The Secretariat recalled that the number of complaints related to energy developments in or in the vicinity of protected sites is growing, and invited the Parties to dedicate more attention to the planning phase, including through better quality EIA, and to take into account the numerous guiding documents that have been prepared under the EU, the Bern Convention, or the AWEA on these matters.

The Group agreed to communicate to the Standing Committee its strong worries for the conservation of birds, both breeding and migratory species, in the region, stressing that this matter concerns all Parties given that the planned windfarms, as well as the existing ones, affect or endanger also migratory birds. Bulgaria is invited to carry out a comprehensive, independent and quality assessment of the impacts of windfarms in the region, based on existing data. The Standing Committee might provide advice concerning the consultants or entities to be mandated with this task.

➤ **2012/7: Presumed illegal killing of birds in Malta**

[T-PVS/Files (2015) 9 – Government report]

[T-PVS/Files (2015) 15 – NGO report]

The delegate of Malta gave a very detailed presentation of the most relevant changes intervened at both legal, enforcement, and communication levels since the submission of the complaint against the country, three years ago.

Malta has dedicated strong efforts to the implementation of the Tunis Action Plan, working on strengthening the legislative framework, ensuring proper enforcement at the levels of bird-crime prevention and prosecution, ensuring the efficiency of the judiciary, and addressing cultural change through awareness raising. The latter is in fact the ultimate goal of the governmental strategy against bird-crime. The authorities have put in place a robust and comprehensive body of legislation which increased the financial minimum fine for particularly serious offences by 10 times in three years, with an automatic minimum 12 months imprisonment for convicted offenders in specific cases. Hunting laws have been embedded within environmental legislation; some penalties have been made mandatory, leaving them out of the scope of judiciary discretion; reporting on cases became mandatory and systematic. Some minor administrative offences have been submitted to on-the-spot fines so to discharge the courts of an additional burden that would delay their decisions in more important cases. The number of officers deployed on field patrols during spring derogation seasons rose from 61 in 2012 to over 80 in 2014-2015. Police officers receive dedicated training and make use of different surveillance techniques, including GIS tracking. A Game reporting system has been put in place for improving the control of bag limits. The rate of convictions sensitively increased, although the number of major offences disclosed during spring derogation season went down as a result of both the controls and the effectiveness of the deterrent measures put in place. These outstanding results are also acknowledged by conservation NGOs and researchers working in Malta, among which BirdLife Malta and the CABS.

In the absence of a representative of BirdLife Malta, Mr Van den Bossche presented the report of the NGO. BirdLife Malta acknowledges the results achieved by the authorities as a follow-up of the complaint, including a reduction in illegalities. Still, the complainant is concerned by the use of spring hunting and autumn trapping derogations to the Birds Directive. Moreover, BirdLife Malta considers that the autumn hunting season for Quail is a suitable alternative to a spring hunting season, as showed by a study commissioned by the authorities in autumn 2014. Moreover, BirdLife Malta asks the authorities to reconsider the opening of a spring hunting season for Turtle Doves in light of the results of the assessment carried out under the European Red List of Birds, which classifies the Turtle Dove as vulnerable. Besides, the NGO questions the effectiveness of the controls of the bag limits.

In addition, as already said to the Bureau, BirdLife Malta has concerns regarding the impact that the removal of the 3 p.m. hunting curfews could have on the protection of birds.

Finally, BirdLife Malta denounces the reintroduction of a trapping season for golden plover, song thrush and seven species of finches in 2014, again by mean of derogation. The NGOs recalls that the matter is now dealt by the European Commission in the frame of an infringement procedure.

In reaction to both presentations many Parties considered that the results achieved by Malta in such a limited period of time are proportional to the efforts devoted by the authorities to the task, and deserve congratulations. Parties expressed satisfaction for the way in which the authorities have handled the complaint, and congratulated them for the long-term approach implemented to illegal killing of birds, and for the substantial results already recorded. Parties also noted that the issue of trapping derogation is being assessed by the European Commission and does not fall under the scope of the present complaint.

The delegate of Malta wished to come back to the issue of the curfew, explaining that the encouraging results collected so far, as well as the lack of incidents, make the 3 p.m. curfew unnecessary. The authorities preferred to avoid putting forward unjustified restrictions that would undermine the climate of trust and good cooperation with the hunting community. The situation will anyway continue to be monitored and the government is open to reconsider its position in case of deterioration. On finch trapping, the delegate of Malta recognised that the issue is being addressed by the European Commission and the country will look forward to its further developments. On spring hunting derogation of Turtle Dove and Quail, the delegate of Malta recalled that this derogation was subject to EU infringement procedure initiated in 2006. This procedure culminated in a 2009 judgment of the Court of Justice of the European Union which recognised Malta's right to derogate in line with the relevant provisions of EU law. The case was furthermore a subject of national abrogative referendum held in April 2015, whereby the majority of the Maltese population voted in favour of retaining this derogation. In recognition of the efforts implemented by the Maltese authorities to ensure correct application of this derogation, the European Commission in May 2015 formally closed the infringement procedure. Nonetheless the Maltese authorities are conscious of the recent updates to the conservation status of Turtle Dove, and will consider this update in the decision making process concerning this derogation.

The Group agreed to convey its satisfaction about the present case-file to the Bureau, leaving to it the final decision on the complaint.

➤ **2014/3: Presumed deliberate killing of birds in Serbia**

*[T-PVS/Files (2015) 14 – Government Report]
[T-PVS/Files (2014) 29– Complainant report]*

The delegate of Serbia summarised the national report which informs on the follow-up given to the claims related to the deaths by poisoning of a number of protected bird species (including nine specimens of white-tailed eagle last year) in recent years.

The authorities have organised a stakeholder meeting to review all matters related to the complaint and to the implementation of the Tunis Action Plan. Among the measures undertaken, the authorities have carried out toxicological analysis on the birds found dead in 2014, confirming that the deaths were caused by carbofuran. The presumed offenders, where identified, have been referred to the Public Prosecutor's Office in April this year. Still, there are some challenges that the authorities have to face for the full implementation of comprehensive strategy against illegal killing of birds. These are the lack of specifically trained human resources (at all levels of the enforcement chain), the lack of financial resources, the need to improve communication and co-operation between all competent bodies and stakeholders, and a long judicial *iter* which makes the issuing of decisions very slow. The delegate explained how these challenges are starting to be addressed, and presented some of the cases which have been or are being judged before national courts. He further noted the support of NGOs initiatives in this field. Namely he informed about a campaign to be launched by WWF Serbia for the responsible use of pesticides, which follows the legal provisions aimed at prohibiting the use of carbofuran. Another good initiative which received support from the authorities is a campaign for the conservation of turtle doves.

In the absence of the complainant, and noting the lack of an updated report, the discussion was short, with some Parties suggesting that Serbia looks at experiences of other countries having already worked on a long-term approach to illegal killing of birds. Moreover, the delegate of Hungary informed that a new LIFE + project (a follow-up to the present Helicon LIFE+ project) – if approved for funding by the EU, should also be implemented in North Serbia.

The Group decided to forward the complaint to the Bureau for its follow-up.

➤ **Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland**

The Secretariat provided a short summary of the follow-up to this Recommendation, explaining that the Convention should have joined this year an AEWIA IRP (advisory) visit to the country and report back to the Standing Committee. Negotiations with the authorities on both the terms of reference and possible dates went on until September, when it was decided that the visit would be

reported to next year. Hence, the Secretariat informed that the item will not be on the agenda of the forthcoming Standing Committee meeting. However, according to last year's decision, in 2016 the authorities will have to report to the 36th meeting, even in case the visit does not take place.

The Group briefly discussed the issue and decided to ask to the Standing Committee to invite the authorities of Iceland to facilitate the organisation of the IRP visit by spring next year.

9. NEXT STEPS BEFORE THE STANDING COMMITTEE MEETING

The Secretariat explained the steps forward in preparation of the forthcoming Committee meeting, focusing on relevant deadlines and procedure.

10. ANY OTHER BUSINESS

None were raised.

Appendix 1



Bern Convention Group of Experts on the Conservation of Birds

12-13 October 2015
Palais de l'Europe, Strasbourg

AGENDA

**DAY 1 - MONDAY 12TH OCTOBER 2015
9H30 – 17H30**

9h30 – 11h00

1. OPENING OF THE MEETING BY THE CHAIR

Mr Rastislav Rybanic, Chair of the Group of Experts

2. ADOPTION OF THE DRAFT AGENDA

3. INTRODUCTION TO THE MEETING

Ms Ivana d'Alessandro, Secretary of the Bern Convention

4. UPDATES ON ACTIVITIES AND PRIORITIES RELATED TO THE CONSERVATION OF BIRDS IN OTHER FORA

NB. The EU will intervene in the afternoon

➤ **AEWA**

Mr Sergey Dereliev, Technical Officer, AEWA

Questions and answers

➤ **BirdLife International**

Mr Willem van den Bossche, European Nature Conservation Officer, BirdLife International

Questions and answers

➤ **Euronatur**

Dr Stefan Ferger, Project Manager, Euronatur

Questions and answers

Discussion

5. UPDATE ON THE STATUS OF SPECIFIC SPECIES AND POSSIBLE FOLLOW-UP ACTION

- **Second draft Action plan for the recovery and reintroduction of the osprey (*Pandion haliaetus*) – Draft Recommendation**

Discussion

Coffee break

11h00 – 12h30

6. CURRENT CHALLENGES AND AVAILABLE TOOLS➤ **Developments in adaptive harvest management in Europe***Mr Cy Griffin, Director of conservation, FACE**Questions and answers*➤ **The European Red List of Birds, implications for Species Action Plans and next steps***Dr Christina Ieronymidou, BirdLife International**Questions and answers*➤ **Euro Bird Portal (EBP): online data sharing tools***Mr Gabriel Gargallo, Coordinator of the EBP project**Questions and answers**Discussion*

12h30 – 14h00 - LUNCH

14h00 – 16h00

CONT.: UPDATES ON ACTIVITIES AND PRIORITIES RELATED TO THE CONSERVATION OF BIRDS IN OTHER FORA➤ **Most recent EU initiatives for the conservation of birds***Ms Marita Arvela, European Commission, DG ENV**Questions and answers***7. ILLEGAL KILLING OF BIRDS: PROGRESS TOWARDS THE IMPLEMENTATION OF THE TUNIS ACTION PLAN 2020 AND DRAFT RECOMMENDATIONS**➤ **Outcomes of the 2nd meeting of the Special Focal Points for Illegal Killing of birds***Ms Ivana d'Alessandro, Secretary of the Bern Convention*➤ **Update on the setting-up of the Pan-Mediterranean Task Force for illegal killing of birds***Ms Ivana d'Alessandro, Secretary of the Bern Convention**Discussion*➤ **Presentation of the conclusions of the BirdLife review of illegal killing and taking of birds in the Mediterranean***Ms Anne-Laure Brochet, BirdLife International**Discussion**Coffee break*

16h00 – 17h30

➤ **Proposals for informing the process for the imposition of sanctions in wildlife crime cases***Mr Nicholas Crampton, consultant*

Discussion on the future dissemination of the sentencing principles

- **Analysis of gravity factors to be used to evaluate offences and draft list of standardised/harmonised gravity factors**
Mr Nicholas Crampton, consultant
- **Draft Recommendation 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**
Ms Ivana d'Alessandro, Secretary of the Bern Convention

Discussion on proposals to ensure the enforcement of the draft Recommendation at national level

DAY 2 - TUESDAY 13TH OCTOBER 2015
9H30 – 12H30

Continuation of unfinished work

- **2nd draft Methodology document to identify black-spots of illegal killing of birds**
Mr Willem van den Bossche, BirdLife International

Discussion on the format for presenting the document to the Standing Committee

8. FOLLOW-UP OF COMPLAINTS CONCERNING BIRD CONSERVATION IN EUROPE

- **2004/2: Bulgaria: Wind farms in Balchik and Kaliakra –Via Pontica**
[T-PVS/Files (2015) 22 – Government report]
[T-PVS/Files (2015) 35 - Report of the NGO]
[T-PVS/Files (2015) 28 –EU report]
- **2012/7: Presumed illegal killing of birds in Malta**
[T-PVS/Files (2015) 9 – Government report]
[T-PVS/Files (2015) 15 – NGO report]

Coffee break

- **2014/3: Presumed deliberate killing of birds in Serbia**
[T-PVS/Files (2015) 14 – Government Report]
[T-PVS/Files (2014) 29– Complainant report]
- **Recommendation No. 96 (2002) on conservation of natural habitats and wildlife, especially birds, in afforestation of lowland in Iceland**

9. NEXT STEPS BEFORE THE STANDING COMMITTEE MEETING

10. ANY OTHER BUSINESS

Appendix 2**LIST OF PARTICIPANTS /**

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