Biennial report on exceptions

Bern Convention

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Introduction

Article 9 to the Bern Convention permits exceptions from the obligations accepted by Contracting Parties in pursuance of Articles 4 to 8. The possibility of derogating from the mentioned articles of the Convention is subject to two very clearly defined general conditions, and some non cumulative specific reasons, listed exhaustively in Article 9.

The two general conditions that must be met are:

a. that there is no other satisfactory solution; and

b. that the exception will not be detrimental to the survival of the population concerned.

These two conditions are mandatory and cumulative.

The specific reasons for which the exceptions may be granted are the following:

i. for the protection of flora and fauna;

ii. to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property;

iii. in the interests of public health and safety, air safety or other overriding public interests *(please, specify)*;

iv. for the purposes of research and education, of repopulation, of reintroduction and for the necessary breeding;

v. to permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers

vi. *falconry (falconry is dealt with separately)*

These specific reasons are mandatory and non cumulative.

According to Article 9§2, Contracting Parties shall report every two years to the Standing Committee on the exceptions made. The reports must specify:

a. the populations which are or have been subject to the exceptions and, when practical, the number of specimens involved;

b. the means authorised for the killing or capture;

c. the conditions of risk and the circumstances of time and place under which such exceptions were granted;

d. the authority empowered to declare that these conditions have been fulfilled, and to take decisions in respect of the means that may be used, their limits and the persons instructed to carry them out;

e. the controls involved.

Respondent details

Entity

Federal Office for the Environment FOEN, Switzerland

APPENDIX I

EXCEPTIONS CONCERNING STRICTLY PROTECTED FLORA SPECIES (ART. 5 - APPENDIX I)

ALGAE

CHLOROPHYTA

Caulerpa ollivieri

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

PHYCOPHYTA

Cystoseira amentacea

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Cystoseira mediterranea

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Cystoseira sedoides

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Cystoseira spinosa

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Cystoseira zosteroides

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Laminaria ochroleuca

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Laminaria rodriguezii

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

RHODOPHYTA

Goniolithon byssoides

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Lithophyllum lichenoides

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Ptilophora mediterranea

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

Schimmelmannia schousboei

Is there a derogation concerning this species in your country?

Please select only one option

- Yes
- No

ANGIOSPERMAE

ALISMATACEAE

Alisma wahlenbergii

Is there a derogation concerning this species in your country?

Please select only one option

- Yes

- No

APPENDIX II

EXCEPTIONS CONCERNING STRICTLY PROTECTED FAUNA SPECIES (ART. 6 - APPENDIX II)

Article 6 of the Convention prohibits the following:

(a) all forms of deliberate capture and keeping and deliberate killing;
(b) the deliberate damage to or destruction of breeding or resting sites;
(c) the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention;
(d) the deliberate destruction or taking of eggs from the wild or keeping these eggs even if empty;
(e) the possession of and internal trade in these animals, alive or dead, including stuffed animals and any readily recognisable part or derivative thereof, (where this would contribute to the effectiveness of the provisions of this article).

Vertebrates

MAMMALS > CARNIVORA

Canidae

Canis lupus

Is there a derogation concerning this species in your country?

Please select only one option

- (●) Yes
- ( ) No

Number of specimens involved, when practical

320

Authorised action (art. 6, a. to e.)

Tick all that apply

- [x] all forms of deliberate capture and keeping and deliberate killing
- [ ] the deliberate damage to or destruction of breeding or resting sites
- [ ] the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention
- [ ] the deliberate destruction or taking of eggs from the wild or keeping these eggs even if empty
- [ ] the possession of and internal trade in these animals, alive or dead, including stuffed animals and any readily recognisable part or derivative thereof, where this would contribute to the effectiveness of the provisions of this article

Number of licences

212

Reasons for issuing of licences (art. 9, i. to v.)

Tick all that apply

- [ ] i. protection of flora/fauna
- [x] ii. prevention of serious damage to crops, livestock, forests, fisheries, water and other forms of property
- [ ] iii. in the interests of public health and safety, air safety or other overriding public interests (which?)
- [ ] iv. for research / education / repopulation / reintroduction / necessary breeding
- [ ] v. judicious exploitation of certain wild plants in small numbers and under certain conditions

Please elaborate on the stated reasons for issuing of licences (art. 9, ii.)

(Regarding response 'ii.: prevention of serious damage to crops, livestock, forests, fisheries, water and other forms of property').

See T-PVS/Files(2024)30 and T-PVS/Files(2024)68

What is the impact of the derogation on the species population?

See files T-PVS/Files(2024)30 and T-PVS/Files(2024)68

The conditions of risk and the circumstances of time and place under which such exceptions were granted.

See files T-PVS/Files(2024)30 and T-PVS/Files(2024)68

The authority empowered to declare that the conditions have been fulfilled

The cantonal authorities.
2023: The cantonal authorities of BE, FR, GL, GR, NE, OW, SG, TI, VD, VS.
2024: The cantonal authorities of BE, GL, GR, NE, SG, TI, UR, VD, VS

The controls involved in identifying whether the conditions have been fulfilled

Federal office for the environment

Additional details

Where appropriate, please indicate:

Information on the conservation status of the derogated species

All information available in case file 2023/3: New wolf culling policy: https://www.coe.int/en/web/bern-convention/-/new-wolf-culling-policy

Justification for derogation for a species in an unfavourable conservation status

See files T-PVS/Files(2024)30 and T-PVS/Files(2024)68

Alternative solutions considered and scientific data to compare them

See files T-PVS/Files(2024)30 and T-PVS/Files(2024)68

Results of derogations (e.g. cumulative effects and compensation measures where relevant)

See files T-PVS/Files(2024)30 and T-PVS/Files(2024)68

Comments/notes

Where appropriate: indiscriminate means of capture and killing

Tick all that apply

- [ ] 1. Snares
- [ ] 2. Live animals used as decoys which are blind or mutilated
- [ ] 3. Tape recorders
- [ ] 4. Electrical devices capable of killing and stunning
- [ ] 5. Artificial light sources
- [ ] 6. Mirrors and other dazzling devices
- [ ] 7. Devices for illuminating targets
- [x] 8. Sighting devices for night shooting comprising an electronic image magnifier or image converter
- [ ] 9. Explosives
- [ ] 10. Nets
- [ ] 11. Traps
- [ ] 12. Poison and poisoned or anaesthetic bait
- [ ] 13. Gassing or smoking out
- [ ] 14. Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition
- [ ] 15. Aircraft
- [ ] 16. Motor vehicles in motion
- [ ] 17. Limes
- [ ] 18. Hooks
- [ ] Other means capable of causing local disappearance of, or serious disturbance to, populations of a species
- [ ] Not applicable

APPENDIX III

EXCEPTIONS CONCERNING PROTECTED FAUNA SPECIES (ART. 7 APPENDIX III)

According to article 7 of the Convention, any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. Measures to be taken shall include:

i. closed seasons and/or other procedures regulating the exploitation;
ii. the temporary or local prohibition of exploitation, as appropriate, in order to restore satisfactory population levels;
iii. the regulation as appropriate of sale, keeping for sale, transport for sale or offering for sale of live and dead wild animals.

Exceptions to species listed in Appendix III concern the use of means of capture and killing specified in Appendix IV.

Vertebrates

BIRDS > PELECANIFORMES

Phalacrocoracidae

All species of Birds not included in Appendix II (Phalacrocorax carbo)

Is there a derogation concerning this species in your country?

Please select only one option

- (●) Yes
- ( ) No

Number of specimens involved, when practical

7400

Exceptions made

What exceptions have been made?

The cormorant is a huntable species in Switzerland under the Hunting Act (Art. 5 HuntA) and may be hunted outside the closed season (1 February to 31 August) and outside protected areas. In 2023, 1,400 cormorants were hunted, compared with 1,465 in 2024.

Reasons for issuing of licences (art. 9, i. to v.)

Tick all that apply

- [ ] i. protection of flora/fauna
- [x] ii. prevention of serious damage to crops, livestock, forests, fisheries, water and other forms of property
- [ ] iii. in the interests of public health and safety, air safety or other overriding public interests (which?)
- [ ] iv. for research / education / repopulation / reintroduction / necessary breeding
- [ ] v. judicious exploitation of certain wild plants in small numbers and under certain conditions

Please elaborate on the stated reasons for issuing of licences (art. 9, ii.)

(Regarding response 'ii.: prevention of serious damage to crops, livestock, forests, fisheries, water and other forms of property').

Fish-eating birds can threaten endangered fish species. They can also lead to conflicts with fish farmers and commercial and recreational fishers.

What is the impact of the derogation on the species population?

None. The population has more than tripled since 2012.

The conditions of risk and the circumstances of time and place under which such exceptions were granted

Exceptions are subject to the statutory closed season and the prohibition of hunting in protected areas. Hunting may therefore only take place outside the closed season and outside protected areas, as provided for by law.

The authority empowered to declare that the conditions have been fulfilled

The competent cantonal authority is empowered to determine whether the statutory conditions for the exception are fulfilled and to order or authorise the relevant measures, in accordance with Article 12(2) of the Federal Act on Hunting and the Protection of Wild Mammals and Birds (HuntA). The applicable hunting periods are established in Article 5 HuntA.

The controls involved in identifying whether the conditions have been fulfilled

Compliance with the statutory conditions is monitored by the competent cantonal authorities, including verification of the applicable hunting period and spatial restrictions. Hunting activities are also recorded in the federal hunting statistics. In addition, the Swiss Ornithological Institute conducts regular monitoring of waterbird populations, providing complementary information on population trends and the potential impact of hunting measures.

Additional details

Where appropriate, please indicate:

Information on the conservation status of the derogated species

The Great Cormorant (*Phalacrocorax carbo*) is classified as Least Concern (LC) on the Swiss Red List of breeding birds (2021). The Swiss breeding population has increased substantially over recent decades and is not considered threatened at national level.

Justification for derogation for a species in an unfavourable conservation status

N.A.

Alternative solutions considered and scientific data to compare them

Results of derogations (e.g. cumulative effects and compensation measures where relevant)

Comments/notes

Where appropriate: indiscriminate means of capture and killing

Tick all that apply

- [ ] 1. Snares
- [ ] 2. Live animals used as decoys which are blind or mutilated
- [ ] 3. Tape recorders

- [ ] 4. Electrical devices capable of killing and stunning
- [ ] 5. Artificial light sources
- [ ] 6. Mirrors and other dazzling devices
- [ ] 7. Devices for illuminating targets
- [ ] 8. Sighting devices for night shooting comprising an electronic image magnifier or image converter
- [ ] 9. Explosives
- [ ] 10. Nets
- [ ] 11. Traps
- [ ] 12. Poison and poisoned or anaesthetic bait
- [ ] 13. Gassing or smoking out
- [ ] 14. Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition
- [ ] 15. Aircraft
- [ ] 16. Motor vehicles in motion
- [ ] 17. Limes
- [ ] 18. Hooks
- [ ] Other means capable of causing local disappearance of, or serious disturbance to, populations of a species
- [x] Not applicable

MAMMALS > CARNIVORA

Felidae

Lynx lynx

Is there a derogation concerning this species in your country?

Please select only one option

- (●) Yes
- ( ) No

Number of specimens involved, when practical

343

Exceptions made

What exceptions have been made?

2023: Two lynx were captured in the canton of Jura for translocation to Italy, as part of measures to strengthen the lynx population in the south-eastern Alps and improve connectivity between European lynx populations. No authorised removal of a lynx for the prevention of damage was recorded.

2024: One lynx was captured in the canton of Bern and translocated to Saxony, Germany, as part of the RElynx Saxony project, with the objective of establishing a new lynx population and improving connectivity between Central European populations. In addition, one lynx was authorised for removal in the canton of Schwyz because of repeated livestock losses caused by the individual animal. The three lynx accidentally shot in the canton of Graubünden during a wolf-regulation operation in November 2024 were not authorised removals of lynx and are therefore not considered derogations for the purposes of this reporting.

Reasons for issuing of licences (art. 9, i. to v.)

Tick all that apply

- [ ] i. protection of flora/fauna
- [x] ii. prevention of serious damage to crops, livestock, forests, fisheries, water and other forms of property
- [ ] iii. in the interests of public health and safety, air safety or other overriding public interests (which?)
- [x] iv. for research / education / repopulation / reintroduction / necessary breeding
- [ ] v. judicious exploitation of certain wild plants in small numbers and under certain conditions

Please elaborate on the stated reasons for issuing of licences (art. 9, ii.)

(Regarding response 'ii.: prevention of serious damage to crops, livestock, forests, fisheries, water and other forms of property').

The authorisation was issued in response to repeated livestock losses caused by an individual lynx. In the canton of Schwyz, the lynx had killed at least nine sheep within three nights. The removal was authorised as a measure to prevent further significant damage, in accordance with the applicable provisions of the Federal Act on Hunting and the Protection of Wild Mammals and Birds (HuntA).

Please elaborate on the stated reasons for issuing of licences (art. 9, iv.)

(Regarding response 'iv.: for research / education / repopulation / reintroduction / necessary breeding').

The licences were issued to enable the capture and translocation of lynx for repopulation purposes. The measures aimed to reinforce an existing population in the south-eastern Alps (2023) and to support the establishment of a new population in Saxony, Germany (2024), thereby contributing to the long-term viability and connectivity of lynx populations in Central Europe.

What is the impact of the derogation on the species population?

No significant adverse impact. The number of lynx captured for translocation represents a small proportion of the Swiss population and contributes to population reinforcement and connectivity.

The conditions of risk and the circumstances of time and place under which such exceptions were granted

The exceptions were granted for specific capture and translocation operations at defined locations and times. The operations were conducted under the applicable legal authorisations and limited to the individual animals concerned.

The authority empowered to declare that the conditions have been fulfilled

The competent cantonal authority determines whether the statutory conditions for the exception are fulfilled and takes the corresponding decision. The implementation of the applicable provisions is guided by the Swiss Lynx Management Concept, which serves as an implementation aid for the cantonal authorities. For measures concerning individual lynx, the FOEN must be consulted beforehand, in accordance with the applicable provisions.

The controls involved in identifying whether the conditions have been fulfilled

The competent cantonal authority verifies that the statutory conditions are fulfilled before taking a decision. The assessment is supported by lynx monitoring data and the relevant provisions of the Swiss Lynx Management Concept.

Additional details

Where appropriate, please indicate:

Information on the conservation status of the derogated species

The Eurasian lynx (Lynx lynx) is a protected species in Switzerland and is classified as endangered at national level. The Swiss population is estimated at 364 ± 10 independent lynx for the biological year 2024/2025.

Justification for derogation for a species in an unfavourable conservation status

The derogations were limited to specific, legally defined circumstances and were not considered to have a significant adverse impact on the Swiss lynx population.

Alternative solutions considered and scientific data to compare them

Results of derogations (e.g. cumulative effects and compensation measures where relevant)

Comments/notes

Where appropriate: indiscriminate means of capture and killing

Tick all that apply

- [ ] 1. Snares
- [ ] 2. Live animals used as decoys which are blind or mutilated
- [ ] 3. Tape recorders
- [ ] 4. Electrical devices capable of killing and stunning
- [ ] 5. Artificial light sources
- [ ] 6. Mirrors and other dazzling devices
- [ ] 7. Devices for illuminating targets
- [ ] 8. Sighting devices for night shooting comprising an electronic image magnifier or image converter
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- [ ] 13. Gassing or smoking out
- [ ] 14. Semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition
- [ ] 15. Aircraft
- [ ] 16. Motor vehicles in motion
- [ ] 17. Limes
- [ ] 18. Hooks
- [ ] Other means capable of causing local disappearance of, or serious disturbance to, populations of a species
- [x] Not applicable