Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the UN Environment/CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT)

Sliema, Malta (Thursday 22nd and Friday 23rd June 2017)

UNEP/CMS/MIKT2/Doc.04
T-PVS/Inf (2017) 6
Date: 9 June 2017

Compilation of national reports on progress related to the implementation of the MIKT Programme of Work (POW) 2016–2020 and the Bern Convention Tunis Action Plan (TAP) 2013–2020

Compilation of reports in the form and the languages in which they were received and prepared by the Bern Convention Secretariat and the CMS Secretariat

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1. Albania

Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT)

PROGRESS REPORT

In addition to the data presented in the Review of Tunis Action Plan, for the MIKT Program of Work (POW) 2016-2020 we are presenting the following data:

1. OVERARCHING ISSUES

There's not a National Action Plan or any platform in Albania yet to address Illegal Killing of Birds (IKB), but under a GEF/UNDP project we are working to establish a web based platform dedicated only to hunting activities, including a considerable number of data, like hunting zones, number of daily hunters, wild fauna to be hunted – kinds and number, including illegal cases records.

2. LEGAL AND ENFORCEMENT ISSUES

Through the modification and improvement of some laws on nature, the aim is to strengthen the good management of wild fauna and migratory birds as part of them, the fight against illegal killing, and ensure a greater involvement of actors in the process, etc.

Law 61/2016 "On the hunting ban in the Republic of Albania": After the completion of the first hunting ban/moratorium (March 2014- March 2016), a new 5 year extension of the hunting ban in Albania (from June 2016 to June 2021) is approved by virtue of law 61/2016.

It is a fact that as a result of the first hunting ban, calmness was assured and an ever-increasing number of wild fauna (hunting objects, but also not-hunting objects), especially migratory birds, was found. As a result, the continuation of this moratorium until 2021 is seen as a premise for the repopulation of the shores, both with native wildlife and migratory fauna.

Amending Law 9385/2005 "On forests and forestry service" (Law 48/2016), transfers to the municipality the responsible structures for forests and pastures (which were in the Ministry of Environment), giving them the authority to control the management of the forest and pasture fund.

The newly adopted Law "On Protected Areas" 81/2017 has expanded the prohibited hunting zone, stopping it in the six categories of protected areas.

Law 2010/10253 "On hunting" through the proposed changes aims at: i) a wider involvement in the process of hunting associations, through a consultative council (a council which is not in the actual law), and granting the opportunity to conduct training courses for new hunters (this, too, is not in the actual law); ii) to stop hunting in the 6 categories of protected areas (currently there are 3 and Ramsar site).

Law 2008/10 006 "On the Protection of Wild Fauna" through the changes being prepared will aim at strengthening the local government management of wild fauna, including migratory fauna.

Amendments to the Penal Code of the Republic of Albania are being prepared through an IPA 2013 Project in order to create the necessary basis / reference, that would allow for

further changes to the law on nature where illegal killing, keeping in captivity or trade of migratory waterbirds, to be considered and penalized as criminal cases (in Albania the illegal keeping and killing of birds is punishable by Law with administrative fines).

3. CONSERVATION AND MONITORING (*)

Through another IPA 2013 Project monitoring and inventory protocols for a number of wild fauna and migratory birds are being prepared. Part of this process are the detailed forms with data on illegal activities and killed birds. Work is underway to have these protocols and forms approved and effective by the end of 2017.

In the context of this IPA 2013 Project RAPA staff have been trained for wildlife inventory and monitoring.

Meanwhile, data on illegal killings and breaches of the moratorium on hunting during the moratorium period have been collected mainly through the environmental NGOs.

4. EDUCATION AND PUBLIC AWARENESS

Within the framework of various projects, environmental NGOs have conducted workshops, seminars and awareness-raising activities with local communities and about wild fauna and the need for its protection.

Meanwhile, the Ministry of Environment, the National Agency for Protected Areas, as well as environmental NGOs, especially on the occasions of environmental days, have organized awareness-raising TV programs for the public, promoting *inter alia* the need for wildlife conservation and protection.

On May 22nd, on the occasion of the Biodiversity Day, and following a several-years practice, the week of Environmental Film Festival was organized in the capital and some cities of Albania. A number of chronicles and films broadcasted the values of migratory birds (not only in Albania), the illegal killings that are exercised against them, and the need to protect and promote the values of these migratory birds.

Finally, in order to promote the values and to join our voice with that of the international community for the protection of Curly Pelican, on May 10th, in addition to the celebration of the Migratory Bird Day, by virtue of the Decision of Minister of Environment, we'll also celebrate Pelican's Day.

(*) Other data about the state of the birds in Albania this year have been obtained through International Waterbird Census (IWC) and Census for Pelicans (these data do not include illegal killing, taking or trade).

With the support of IPA 2013 Project (Natura 2000), **IWC** was conducted in January 13-16, 2017. IWC in Albania covered 19 different wetland sites and it was carried out by 64 participants including experts from different national and international NGOs and RAPA staff belonging to all the 12 regions of Albania.

In total, 64 species of waterbirds were registered during the IWC 2017 in Albania with a total number of 165,268 individuals.

For the realization of the Census of Pelican in Albania, 18 representatives of Noé Conservation, PPNEA organizations, AOS and respective RAPA staff participated, who conducted the Census in 10 Albanian wetlands.

The total number of Pelican in the territory of Albania resulted in 239 individuals, identified only in 5 wetlands. In the other areas observed, no presence of Pelicans was found.

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES

OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION NO. 164 (2013)]

CONTACT DETAILS:

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DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- Recommendation No. 164 (2013) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- Recommendation No. 171 (2014) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- Recommendation N° 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following Recommendation No. 171 (2014)], as well as the bodies in charge of their enforcement and monitoring *****:

*******In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

List of priorities is identified and included in the revised NBSAP of Albania to 2020.

In January 2014, the law 7/2014 On the approval of the hunting ban in Albania was enacted for a two-year period from March 2014 to March 2016. Actually, a new 5-year extension of the hunting ban in Albania (from June 2016 to June 2021), is approved by the law 61/2016.

1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
1	Elimination of the illegal killing	Administrative offence	Mainly migratory water bird huntable species	High	Hunting ban enforcement	Better control to cover the whole territory of the country	State Inspectorate of the Environment and State Police	Administrations of protected areas and Regional Environment Inspectorate

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

At the revised and updated NBSAP and also programme of work of the Ministry of the Environment.

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

Experts from scientific and research institutions, independent experts as well as specialized NGO-s.

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

The State Inspectorate of Environment namely the Directorate of Inspectorate of Forestry Police is in charge of the enforcement in cooperation with the State Police and the municipality structures.

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

An action plan for the implementation with the membership of relevant line ministries and other institutions is elaborated and approved by the Minister of the Environment.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Benefits consist on the concrete measures and timeframe determination, whilst challenges remain with the limited human and financial resources for a proper enforcement of the action plan.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

This is not applicable for Albania as the country is not a Member State yet.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

Directorate of Inspectorate of Forestry Police at the State Inspectorate of Environment and Forests and Regional administrations of Protected Areas report cases of wildlife and prosecution as appropriate.

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

These data are used to a large extent to collect statistical evidence of offences. Other sources consist on the data provided by specialized NGOs in the course of donors' projects implemented by them.

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

N/A

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

In Albania the illegal keeping and killing of birds is punishable by Law with administrative fines and confiscation of the hunting gun and is not a penal case yet.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

12 regional offices of the Directorate of Inspectorate of Forestry Police and the directorate with the same name at the headquarters in Tirana create the network that collects the information on this issue.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Not yet, but work is underway to establish a web based platform dedicated only to hunting activities, including illegal cases records.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through Recommendation N° 177 (2015) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

This process is in very initial steps in Albania because as explained above offences related to illegal killing of birds constitute only an administrative offence.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Mechanisms in place consist on the national network for the data gathering and analysis at the Biodiversity Sector in Biodiversity and Protected Areas Directorate. Protocols remain still to be developed due to the constraints in budget and staff numbers.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

No due to the limitations in human and financial resources, including the specialised expertise.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

No realistic estimates due to the lack of expertise.

3. AWARENESS ASPECTS

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

There is no official study, but there are a number of reports from Albanian ornithologists on this issue.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

There is an awareness raising component in the context of hunting ban implementation and

enforcement.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No strategy documents per se, but communication activities identified and implemented

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

School campaigns are conducted mainly by specialised NGO-s in the context of donors' projects they are implementing to this purpose.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornis Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

In Albania the cooperation between the Special Focal Point under the Bern Convention from Faculty of Natural Sciences, CITES enforcement officers from general Directorate of Customs and the designated CMS Pan-Mediterranean Task-Force from the Biodiversity and Protected Areas Directorate is very good. As for the EU Ornis Committee this is not applicable for Albania as the country is not a Member State to the EU currently.

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

No information on this point by the enforcement agency.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Exchange of information exists between the enforcement bodies, whilst for the prosecutors as explained above this is not the case as illegal killing of birds is only punishable by administrative fines and is not subject of the penal code of the Republic of Albania.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Not so far.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Albania is addressing the issue of illegal killing of birds by coordinating and cooperation of a national network lead by the Ministry of the Environment, which also has the forestry sector under its jurisdiction. The engagement of the scientific and research institutions, of specialised NGO-s and administration of protected Areas is proving to be successful. More remains to be done to ensure the full cooperation of the Customs and of the local Government units (municipalities).

2. Croatia

IMPLEMENTATION OF TUNIS ACTION PLAN IN CROATIA

DONE TILL NOW:

1. **Identified Policing / investigation priorities to tackle wild-bird crimes**
2. **Produced educational poster**

   Purpose: education and providing information to the public

   Goal: increase number of appeals

   Content:

   - text about importance of birds
   - definition of illegal activities
   - responsible enforcement bodies / to whom send hint/appeal

3. **Education of Costal Guard**

   Content: legal framework for protection of protected species (strictly protected species and all birds) and areas which are defined by Nature protection act

   Coastal guard is a division of the Croatia Navy which serves to civil society with competence and powers similar to police

4. **Improved cooperation with NGO BIOM**

   - They did template for national priorities
   - Spread information on their web site about inspection actions
   - Provide information from the field to the inspection
   - Organized education of police in Metković (September 2016)
   - Joint action in the field

NPI PLANNED ACTIONS-WHAT WE ARE DOING AT THE MOMENT:

1. **Organizing education of police**

   - one or more seminars in every county
   - Goal: education and improvement of collaboration
   - Content: legal framework for the protection of birds and other strictly protected species; type of crime; endangered species;

2. **Improving of cooperation with other stakeholders**

   - Improve collaboration with other NGOs (collect information from the field, ideas, organizing joint actions)
   - Improve collaboration with other enforcement bodies (hunting inspection…)

3. Czech Republic

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES

OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION NO. 164 (2013)]

CONTACT DETAILS:

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DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

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- Recommendation N° 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following Recommendation No. 171 (2014)], as well as the bodies in charge of their enforcement and monitoring *****:

*******In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

The main national priority is to prevent and minimize the risk of poisoning of wild birds and other wild-animals in general. Specific priorities are as follows: (1) to prevent risk from poison-baits, (2) to prevent risk from lead ammunition and fishing weights, (3) to prevent risk from pesticides used to protect crop, (4) to prevent risk from other ways of illegal killing of wild animals, especially birds.

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

(1) Act No. 114/1992 Coll. on Nature Conservation and Landscape Protection

(2) Act No. 40/2009 Coll. Criminal Code

(3) Administrative Act No. 500/2004 Coll. Procedure Code

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

Ministry of the Environment (chair), Ministry of Agriculture, Czech Environmental Inspection, Czech Nature Conservation Agency, Ministry of Justice, Czech Society for Ornithology, Czech-Moravian Hunting Unity, State Veterinary Institute, Police Presidium, Ministry of Health

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

Ministry of the Environment as a leader and other institutions mentioned in table No. 3

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

Control mechanisms will be established in the framework of National Strategy to prevent poisoning and illegal killing of wild animals. The Strategy is under preparation.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The national priorities should help to establish system of cooperation between all responsible bodies and to eliminate cases of illegal killing of wild animals.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

Only in the framework of reporting obligations under Article 12 of the EU Bird Directive at the moment.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

The competent authorities in these matters are the Police of the Czech Republic and the Czech Environmental Inspectorate. The inter-sectorial WG that we have established proposes better coordination between both institutions and others members of the WG.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Network of collaborators will be established on the basis of implementation of the National Strategy to prevent poisoning and illegal killing of wild animals. The Strategy is in process of preparation.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The system will be established on the basis of the National Strategy to prevent poisoning and illegal killing of wild animals.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

National platforms do not yet exist. The Czech Society for Ornithology operates their own web portal (www.karbofuran.cz) to provide information on cases of birds (raptors mainly) poisoning.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through Recommendation N° 177 (2015) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Implementation of the mentioned measures is subject of the interest of inter-sectorial WG.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

There is a database of ornithological observation (see http://birds.cz/avif/) and website concerning cases of poisoning of birds (see www.karbofuran.cz).

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Such statistics are not available. There are estimates, however it is very difficult to make realistic statistics, as there is lack of data.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

Estimates of mortality do not exist; however we can presume that the real number of mortality is significantly higher than the number of recorded cases.

3. AWARENESS ASPECTS

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

There is no official study, however we are able to estimate the key drivers and benefits of wild-bird crimes on the basis of experience.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

CEPA activities will be a part of the National Strategy to prevent poisoning and illegal killing of wild animals. The Czech Society for Ornithology attempts to raise awareness by website dedicated to poisoning.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Adoption of communication strategy is planned in the framework of the National Strategy to prevent poisoning and illegal killing of wild animals.

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

Not yet, however it is planned to be a part of the National Strategy dedicated to public awareness.

Czech Society for Ornithology has implemented a campaign to raise awareness on poisoning.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornis Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

The official mechanism does not exist yet. There is formal exchange of experience and knowledge-sharing between the mentioned officers.

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

The cooperation exists at the level of Police. The Ministry of the Environment is not involved.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Planned as a part of the National Strategy to prevent poisoning and illegal killing of wild animals.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

There is cooperation at the level of NGOs (Czech Republic and Hungary and Slovakia). Official meetings at the level of Ministries are planned.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

We consider the cooperation of all institutions mentioned above as absolutely essential in the process of looking for suitable solution of poisoning and illegal killing of wild animals.

We have established inter-sectorial WG where the above mentioned institutions are represented.

4. France

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES

OF THE TUNIS ACTION PLAN 2020

[**RECOMMENDATION NO. 164 (2013)**]

CONTACT DETAILS:

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Date of completing the form:	30/05/2017

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- Recommendation No. 164 (2013) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
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- Recommendation N° 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following Recommendation No. 171 (2014)], as well as the bodies in charge of their enforcement and monitoring *****:

*****In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Aucune liste des priorités n'a été établie pour l'instant.

Une législation est en place (voir C1).

L'Office national de la chasse et de la faune sauvage (ONCFS) assure un service de contrôle efficace sur le terrain grâce à 1 120 agents, commissionnés et assermentés, inspecteurs de l'environnement placés sous l'autorité des procureurs de la République. 15 200 infractions ont ainsi été relevées en 2016 (tous motifs confondus).

De plus, les inspecteurs de l'environnement de l'ONCFS ont été dotés de nouvelles prérogatives de police judicaire depuis le 1er juillet 2013 par l'Ordonnance n° 2012-34 du 11 janvier 2012 portant simplification, réforme et harmonisation des dispositions de police administrative et de police judiciaire du code de l'environnement. Ils ont désormais la possibilité de conduire des enquêtes judiciaires poussées et de confondre les délinquants en dehors de toute flagrance et sans l'intervention d'un officier de police judiciaire.

Enfin, la loi sur la reconquête de la biodiversité, de la nature et des paysages n°2016-1087 du 8 août 2016 a renforcé les prérogatives des agents chargés de mission de police judicaire. L'article 130 de cette Loi crée ainsi un article L. 172-11-1 du code de l'environnement et un article 706-2-3 du code de procédure pénale, qui accorde aux inspecteurs de l'environnement la possibilité d'effectuer des « coups d'achat » sur Internet. Ce dispositif judiciaire leur permet, en complément de la technique de « cyber-tracking », de se mettre en contact sous couvert d'un pseudonyme avec des personnes soupçonnées de vendre illégalement des spécimens d'espèces protégées sur internet.

La lutte contre le braconnage et le trafic des espèces protégées est l'une des priorités d'action de l'ONCFS dans son contrat d'objectifs avec l'Etat pour la période 2017-2018 (Objectif 5).

Une brigade de l'ONCFS spécialisée dans le trafic d'espèces protégées travaille en étroite collaboration avec les autres services en charge de la CITES. Cette brigade pilote et anime un réseau spécialisé composé de plus de 230 agents présents dans chaque service départemental, dont l'action est axée tant sur l'importation, le commerce et la détention d'espèces réglementées par la convention CITES, que sur la commercialisation d'espèces protégées autochtones dont les oiseaux.

L'ONCFS anime aussi en partenariat avec la fédération nationale des chasseurs (FNC), un réseau national d'épidémio-vigilance, le réseau SAGIR, qui suit les cas de mortalité non cynégétique de faune sauvage due, entre autres, aux intoxications volontaires.

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

Sans objet

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

Sans objet

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

Sans objet

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

Voir réponse A1.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

Sans objet

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

La France rapporte à la Commission européenne les dérogations à la Directive Oiseaux conformément à l'article 12 de cette Directive.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

L'ONCFS a mis en place un outil de gestion et de suivi des infractions constatées par ses services. Cet outil permet par ailleurs de préciser et comptabiliser les actes d'enquêtes mis en œuvre dans le cadre de chaque procédure judiciaire (saisies, perquisitions, auditions, etc.). Il permet ainsi d'éditer des bilans statistiques des actions de police mises en œuvre sur une période donnée. Ces données sont transmises chaque année à l'Observatoire National de la Délinquance et des Réponses Pénales afin d'alimenter un rapport annuel.

Cet outil permet également d'alimenter une base de localisation géographique des points

sensibles et zones d'occurrence des infractions sur le territoire.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Au sein de l'ONCFS, la Direction de la Police a mis en place un réseau animé par une brigade nationale coordinatrice (la BMI CITES) Cf. point A.1. Cette brigade nationale est en contact régulier avec des experts tels que les ONGs comme TRAFFIC, des experts institutionnels tels que le Muséum National d'Histoire Naturel, etc.

Ils échangent également avec l'Office central de lutte contre les atteintes à l'environnement et à la santé publique (OCLAESP) spécialisé notamment dans les affaires de grande envergure de trafic d'espèces animales protégées. La BMI CITES interagit enfin avec les experts internes de l'ONCFS regroupés sous la Direction de la Recherche et de l'Expertise.

Des points focaux existent aussi en matière de CITES.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

cf. question 2.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Une telle plateforme existe pour la CITES sur : https://cites.application.developpement-durable.gouv.fr/accueilInternaute.do.

Par ailleurs, des contacts ont lieu entre les différents acteurs de la lutte contre le braconnage et les trafics d'espèces comme précisé dans la question B.2.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through Recommendation N° 177 (2015) to the attention of the judiciary? And what feedback – if any- was received from the authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

La fixation des peines est définie par la législation issue de la transposition des Directives Oiseaux et Habitats par les articles L.411-1 et suivants du Code de l'environnement (C. Env, pour les habitats naturels, à travers notamment les articles L.414-1 et suivants, pour les espèces chassables, à travers les articles L.420-1 et suivants.

Les pénalités maximales ainsi définies sont les suivantes :

1. Abattage illégal

- Espèces protégées : deux ans d'emprisonnement et 150 000 € d'amende ; deux ans d'emprisonnement et 300 000 € d'amende si le braconnage a lieu dans le cœur d'un Parc national ou d'une réserve naturelle (L.415-3, 3° C. Env.).

- Espèces chassables (grand braconnage) : 4 ans d'emprisonnement et 60 000 € d'amende si c'est une infraction de grand braconnage c'est-à-dire en réunion, en temps prohibé ou de nuit, avec port d'arme et usage d'un véhicule (L.428-5-1 C. Env.).

2. Capture illégale

Espèces chassables : 1 500 € d'amende (amende de 5ème classe) ; 2 ans d'emprisonnement et 30 000 € d'amende si circonstances aggravantes, notamment : chasse à l'aide de moyens prohibés, en temps prohibé sur le terrain d'autrui ou sur un espace protégé, avec port d'arme.

3. Commerce illégal :

- Espèces protégées : deux ans d'emprisonnement et 150 000 € d'amende pour commercialisation illégale (L.415-3, 3° C. Env.) ; 7 ans d'emprisonnement et 750 000 € d'amende pour trafic en bande organisée (L.415-6 du C. Env.)

- Espèces chassables : jusqu'à 4 ans d'emprisonnement et 60 000 € d'amende, en fonction des circonstances, pour transport et commercialisation de gibier tué.

En complément, un document-cadre de coopération entre les services verbalisateurs (ONCFS, AFB, DDT) et la justice fixe les grandes lignes d'analyse de la gravité des impacts sur l'environnement et la biodiversité ainsi que les suites pénales les plus appropriées afin d'y répondre. Ce document garantit une harmonisation de la politique pénale dans l'ensemble des départements français.

What feedback – if any- was received from the authorities *?*

À ce jour, 82 conventions ont été signées entre les services verbalisateurs, les Parquets et les Préfets..

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

Cf. question 1.B.1 (Outil de gestion des infractions alimentant une base de localisation géographique des points sensibles).

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Une enquête sur les tableaux de chasse de la saison 2013-2014 a été réalisée par l'ONCFS en partenariat avec la Fédération nationale des Chasseurs (FNC). Cette enquête porte sur toutes les espèces chassées, mammifères et oiseaux notamment migrateurs. L'enquête permet d'avoir un aperçu de l'évolution des tableaux de chasse par comparaison avec les résultats de la dernière enquête nationale réalisée en 1999.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

Les chiffres actualisés et complétés de la période 2015-2016 ne sont pas encore disponibles.

L'ONCFS a saisi 2 838 spécimens d'oiseaux prélevés illégalement entre 2008 et 2014. Ce chiffre n'est qu'un indicateur de la mortalité due aux activités illégales. Il est rigoureusement impossible de fournir une valeur fiable pour la mortalité nationale. Toute extrapolation faite à partir de ces chiffres serait hasardeuse et non valide scientifiquement compte tenu de leur mode de collecte.

Les saisies d'oiseaux effectuées au titre de la CITES au cours des années 2011 à 2014 sont en constante progression et se répartissent comme suit :

- *2011 : 24 spécimens vivants toutes espèces d'oiseaux confondues (dont 12 psittacidés)*
- *2012 : 88 spécimens vivants toutes espèces d'oiseaux confondues (dont 35 psittacidés)*
- *2013 : 273 spécimens vivants toutes espèces d'oiseaux confondues (dont 53 psittacidés)*
- *2014 : 271 spécimens vivants et 100 kg de viande toutes espèces d'oiseaux confondues (dont 32 spécimens vivants et 10 kg de viande de psittacidés).*

3. AWARENESS ASPECTS

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

Globalement non. Cependant, fin 2015, l'ONCFS a conduit une étude sur la nature, les débouchés et l'évolution des trafics de chardonnerets et de fringillidés en France. Les résultats de cette étude ont été exploités sous la forme d'une note de problématique qui a fait l'objet d'une publication dans la revue technique « Faune Sauvage » éditée par l'ONCFS (n°310, p.44) et dont les chiffres furent repris dans quelques articles de presse durant

l'année 2016.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

Aucune plateforme gouvernementale n'a été mise en place. La sensibilisation du grand public sur cette question est assurée par des ONGs, comme la LPO (Ligue pour la protection des oiseaux, représentant français officiel de BirdLife International).

Par ailleurs, l'information, la prévention et la sensibilisation du public font partie intégrante de l'action quotidienne des agents des services départementaux de l'ONCFS dans le cadre de leur mission de surveillance générale des territoires locaux.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Non.

Cependant, les résultats des opérations de police de l'ONCFS et notamment des actions de lutte contre le braconnage et les trafics d'espèces sont régulièrement portés à la connaissance des médias par le biais de la presse nationale et régionale et, ponctuellement, par le biais des médias audiovisuels.

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

Non

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornis Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Un point focal sur l'abattage illégal a été désigné pour représenter la France dans la Task-force pan-méditerranéenne de la CMS. Il travaille dans le même bureau du ministère chargé de l'environnement que le représentant au Comité Ornis avec lequel il collabore quotidiennement. (à noter : actuellement, le point focal de la Convention de Berne assure toutes ces fonctions).

Le point focal travaille également en liaison avec la Direction de la police de l'ONCFS, notamment responsable des contrôles CITES ainsi qu'avec le bureau CITES du ministère chargé de l'environnement.

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

Sans objet

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Oui. Les services départementaux et les brigades mobiles d'intervention de l'ONCFS travaillent en relation étroite avec les Procureurs de la République et les Magistrats. Ces échanges permettent de s'assurer du bon suivi des procédures qui ont été initiées, d'éclairer les juridictions sur les enjeux environnementaux et de garantir une réponse pénale adaptée aux infractions.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

La Brigade nationale BMI CITES participe deux fois par an au Groupe de travail européen sur l'application de la CITES (Enforcement Working Group - EWG). Cette entité regroupe tous les services de police, de douane, ainsi que les organes de gestion qui œuvrent pour la CITES dans l'Union européenne. Les membres de l'EWG se retrouvent à Bruxelles pour s'informer mutuellement sur les tendances et techniques de trafic.

Cette Brigade spécialisée réalise également des formations dans d'autres pays afin d'améliorer l'application de la CITES et la lutte contre le braconnage et le trafic d'espèces protégées. C'est ainsi qu'elle a effectué des formations en Europe, notamment en Belgique, en Espagne et en Andorre, mais aussi en Amérique du Sud, en Equateur et au Brésil, à la demande des ambassades.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Les inspecteurs de l'environnement de l'ONCFS sont placés sous l'autorité des procureurs de la République (ministère de la justice) ; dans certains cas, ils mènent des opérations conjointes avec les forces de police (ministère de l'intérieur). L'ONCFS est placé sous la double tutelle du ministère chargé de l'environnement et du ministère de l'agriculture. Les informations collectées par le réseau SAGIR sur les intoxications d'avifaune dues à l'usage normal ou frauduleux des pesticides sont partagées avec le ministère de l'agriculture. Dans quelques cas, ces informations ont conduit au retrait de produits phytosanitaires. Ces agents mènent également des actions de sensibilisation à la protection du patrimoine naturel auprès du public. Ils interviennent notamment ponctuellement dans des établissements scolaires.

5. Hungary

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES

OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION NO. 164 (2013)]

CONTACT DETAILS:

Country:	**Hungary**
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Date of completing the form:	22 April 2017

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- Recommendation No. 164 (2013) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- Recommendation No. 171 (2014) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- Recommendation N° 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

5. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

2. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following Recommendation No. 171 (2014)], as well as the bodies in charge of their enforcement and monitoring *****:

*******In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

Poisoning (targeted, against small game predators), Direct persecution of raptors by pigeon-fanciers (poisoning, shooting, trapping & other methods), Direct persecution of raptors at poultry and pheasant/duck farms, Shooting (to protect small game), Egg/chick robbing from nest, Destruction of Bee-eaters, Sandmartins and their colonies, Illegal shooting of protected wildfowl, Illegal trapping of songbirds (for keeping them as cage birds)

For bodies in charge of enforcement and monitoring, see excel file attached.

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

The national priorities have been identified during an internal process, no legal or administrative procedure was taken

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

The national priorities have been identified during an internal process, in close co-operation between the Herman Ottó Institute (the background institute of the Ministry of Agriculture), the Ministry of Agriculture and MME/BirdLife Hungary. No other stakeholders were involved as these are the priorities of nature conservation bodies. Other stakeholders are and will be involved in the implementation, not in the priority-setting process.

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

The national priorities have been taken into consideration in the planning of measures (e.g. training, submission of projects for funding), against illegal killing, trapping and trade of birds. Enforcement bodies are national park directorates' rangers, police, judiciary and county authorities.

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

The Ministry of Agriculture on behalf of the government, and BirdLife Hungary from the civil side keep track of the implementation of the priorities. Presently, the PannonEagle LIFE project is running in this topic (until March 2022) and it has a mechanism for ensuring that at least the priorities concerning raptors are carried out.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The identification of national priorities has the benefit of providing a comprehensive overview of the problem areas and an agenda to take measures against them. The major challenges are lack of sufficient capacity for implementation (especially when the HELICON LIFE project ends) and inertia of other stakeholders (it takes a long time to raise awareness, change approaches and practices).

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

The prioritisation takes into account the national, EU-level and global status of the bird species affected by IKB. In the next Article 12 reporting round, Hungary will take into account the prioritisation under IKB when identifying threats and conservation measures for bird species.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution? *BirdLife Hungary keeps the national registration for IKB concerning raptors. Each National Park Directorate records every IKB case. BirdLife Hungary and the Ministry of Agriculture as well as national park directorates mutually inform each other about such cases. Prosecution is more difficult to keep track of, but information is requested from prosecutors and courts about the few cases that get into this stage.*

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

Still very few cases get into the prosecution stage (four persons sued and convicted in 2015, a few more cases in 2016). No statistical analysis is possible from so few cases.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Under the Pannon Eagle LIFE project, BirdLife Hungary is the beneficiary of the project and several National Park Directorates are partners. Good working relations have been developed with the National Bureau of Investigation already during the previous LIFE Project

(HELICON). There are no direct contacts with prosecutors (but several training sessions took place in 2016 and 2017), but prosecutors contact the national park directorates in certain cases. In general, national park directorates are the expert bodies that can provide the necessary information and this possibility is known to prosecutors.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The HELICON LIFE project and the PannonEagle LIFE project have provided such a structure, but another forum also exists: National Raptor Conservation Council Anti-poisoning Task Force (the Council involves all Hungarian state nature conservation bodies and NGOs active in raptor conservation).

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The website of the HELICON LIFE project contains, among others, the protocols on what to do when a poisoned/shot etc bird is found, protocol for veterinary etc.

http://imperialeagle.hu/content/downloads

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through Recommendation N° 177 (2015) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

Three training sessions were held for representatives of the judiciary in February 2016, during which the sentencing guidelines and gravity factors were also presented (in summary) and made available. No specific feedback was received as yet on these documents (however, participants were very helpful and co-operative).

3. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

The national database kept by BirdLife Hungary concerns IKB against raptors, which is the main priority considering the level of threat. The protocols identified under the project also cover data collection and sharing between BirdLife Hungary, national park directorates and the police forces. In February 2016, the Ministry of Agriculture and BirdLife Hungary signed a Memorandum of Understanding on co-operation in various fields, including data exchange and collaboration in the field of IKB. Comprehensive IKB data and estimates/expert opinion were collected by BirdLife International in November 2016. BirdLife Hungary involved the Ministry of Agriculture in this work.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

The hunting bag is recorded precisely on the basis of hunting law. The statistics are available at: http://ova.info.hu/vgstat.html (the introductory webpage exists in English, but the statistics themselves are only available on the Hungarian part of the website). Legal harvest also exists in case of some non-game bird species, as well, i.e. Phalacrocorax carbo, Cygnus olor, Larus michahellis, Larus cachinnans and Sturnus vulgaris. These are carried out under derogation permits in order to prevent damage to agriculture and fisheries. The derogation permits are reported yearly to the European Union.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

Comprehensive IKB data and estimates/expert opinion were collected by BirdLife International in November 2016. BirdLife Hungary involved the Ministry of Agriculture in this work.

4. AWARENESS ASPECTS

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

The HELICON Life project documentation contains information on key drivers of IKB against raptors. See: http://imperialeagle.hu/content/threats

The website also contains a report on a public opinion poll, exploring, among others, which groups of society are generally blamed by the public for IKB.

Benefits of wild-bird crimes have not been evaluated.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

The HELICON LIFE project had and the PannonEagle LIFE project has a strong communication element, see the Downloads and the Gallery sections for publications, communication materials, films etc.: http://imperialeagle.hu/content/downloads and http://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=search.dspPage&n_proj_id=5848#PD

Under the HELICON LIFE project, a visitor centre has also been established which focuses on IKB against raptors ("Eagle Centre"). The centre also functions as a wildlife rescue centre. Similar wildlife rescue centres (approximately 30 in the country) also spread information to the general public on threats to wildlife.

The National Raptor Conservation Council publishes annually "Heliaca", which contains the most important information concerning raptor conservation measures, species by species.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

The above-mentioned communication materials are also aimed at policy-makers.

The Anti-Poisoning Roundtable (with participation from the ministries responsible for nature conservation and for hunting, BirdLife Hungary, the Hungarian Hunters' Chamber etc.) made a declaration in 2008. This initiative was later followed by press conferences, too. IKB activities are unambiguously condemned by the general public and by policy-makers.

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

See HELICON LIFE project communication materials and the proposed activities under the PannonEagle LIFE project.

5. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornis Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

In Hungary, the Special Focal Point for IKB is the same person as the national representative at the EU Ornis Committee. The CITES officials at Ministry level work next door, within the same department, communication is straightforward. Hungary is not included within the CMS Pan-Mediterranean Task Force, lying outside this region.

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

Good working relations exist with the National Bureau of Investigation, which have been institutionalised under the HELICON LIFE project. There are regular contacts also at higher (Deputy State Secretary) level with corresponding officials of NBI.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Cooperation and exchange of information between investigators and prosecutors is established by general legislation and does not pose a problem in actions against IKB. The problematic area was to raise awareness of police forces to take IKB cases seriously, but there has been great progress in this respect, at least the local police investigate in the field every case of IKB. NBI also intervenes if necessary and even directly investigates outstanding cases, taking them over from local police.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

The Pannon Eagle LIFE project proposal was submitted in 2015 in order to continue and expand certain activities under the HELICON LIFE project to neighbouring countries. This had been prepared in cooperation with potential partners abroad, exchanging experiences etc. The project was officially launched in October 2016 and lasts until March 2022. The project locations include parts of Austria, the Czech Republic, Slovakia and Hungary, with partners from each of those countries, as well as one partner from Serbia.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Nature conservation and hunting are within the same Ministry of Agriculture in Hungary. Representatives of the department responsible for hunting also participate at major events. So far, there has been no need to involve other ministries, training of prosecutors and judges has been arranged by contacting the Chief Prosecutor's Office and the Supreme Court. The Chief Prosecutor's Office has also been contacted by the Ministry of Agriculture in order to achieve that national park directorates be involved in every IKB case, but there was no success with that.

6. Italy

NATIONAL PROGRESS REPORT BY ITALY

During the last 12 months the Italian Ministry for the Environment, Land and Sea finalized the drafting and the approval of a national action plan to tackle illegal activities against birds. The action plan was drafted through a transparent, open and shared process with the involvement of several institutions (Ministries of the Environment, Agriculture, Interior, Regional Administrations, Autonomous Provinces, ISPRA) and NGOs (Hunting and Environmental Associations).

A preliminary draft was widely circulated and discussed at a technical workshop held on June, 9-10, 2016 and kindly hosted by the Po Delta Veneto Regional Park. The workshop has been the first meeting ever held in Italy on IKB. The text was completed and amended following comments and suggestions received and submitted to the Conferenza Stato-Regioni, a governmental institution where Ministries, Regional Administrations and Autonomous Provinces decide on common policies. The Conferenza Stato-Regioni formally approved the plan on March, 30, 2017 and requested the full text to be gazetted. Currently, the Ministry for the Environment is starting the implementation process.

The national action plan is the main tool through which the Italian Government intends to contrast the illegal killing, keeping and trade of birds.

This document is divided in two parts:

i) an introduction, where available information on illegal activities carried out in Italy against birds are reported. The main categories of illegal activities against birds are described in detail, with indications on people involved and drivers. Furthermore, seven black-spots have been defined (see map).

ii) an operational section, where more relevant actions and bodies in charge of their enforcement and monitoring are listed. Actions are focused on five main goals:

- strengthening of direct fight against illegal activities;
- strengthening of indirect fight against illegal activities;
- prevention of wild-bird crimes;
- monitoring of action implementation;
- creation of a coordination unit (“cabina di regia”).

The institution of a national coordination unit (“cabina di regia”) represents a key action to ensure the implementation of the action plan. This body will be made up of two distinct committees, addressing political and technical issues respectively, and will be supported by an administrative office managed by the Ministry of the Environment with the support of the National Institute for Environmental Protection and Research (ISPRA). The formalization of these two committees is currently ongoing.

The drafting of a national action plan and its formal approval represent two important steps toward the implementation of TAP 2013-2020 and MIKT PoW. The main obstacles encountered in achieving these results refer to the lack of awareness on the relevance of illegal activities against birds. In the next months, priority will be given to the implementation of the action plan, especially to the kick-off of the coordination unit.

7. Israel

Jerusalem, 1 June 2017

Israel's action plan for migrating White pelicans (*Pelecanus onocrotalus*)

The entire European population of White pelicans (*Pelecanus onocrotalus*) migrates through Israel in autumn going to wintering grounds in Africa. Annual counts show over 70,000 individuals in this migration.

Studies have shown that migratory pelicans need to feed in Israel in order to safely reach their wintering grounds in Africa. Pelicans have therefore come into conflict with fish farmers in Israel and there have been several cases of illegal shooting by farmers.

To solve these issues, the government of Israel spends about one hundred thousand Euro each year to purchase from fish farms, fish that are not usually marketable, and places them in special ponds where the pelicans learn to feed safely and they "fuel-up" and continue their migration. This is a win-win situation for farmers and conservationists to assist the species and to prevent human-wildlife conflicts.

However many white pelicans come into Israel during migration after having been shot outside of Israel. They have lead pellets in their bodies and some get sick form lead poisoning and die. Israel calls on all Parties to protect this species, not just on the breeding grounds, but also during the migration outside of the breeding areas.

Submitted by Dr. Simon Nemtzov
Wildlife Ecologist and
National Focal Point and Scientific Councilor for Israel for the Convention on Migratory Species

8. Malta

Malta report on the implementation of the priorities of CMS MIKT Programme of Work and Bern Convention Tunis Action Plan during the 2016–2017 reporting period

1. INTRODUCTION

This report has been prepared pursuant to the request by the Secretary of the Bern Convention and by the Coordinator of CMS MIKT, to report on the progress of national actions related to the MIKT Programme of Work (POW) 2016–2020 and the Tunis Action Plan (TAP) 2013–2020 regarding the mitigation of the problem of the illegal killing of birds (IKB) since the MIKT meeting in Cairo in July 2016 and the 3rd Bern SFPs Network meeting in Tirana in April 2016. The present report therefore gives an overview of all measures undertaken by Malta in respect of the implementation of CMS MIKT POW and Bern Convention TAP between April 2016 and May 2017. This report has been compiled by the Wild Birds Regulation Unit within the Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights within the Ministry for Sustainable Development, the Environment and Climate Change.

2. LEGISLATIVE MEASURES

To further consolidate the progress of legal reforms implemented in 2013, 2014 and in 2015[1] to strengthen the fight against bird-related crime, in 2016, the Conservation of Wild Birds Regulations (SL 549.42) was amended by means of Legal Notice 69 of 2016[2]. The amendments, *inter alia*, resulted in the following changes:

a) A major **reform of hunting licensing processes** which includes the implementation of a mandatory and legally binding game reporting requirement utilising a state-of-the-art telephonic game reporting system. This system enables instant collection of real-time hunting bag data during all hunting seasons, which allows the precise real-time monitoring of the uptake of any quotas and other parameters pertaining to hunting. Under this system, all hunters are legally bound to report their catch before leaving the hunting area, including the time, species caught and the relevant quantity, as well as the geographical location where the species were hunted. The system also enables law enforcement authority to instantly verify hunters' compliance with the reporting requirements whilst in the field, as well as retrieve all necessary information concerning licensing and other related parameters. Penalties apply to those failing to use the new reporting system, whilst a system of field spot-checks and inspections is already in place to enforce compliance. **This action contributes to the implementation of objective 2.3 of MIKT POW and to Result 1 under "Biological and Institutional Aspects" priority of the TAP.**

b) To further build upon and consolidate the progress reached under previous legal reforms a provision for the setting up of the national **Conservation of Wild Birds Fund** was enacted. This Fund will support activities and projects directly contributing to the conservation of wild birds, particularly projects that contribute towards better enforcement, the fight against illegal killing, trapping and trade in wild birds, initiatives related to sustainable hunting, species reintroduction programmes, species and habitats

[1] Vide reports available from http://msdec.gov.mt/en/Pages/WBRU/Reports-and-Statistics.aspx
[2] Conservation of Wild Birds (Amendment) Regulations 2016, Subsidiary Legislation 549.42. Available at: http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27449&l=1

conservation, training for personnel involved in the sector, scientific research, innovation, awareness raising and educational initiatives. The Fund shall be launched on 29th May 2017. **Projects that will be financed under this Fund will directly contribute towards diverse priorities of MIKT POW and TAP.**

Following decisions taken under the Agreement on the Conservation of African–Eurasian Migratory Water birds (AEWA) and at EU level regarding re-classification of the status of Red-breasted Merganser (*Mergus serrator*), this species was removed from Schedules IIA and IIB of SL 549.42 (via Regulation 10 of LN 69/2016), and thus is no longer huntable in Malta. This species now benefits from high level of protection under the Conservation of Wild Birds Regulations SL 549.42 and any offence that involves the targeting of this species incurs penalties as per Regulation 27(2). **This action contributes to the implementation of objective 2.3 of MIKT POW and to Result 1 under "Biological and Institutional Aspects" priority of the TAP.**

3. MORATORIUM ON SPRING HUNTING OF THE TURTLE DOVE AND ADDITIONAL RESTRICTIONS ON AUTUMN HUNTING

Up until 2016, Malta used to apply Article 9(1)(c) derogation under EU Birds Directive to permit limited hunting of the Turtle Dove (*Streptopelia turtur*) in spring. This derogation was hotly contested by European Commission and conservation NGOs, resulting in infringement proceedings that culminated in a European Court of Justice judgment of 2009 that has acknowledged that in Malta's case hunting for this species in the autumn does not provide a satisfactory solution and thus affirming possibility of derogations to allow limited hunting in spring.

The European Commission has closely monitored application of spring hunting derogation since CJEU ruling in 2009. In 2015, the Commission formally confirmed Malta's compliance with the requirements of the Birds Directive in this regard, and the previous infringement procedure was successfully closed. In April 2015, upon petition spearheaded by BirdLife Malta, the country held a national referendum to decide on whether national legislation[3] that allows the opening of such seasons should be retained. The referendum was decided in favour of retaining such legislation.

Figure 1 – Referendum campaigns by pro- and anti-hunting NGOs

However in 2016, following re-classification of the conservation status of the Turtle Dove from "least concern" to "near threatened" at EU level, upon suggestions from hunting

[3] SL 549.57: Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail Regulations. Available at: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1

organizations, the government of Malta imposed a moratorium on future spring hunting of this species until the maintenance of the population of this species at satisfactory level is scientifically ascertained at EU level.

Moreover, for the first time a maximum autumn hunting quota for Turtle Dove was imposed in 2016 (7,000 birds), whilst the hunting season for Turtle Dove was shortened to 1 month instead of the previously applicable 5 months. The uptake of the national quota is monitored in real time through the mandatory legally binding telephonic game reporting system.

In parallel, during the reporting period, Malta provided major contributions to the development of an International Action Plan for the European Turtle Dove, which, amongst other priorities, also envisages specific actions aimed at addressing IKB of this species.

The above actions contributed to the implementation of objective 2.3 of MIKT POW and to Result 1 under "Biological and Institutional Aspects" priority of the TAP.

4. DEVELOPMENT OF THE NATIONAL ENFORCEMENT AND POLICING PRIORITIES

Pursuant to Bern Convention Recommendation No. 171 (2014) on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds, in 2016 Malta has developed a set of national legal and policing priorities to address the objectives of this Recommendation and the corresponding **priority No 1 of the TAP.**

The priorities were adopted following consultations with the key national stakeholders, including the Environment and Resources Authority, the Administrative Law Enforcement Unit of the Police, the Malta Ornis Committee, BirdLife Malta and the Federation for Hunting and Conservation – Malta (FKNK). These priorities were reported[4] to the Bern Convention Secretariat as part of Malta's response to the questionnaire on the progress of implementation of TAP measures.

5. ADOPTION OF THE GRAVITY FACTORS AND SENTENCING GUIDELINES ON IKB

Pursuant to Bern Convention Recommendation No. 177 (2015) on the gravity factors and sentencing guidelines for IKB, Malta has embedded a set of eight gravity factors within national law (Regulation 27(2) of the Conservation of Wild Birds Regulations, SL 549.42). Moreover, the recommended sentencing guidelines were also disseminated to the Ministry responsible for Justice, and amongst those members of the Judiciary who are involved in the hearing of cases concerning bird-related crime.

The sentencing guidelines were also brought to the attention of the Office of the Attorney General and the Commissioner of Police. **This action directly contributes to the attainment of TAP results 3 and 4, and the corresponding MIKT POW priority 2.2.**

6. DEVELOPMENT OF THE NATIONAL STRATEGY / ACTION PLAN TO ERADICATE ILLEGAL KILLING, TRAPPING AND TRADE IN WILD BIRDS

A detailed analysis of the legislative, administrative and enforcement measures to combat IKB was undertaken by the Wild Birds Regulation Unit early in 2017, together with an in-depth analysis of IKB trends, motivations and the scale of IKB. **These analyses were performed pursuant to MIKT POW objectives 2.1, 2.3, 3.1 and 3.2.**

The analyses formed the basis of the drawing of a National Strategy / Action Plan to eradicate IKB. Taking into account Malta's bio-geographical importance as a staging post for many migratory bird species along the eastern-most fringes of the Central Mediterranean

[4] https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2938360&SecMode=1&DocId=2372924&Usage=2

Flyway, the draft Strategy focuses on measures to reduce mortality of migratory birds due to the illegal killing or taking from the wild (IKB). The analysis of the international context to this Strategy underscored the extent of the international political commitment towards eradication of illegal killing, trapping and trade in wild birds, which has, over the years, been translated into several high profile EU and international agreements and action plans. The draft Strategy therefore affirms that this political commitment is also shared by Malta, which is a party to these international instruments.

Prior to the formulation of the draft Strategy, a detailed situation analysis was undertaken. This analysis, amongst other areas, focused on the trends and developments with regards to IKB in Malta and within the wider Mediterranean region, as well as on the performance of the legal, institutional, enforcement and judiciary measures undertaken by the Maltese authorities over the years in response to IKB phenomena. Whilst the progress of some of the early actions against IKB and their measure of success was rather limited and at times slow and convoluted, the analysis presented leaves little doubt over the fact that the actions implemented over the past four years, in particular, have had a major positive effect on the overall IKB situation. These measures that turned out to be a major catalyst behind positive change were built upon four inter-related elements: measures to improve legislation, measures to beef up enforcement in the field, measures to improve effectiveness of judicial processes, and measures that promote awareness and culture change.

The draft Strategy therefore translates this proven “winning formula” into a set of specific objectives behind a five-year Action Plan, which objectives are further operationalised in a detailed matrix for its implementation.

An initial draft of the Strategy was completed by May 2017, and is expected to be launched for extensive stakeholder consultation in June / July 2017, for subsequent final adoption later during the year.

The development of this Strategy addresses a major priority of MIKT POW (objective 1.1) and the corresponding priorities of the TAP.

7. TRAINING AND CAPACITY BUILDING FOR ENFORCEMENT OFFICERS

In 2016 and 2017 the Wild Birds Regulation Unit continued to deliver specialised training sessions to enforcement officers from the Malta Police Force and the Armed Forces of Malta. Five training sessions targeting around 80 enforcement officers took place in April, August and October of 2016, and further two training sessions took place in March 2017. During these sessions, officers were trained in basic ornithology, wildlife crime detection techniques, inspection procedures, applicable regulations and prosecution processes.

Figure 2 – Training for enforcement officers organised by the Wild Birds Regulation Unit

This action directly addresses MIKT POW objectives 2.4 and 2.5, and the corresponding priorities of the TAP.

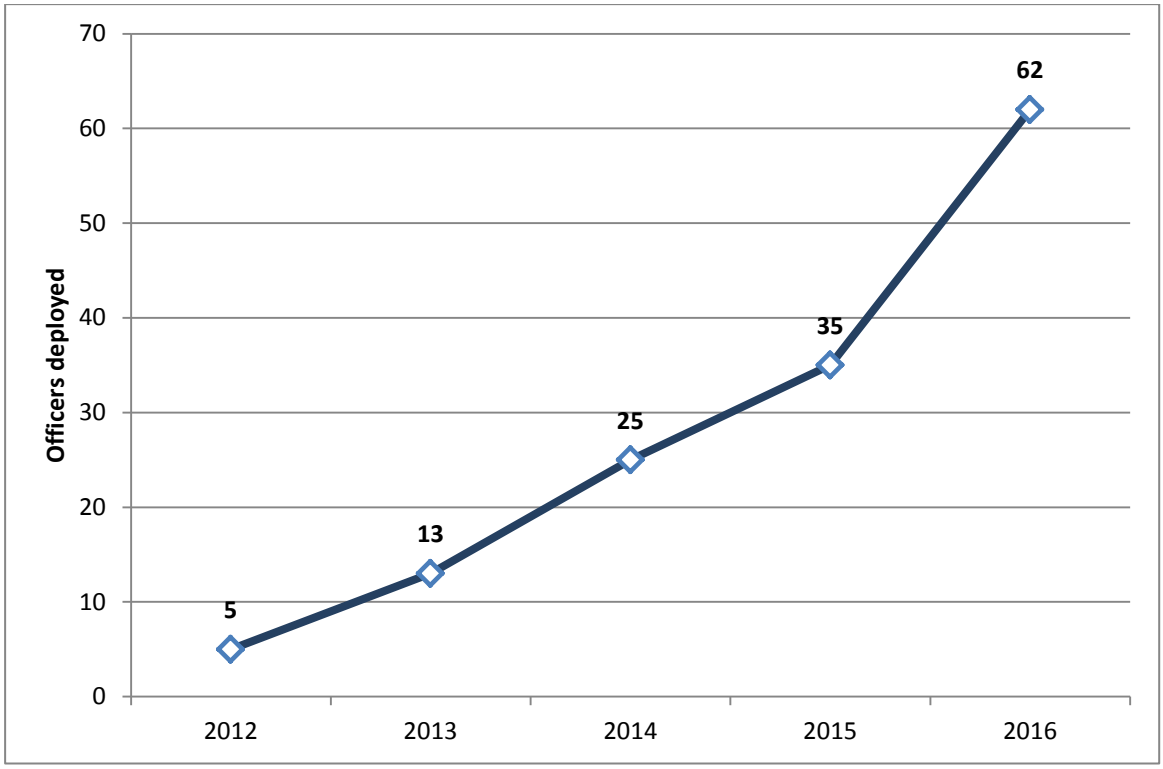
8. STRENGTHENING ENFORCEMENT AGAINST IKB DURING AUTUMN AND SPRING MIGRATION SEASONS

8.1 Enforcement deployment during the autumn / winter of 2016/2017

During the period between 1st September 2016 and 31st January 2017, the Maltese authorities deployed a total maximum complement of 85 officers tasked with overseeing compliance with the parameters of the season. This complement consisted of 24 officers of the Administrative Law Enforcement Unit (ALE) of the police, 22 officers of the Armed Forces of Malta (AFM), 37 police officers temporarily seconded with the ALE from other police units, six officers from Gozo district police and two officers from the Wild Birds Regulation Unit's Specialist Enforcement Branch. This enforcement complement was deployed gradually, ranging from a minimum of 12 officers deployed daily in early September, reaching maximum of strength of 85 officers by early October, averaging at 62 officers being deployed daily over the entire span of the season.

Figure 3 below presents a comparison of the average number of officers deployed on patrols during autumn hunting seasons over the past five years.

Figure 3 – Comparison of the <u>average</u> number of officers deployed on patrols during autumn hunting seasons over the past five years



The officers conducted field patrols split into two shifts between 0500 hours and 2100 hours daily. On specific occasions (e.g. 10 December 2016), night patrols were also conducted. The actual daily field deployment on patrols ranged from a minimum of 11 officers and a maximum of 84 officers.

As was also the case in previous years, the officers received specialised training during five training sessions (three in Malta and two in Gozo) on enforcement priorities and techniques organised by the Wild Birds Regulation Unit. Over 60 officers were trained in basic ornithology, wildlife crime detection techniques, inspection procedures, applicable regulations and prosecution processes.

The objectives of enforcement deployment were:

1. To ensure continuous deployment presence in the countryside to deter any potential abuse from occurring in the first place;
2. To ensure that no illegal targeting of protected species occurs, and that any detected incidents of abuse are dealt with swiftly and effectively;
3. To ensure that the general prohibitions and parameters related to the open season are enforced.

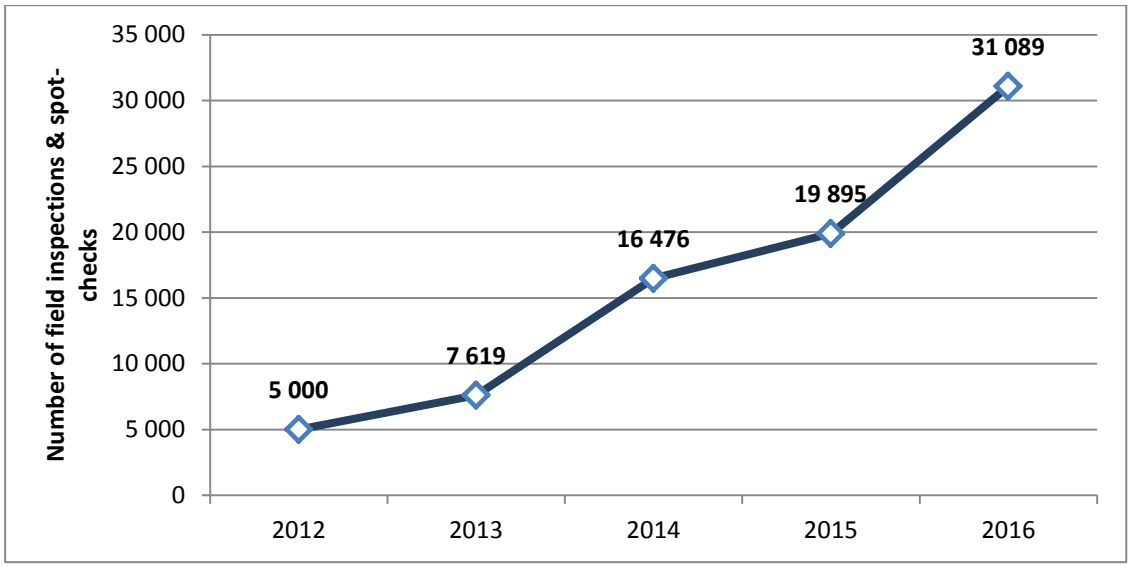
8.2 Patrols, inspections and spot checks conducted between 1st September 2016 and 31st January 2017

The officers utilised a mixture of techniques, including vehicular patrols, covert observation, stationary observation posts, foot patrols, physical inspections and spot-checks on individual hunters, and road-blocks.

During the season, the officers conducted 28,257 field patrols to specific locations / site inspections (24,888 in Malta and 3,369 in Gozo) and 2,832 spot-checks on individual hunters (2,037 in Malta and 795 in Gozo), which is 56% more than the number of spot-checks and inspections conducted during the same period in 2015 (n=19,895), and almost double the

total number of inspections conducted during the same period in 2014 (n=16,476). Below figure presents a comparison of the number of patrols / inspections / spot-checks conducted over the past five years during autumn hunting seasons (1st September – 31st January).

Figure 4 – Comparison of the number of patrols / inspections / spot checks conducted over the past five years during autumn hunting seasons (1st September – 31st January)



8.3 Offences detected during 2016 / 2017 autumn / winter period

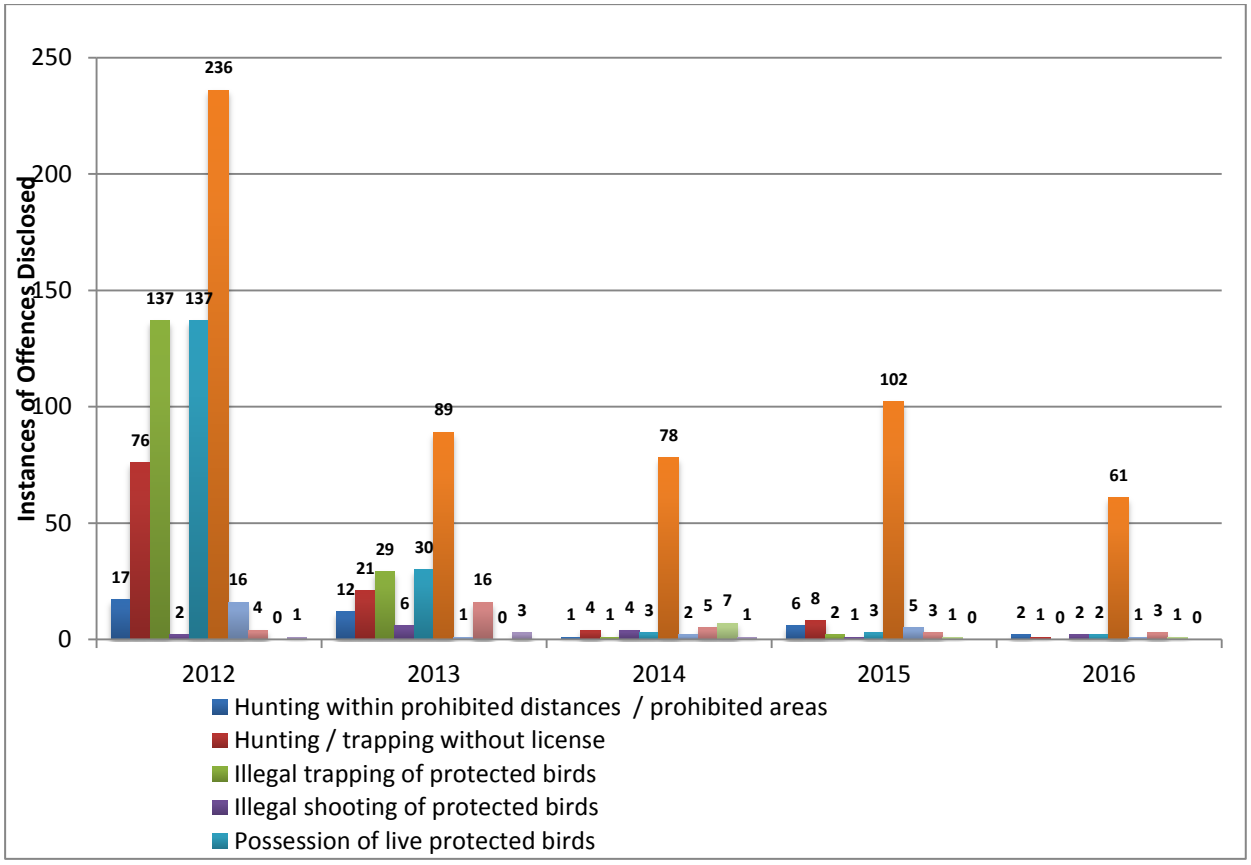
In the course of field surveillance, inspections and spot-checks, the authorities disclosed a total of 73 infringements, which led to legal action being taken against 65 offenders, including 12 persons being subject to criminal prosecution and 53 persons subject to administrative fine. A comparison of the enforcement statistics with the corresponding metrics for previous years is presented in the table and figure below.

Table 1 – Offences disclosed during autumn hunting seasons (1st September – 31st January) over the past 5 years

Offences disclosed during autumn hunting / trapping seasons (1st September - 31st January the following year)	**2012**	**2013**	**2014**	**2015**	**2016**
Hunting within prohibited distances / prohibited areas	17	12	1	6	2
Hunting / trapping without licence	76	21	4	8	1
Illegal trapping of protected birds	137	29	1	2	0
Illegal shooting of protected birds	2	6	4	1	2
Hunting / trapping using illegal means / firearms irregularities / other breaches of licence conditions	236	89	78	102	61
Hunting / trapping during closed season / outside of permitted hours	16	1	2	5	1
Possession of dead protected birds	4	16	5	3	3

Possession of live protected birds	137	30	3	3	2
Illegal sale of protected birds	0	0	7	1	1
Smuggling of protected birds	1	3	1	0	0
Total offences disclosed	**391**	**125**	**106**	**131**	**73**
Persons against whom legal action is taken	**226**	**87**	**83**	**128**	**65**

Figure 4 – Offences disclosed during autumn hunting seasons (1st September – 31st January) over the past 5 years



The above table and figure also list bird-related offences that are not directly related to the hunting season (e.g. illegal possession of protected birds; illegal sale / smuggling cases), but which were disclosed during the period in question.

It should be noted that the above table and figure list only those offences which were detected and confirmed by enforcement officers, and where sufficient material evidence was gathered to enable identification and appropriate judicial action against the perpetrator(s). Although the above statistics evidently points to the continuation of the overall positive trend towards reduction in the incidence of most categories of bird-related crime, which proportionately mirrors increased intensity of inspections and surveillance, the statistics do not include alleged or suspected illegalities reported to enforcement officials during the period under review, where no or insufficient evidence was available to enable identification of the perpetrator and appropriate judicial action.

In this regard, it should be noted that during the season, the authorities received around 80 reports from NGOs and members of the public concerning suspected illegal killing or taking of approximately 30 protected birds of various species, the majority of which were raptors. The bulk of these suspected incidents were reported in September, coinciding with the period of peak migration of birds of prey. During this peak migration period, a total of 23 protected birds were confirmed to have been illegally shot. All reports were duly investigated, and in response to the reported increase suspected targeting of protected birds during the 2nd and 3rd of September, the authorities increased the initial enforcement complement to its maximum strength by the fourth week of September.

Despite maximum surveillance effort deployed as from the end of September, perhaps the most significant incident of illegal shooting of protected birds occurred on the 2nd and 3rd of November, during migration of a large flock, numbering over 100 individuals of Booted Eagles (*Hieraaetus pennatus*) and Lesser Spotted Eagles (*Aquila pomarina*). An unprecedentedly large number of raptors appeared in late afternoon and settled over a large area around Buskett, Girgenti, Fawwara, Dingli, Tal-Virtù and Mtaħleb. Immediately upon being alerted to the presence of the eagles, enforcement authorities deployed five mobile surveillance units to the area, and maintained surveillance also during the night.

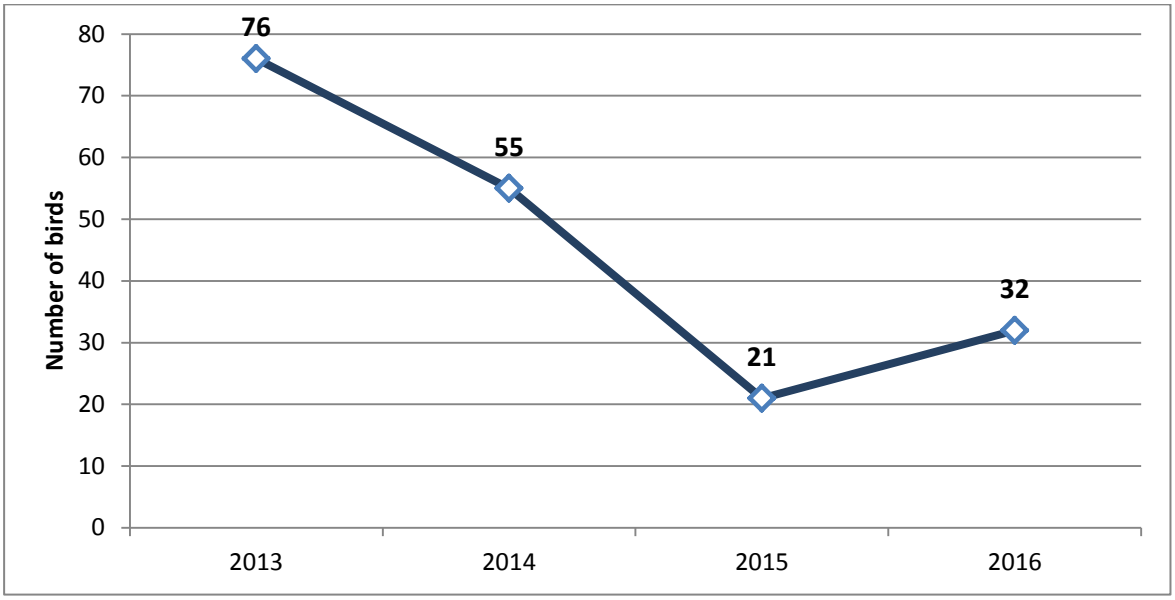
Despite heightened enforcement presence, four separate suspected incidents of illegal shooting of eagles were reported by the authorities by members of the public and NGOs. As a result of investigations conducted in response to these reports, a suspect was apprehended on the 2nd of November and charged on the following day with illegally shooting a Booted Eagle (*Hieraaetus pennatus*). The dead specimen was recovered by the authorities. The accused was granted bail against a €2,000 deposit and personal guarantee of €10,000. As at May 2017, the case was pending consideration by the Courts.

*Figure 5 – Shot Booted Eagle (*Hieraaetus pennatus*) recovered by the authorities on 2nd November 2017*

Throughout 2016, the authorities recovered around 120 wild birds belonging to numerous species that were provided with the appropriate veterinary care and rehabilitation. Of these, 32 birds were confirmed to have suffered gunshot wounds as a result of illegal targeting. A procedure coordinated by the Wild Birds Regulation Unit was put in place in conjunction with the ALE, BirdLife Malta and a government-appointed veterinarian to provide appropriate veterinary care and, where possible, coordinate rehabilitation of such birds. Below figure

presents a comparison of the number of illegally shot protected birds recovered by the authorities over the past five years.

Figure 6 – Number of illegally shot / injured protected birds recovered by the authorities and diagnosed as suffering gunshot wounds



The Specialist Enforcement Branch of the Wild Birds Regulation Unit maintained a leading coordinating role ensuring effective operational liaison between enforcement entities and other stakeholders. Whilst providing a 24/7 enforcement hotline for the public and NGOs, the Unit also assisted the police in field surveillance operations during the live-capturing season by conducting 18 field inspections and covert observation operations. These inspections led to the seizure of eight illegal bird callers, 47 live birds and detection of four unregistered illegal trapping sites.

8.4 Ensuring sustainability of hunting tourism

Aware of the fact that some Maltese hunters opt to travel on hunting trips abroad, the Wild Birds Regulation Unit carried out an information campaign aimed at different stakeholders involved in hunting tourism sector. New procedures[5] concerning the importation of live or dead birds were developed and widely disseminated amongst hunting tourism operators during a series of workshops.

In parallel with implementing an information campaign, in order to enforce compliance, the Unit also carried out 118 inspections at points of entry, namely Customs and Cargo Sections of the Malta International Airport (MIA) and the Sea Passenger Terminal, out of which four were surprise inspections (three at Sea Passenger Terminal and one at MIA). This shows a two-fold increase in inspections from the previous year (n_{2015} = 60). During these inspections 9,648 bird specimens were examined, out of which 71 specimens were seized due to irregularities detected. Upon conclusion of the necessary investigations, legal action was taken accordingly.

8.5 Investigations concerning illicit possession of protected birds

Recognising the fact that illicit trade and taxidermy of illegally acquired protected birds has in the past been a substantial driver behind illegal targeting of protected birds, the law

[5] http://msdec.gov.mt/en/Documents/Downloads/WBRU/2016/NotaGwidaImportazzjoni.pdf

enforcement authorities continued to dedicate substantial effort towards preventing, detecting and curtailing any potential abuse.

During 2016, the Specialist Enforcement Branch of the Wild Birds Regulation Unit together with the Administrative Law Enforcement Unit of the Police conducted 14 inspections at private residences during which 3,593 stuffed bird specimens held in private collections were examined. A total of 228 bird specimens examined during these inspections were seized due to various irregularities detected and legal action was taken against the persons involved in accordance with the law.

8.6 Judicial action against bird-related crime in 2016

During 2016, the Wild Birds Regulation Unit's officials attended 18 court sittings comprising multiple hearings and testified in 65 cases of bird-related crime, securing 90 convictions, with three acquittals with the rest of the cases pending further hearing. In the same period, the Unit also issued administrative fines for over 50 offenders.

Below is an example of the outcome of some of the cases related to illegal targeting of protected birds decided by the Maltese Law Courts in 2016:

- On the 29th September 2016 one person was convicted for illegal trapping of birds during closed season. The accused was sentenced to pay a fine of €3,000 and ordered his hunting and trapping licence to be revoked for two years.
- On the 15th July 2016 one person was convicted for illegal hunting and illegal possession of protected bird species, mainly Marsh Sandpiper (*Tringa stagnatilis*) and Spotted Crake (*Porzana porzana*), the latter listed under Schedule I of the Conservation of Wild Birds Regulations SL 549.42. The accused was sentenced to pay a €5,000 fine, had his collection of stuffed birds confiscated and had all his licences under SL 549.42 and Schedule XV of Code of Police Laws revoked for life.
- On the 29th of September 2016 one person was convicted for carrying a firearm and attempting to hunt birds during closed season. The accused was sentenced to pay a €1,000 fine, had his firearm confiscated and had all his licences under SL 549.42 and Schedule XV of Code of Police Laws suspended for two years.
- On the 16th March 2016 one person was convicted for illegal trapping of protected birds during closed season. The accused was sentenced to pay €900 fine and had all his licences under SL 549.42 revoked for life.
- On the 3rd November 2016 one person was charged with having shot a Booted Eagle (*Hieraaetus pennatus*), listed under Schedule I of the Conservation of Wild Birds Regulations SL 549.42. The offender was granted bail against a €2,000 deposit and personal guarantee of €10,000. The case was *sub judice* at time of writing of this report.
- On the 9th November 2016 one person was convicted for illegal trapping of protected birds during closed season. The accused was sentenced to pay €1,000 fine and had all his licences under SL549.42 suspended for two years.
- On the 9th November 2016 one person was convicted for illegal trapping of European Robin (*Erithacus rubecula*) using cage-traps which are strictly prohibited by virtue of Regulation 7(1)(f) of the Conservation of Wild Birds Regulations SL 549.42. The accused was sentences to pay €1,000 fine and had all his licences under SL 549.42 suspended for two years.

8.7 Enforcement during 2017 spring migration period, including during spring hunting derogation for Common Quail

During the 2017 limited spring hunting derogation for quail (25 March – 14 April 2017), the Maltese authorities strove to further consolidate and improve upon the level of enforcement effort deployed in the previous year[6]. As was also the case in previous years, field surveillance and patrols were deployed from within the Administrative Law Enforcement (ALE) section of the Malta Police Force, with additional support from divisional police forces (from the 11 district police areas), from the Mounted Police Section and from the Armed Forces of Malta.

Prior to commencement of the season, enforcement officers received specialised training delivered by officials of the Specialist Enforcement Branch of the Wild Birds Regulation Unit. Two training sessions were held: one on the 21st March 2017 in Malta and another on the 24th March 2017 in Gozo.

In all, around 70 members of enforcement personnel participated in this training, during which they received a detailed briefing on:

- The legal framework concerning the conservation of wild birds
- Monitoring and surveillance techniques and approaches
- Basic species identification skills
- Inspections
- Hotspots and areas requiring particular attention
- Potential law enforcement evasion techniques deployed by poachers

Furthermore, commanding officers received a specialised briefing organised by the Wild Birds Regulation Unit on the objectives of the enforcement operation which were defined as follows:

- To ensure continuous deployment presence in the countryside to deter any potential abuse from occurring in the first place;
- To ensure that no illegal targeting of species other than Common Quail occurs, and that any detected incidents of abuse are dealt with swiftly and effectively (that is, apprehension of suspects and gathering sufficient field evidence to enable swift prosecution);
- To ensure that the general prohibitions and parameters related to the open season are enforced (that is, no hunting in prohibited areas, outside permitted hours, using prohibited means like bird callers, semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition, hunting without a valid spring hunting licence, etc);
- To ensure that specific regulations applicable to the spring hunting derogation are enforced (enforcement of bag limits, spot-checks to determine that bags have been duly reported through telephonic game reporting system, etc).

As was also the case in previous years, the enforcement operation throughout the season deployed a mix of the following approaches and techniques:

[6] Detailed report available from here:
http://msdec.gov.mt/en/Documents/Downloads/WBRU/2016/SH%20derogation%20report%202016%209-6.pdf

- Vehicular patrols concentrated in non-extensive pre-allocated areas that collectively ensure sufficient coverage of the countryside, particularly around the priority surveillance areas;
- Foot patrols by uniformed officers (both the Armed Forces of Malta and ALE) within particular locations, especially those areas with difficult vehicular access;
- Stationary observation posts manned by uniformed and plain clothes personnel. Stationary observation posts were located at vantage points within priority surveillance areas;
- Spot-checks and roadblocks at strategic vehicular entry and exit points. The aim of the spot-checks is two-fold: (1) to detect the possession of illegally shot protected birds or other illegal material and (2) to enforce bag limit and real-time reporting requirements;
- Deployment of covert surveillance backed up by mobile units especially in response to large influxes of protected birds or to ensure sufficient surveillance of particular hotspots known for targeting of protected birds.

The Maltese authorities paid particular attention to collaboration with the numerous NGO volunteers who were present in the countryside during the season. These volunteers aided the overall enforcement effort by:

- Acting as a deterrent to illegal hunting by virtue of their presence in the countryside;
- Submitting vital day–to-day information about the presence of birds and alerting the authorities to the presence of high risk species or high risk sites such as roosting sites;
- Acting as ocular witnesses to illegal hunting incidents, and reporting such incidents to the authorities;
- Gathering of video/photographic evidence of poaching and making available such evidence to the enforcement authorities.

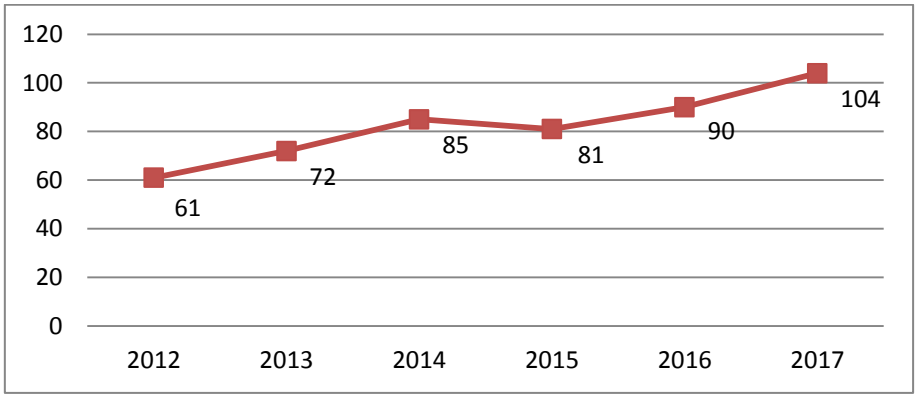
During inspections, police forces were responsible for ensuring the lawful operation of hunting practices. Police officers were, *inter alia*, instructed to:

- Verify that hunters were in possession of all requisite documents;
- Verify that birds caught were being immediately reported in accordance with regulations;
- Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (S.L. 549.42), including through appropriate handling of firearms and the Framework Regulations (S.L. 549.577) and the Regulations opening the spring 2017 season (S.L. 549.578);
- Ensure that no species other than Common Quail were being hunted;
- Ensure compliance with bag limits and time restrictions.

During the period of the derogation, an overall daily field complement reaching up to around 104 officers (83 in Malta and 21 in Gozo) was deployed. Daily field deployment consisted of a complement that ranged between 41 and 56 officers (39–42 officers in Malta and 2–14 officers in Gozo) deployed during morning shift[9] and between 40 and 48 officers (38–41 officers in Malta and 2–7 officers in Gozo) during afternoon shift.

[7] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1
[8] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12044&l=1
[9] In Malta, enforcement officers operated on a two-shift basis: 0500 – 1330 and 1330 – 2130, whilst in Gozo, shift roster followed different pattern: number of officers varied between 0500–0700; 0700–1800 and 1800–2000

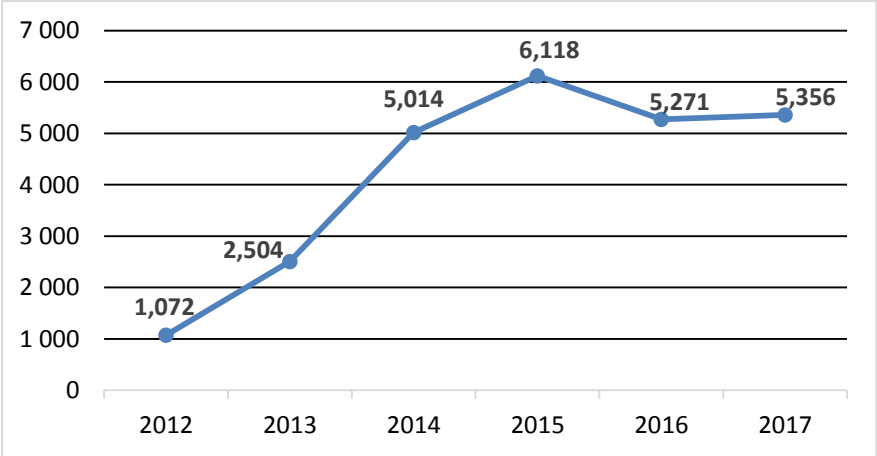
Figure 7 – Comparison of number of officers deployed during the Spring hunting season over the years



Source: Wild Birds Regulation Unit / Malta Police Force, 2017

During the period of the derogation, between 25th March and 14th April 2017 when the season was open, field officers carried out a total of 5,038 field inspections / patrols (4,116 in Malta and 922 in Gozo) and 318 spot-checks on individual hunters (227 in Malta and 91 in Gozo), which cumulatively amounts to 5,356 inspections and spot-checks. On each day of the derogation, every patrol noted the exceptionally low number of hunters present in the field, and hence the number of spot checks performed in 2017 was considerably less than the corresponding number in previous years.

Figure 8 – Comparison of number of field inspections and spot checks performed during the spring hunting seasons over the past 6 years



Source: Wild Birds Regulation Unit / Malta Police Force, 2017

In the course of these inspections and spot-checks, the officers disclosed a total of five offences (1 in Malta and 4 in Gozo), which led to legal action being taken against four persons (1 in Malta and 3 in Gozo). Statistics pertaining to daily enforcement deployment, daily number of field inspections and spot-checks conducted and nature of the offences detected is summarised in the following tables.

periods. In Malta peak number of officers was deployed during the morning shift (0500 and 1330) whilst in Gozo, the highest number of officers on the beat was deployed between 0700 and 1800.

9. Serbia

REPORT BY SERBIA ON PROGRESS IN THE IMPLEMENTATION OF THE TUNIS ACTION PLAN

In accordance with *Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds*", CMS resolutions, Cairo Declaration and EU Roadmap, the Ministry of Agriculture and Environmental Protection undertakes measures of the implementation international obligations in collaboration with other competent authorities and organisations, including active information and involvement of non-governmental organisations on the national level.

Also, the Progress Reports on complaint of the Council of Europe handling No. 2014/3 and No. 2016/3 have been prepared on the basis of official reports submitted by competent institutions for nature protection, the Institute for Nature Conservation of Serbia and Institute for Nature Conservation of Vojvodina Province, the Plant Protection Directorate within the Ministry of Agricultural and Environmental Protection and competent inspectorates on the national and regional level.

1. INSPECTION AND CONTROL

Joint environmental inspection is conducted in accordance with the special Law on Nature Protection (”Official Gazette of the RS”, no 36/09, 88/10 and 91/10 – correction and 14/16) and the Law on Inspection Control (”Official Gazette of the RS”, no 36/2015) on the basis of which inspection is conducted in collaboration with relevant sectoral inspectorates. The collaboration includes mutual communication, information-sharing, provision of assistance and joint measures and actions with relevance to inspection.

Inspection in cases of illegal killing of wild bird species is conducted by the environmental protection inspectorate on the national, regional and local level. At the invitation of the environmental protection inspectorate, field inspection is conducted by the phytosanitary inspectorate, veterinary inspectorate, the police, the public prosecutor and the expert organisation for nature protection.

1.1 Inspection by the Environmental Inspectorate of the Republic of Serbia

The report on actions by national environmental inspectors with respect to strictly protected bird species from 15 August 2016 to the end of February 2017 is presented in Addendum 1 to this Report.

Depending on individual cases of illegal killing of wild bird species, the environmental inspector conducts inspection in collaboration with representatives of expert organisations for nature protection.

1.2 Inspection by the Provincial Environmental Protection Inspectorate at the territory of the Autonomous Province of Vojvodina.

The Provincial Secretariat, through the Provincial Environmental Protection Inspectorate within the Inspection Department, has acted in each of the registered cases of found specimens of strictly protected and protected animal species in accordance with its responsibilities and prerogatives under Article 25 of the Law on Establishing the Competences of the Autonomous Province of Vojvodina (”Official Gazette of the RS”, no 99/2009), as well as under Articles 119, 120 and 121 of the Law on Nature Protection

(”Official Gazette of the RS”, no 36/09, 88/10, 91/10 - correction and 14/16) and the Law on Inspection (”Official Gazette of the RS”, no 36/2015). Addendum 1 to this Report presents new cases of deaths of strictly protected bird species.

1.3 Illegal poisoning of strictly protected species,

Bearing in mind that the use of carbofuran in Serbia banned since 2012 in accordance with EU legislation, the phytosanitary inspection informed the competent authorities and relevant organisations that it was detected that Carbodan 35CT (Carbofuran) was imported through illegal channels via the Internet using software that was not registered in Serbia, but in some other countries in Europe, and that it arrives from Turkey, Bosnia, Ukraine, Moldova, etc. where its sales are still allowed. Carbofuran Illegal flows entering from neighboring countries where this active supsatnce not prohibited. Carbofuran is imported through illegal channels of the Internet whose software is not registered in Serbia, but in some other countries in Europe. The letter about the case was sent to the Ministry of Interior in order to take measures of this kind of investigation of illicit trade.

2. PROTOCOL FOR ACTION AND COOPERATION OF AUTHORITIES AND ORGANISATIONS IN COMBATING ILLEGAL KILLING, CAPTURE AND TRADE IN WILD ANIMAL SPECIES INCLUDING THE TUNIS ACTION PLAN (2011-2020).

The Protocol for Action and Cooperation of Authorities and Organisations in Combating Illegal Killing, Capture and Trade of Wild Animal Species in accordance with the Tunis Action Plan (2011-2020) and other international treaties (CMS and EU) has been prepared. The proposed draft of this document has, at the request of stakeholders, extended to action in cases of illegal killing, capture and trade of all other wild animal species, which required the document to be redefined in a special manner. This document is still being reviewed by the competent authorities.

Keeping in mind that the illegal killing, keeping and trade of wild animal species was identified as the main problem in terms of legislative and institutional aspects, it was necessary to regulate the procedures and the cooperation between authorities and organisations (hereinafter: Participants) so that the same could take on a complete and active role in combating these illegal activities in a comprehensive manner.

The Specific goals of the Protocol include:

- to define and provide guidelines, in a general and specific manner, for the procedures, good practice and cooperation between different countries, authorities, organisations and other interested legal persons and individuals in instances of illegal killing, keeping and trade of wild fauna;
- to improve the protection of wild fauna and decrease the number of newly-uncovered cases and increase the share of sanctioned instances;
- to achieve the overall understanding the purpose, goals of the basic principles of the protection of wild fauna in cases of illegal killings, keeping and trade;
- to monitor and evaluate the impact of poison on the migratory bird species, as well as efficacy measures (if necessary) measures for the prevention, reduction or control the influence of poisoning;
- to provide faster, timely and efficient investigation and/or the protection of wild fauna immediately upon the occurrence of the illegal killing, keeping or trade;

- to ensure the application of the comprehensive approach to the organisation of the process of investigation and sanctioning of illegal activities by adopting specific protocols on procedures in such cases, which will further regulate the activities of all participants in accordance with their competences.
- to establish mechanisms for records keeping and reporting on outcomes from the court proceedings for crimes pertaining to wildlife;
- to provide information on the mortality of wild fauna due to illegal capturing (hunting) and illegal activities thus providing the adaptive management of wildlife;
- to provide information, training and knowledge on these issues to authorities on the national level with jurisdiction over education;
- to improve the coordination of activities with the aim of combating illegal killing and unsustainable use wild fauna in border areas as a specifically critical region;
- to publish the level of penalties and other introduces sanctions (cash penalties) including other potential sanctions for other related illegal activities;
- to consult experts in resolving disputes or other relevant groups should the need arise;
- to raise awareness on the phenomena of illegal killing, poisoning, keeping or trade of wild fauna in all institutes, institutions, organisations and actors in the protection system in the field of environmental protection as well as capacity to the national and local level in measures and activities (connected to the mentioned phenomena);
- to decrease the negative social consequences of endangering wild fauna and their habitats as well as the pressure on the state of the population of special species as well as the pressure on biodiversity

In the meantime, before the Protocol is adopted, the following activities are undertaken as a continuation of cooperation of the competent authorities and organisations with regard to resolution of cases of illegal killing of wild bird species.

2.1 A meeting with the Ministry of Interior

On Thursday, 16 03. 2017.god., The building SIV III, in New Belgrade, a meeting was held of the Ministry of Agriculture and Environmental Protection and the Ministry of Interior regarding the consideration of the appeal of the Council of Europe on possible violation of the Berne Convention and the preparation of reports on progress regarding measures taken to prevent illegal poisoning strictly protected bird species and illegal use and illicit traffic of chemical substances for plant protection products (Carbofuran / Furadan ST 35), which are the most common cause of poisoning.

The meeting was attended by representatives of the Ministry of Agriculture and Environmental Protection, Department of Environmental Protection and the Department Inspectorate for Environmental Protection and representatives of the Ministry of Interior from the Border Police, the Criminal Police (Department for Combating Organized Crime and the Office of Crime Prevention) and Directorate for international police cooperation (INTERPOL, EUROPOL-SELEK).

In accordance with the scope of work will establish a continuous control and monitoring including efficient and effective on-site investigation in cooperation with the public prosecutor and the exchange of detailed information on the reports of illegal activity conferred.

It was agreed to intensify the process of adoption of the Protocol on procedures and cooperation of authorities and organizations in the prevention of illegal killing, trapping and trade in wild animal species on the Government

2.2 Continued cooperation has been established with the Hunting Department within the Ministry of Agriculture and Environmental Protection, especially with respect to consideration of the negotiating position of Serbia in the EU integration process.

2.3 Non-governmental organisations and expert organisations for nature protection have intensified public information activities and mass media appeals to warn citizens of the risks these pesticides pose to living beings and human health.

2.4 On the basis of the initiative launched on 11 August 2016, a working group was created within the Ministry of Agriculture and Environmental Protection for the purpose of analysis of valid legislative solutions with respect to placing plant protection products on the market (online sale, inspection and customs control), practical application and preparation of amendments and supplements to the Law on Plant Protection Products. This served as a basis for preparation of the proposed amendments and supplements to the Law on Plant Protection Products, which is currently subject to obtaining opinions of competent authorities.

2.5 Project (LIFE15NAT/HU/000902) „Conservation of the eastern imperial eagle by decreasing human-caused mortality in the Pannonian Region, for period 1. 10. 2016.- 30. 3. 2021. Coordination users are MME Bird Life Hungary in cooperation with other users from Austria, Check Republic, Hungary, Slovak Republic and Republic of Serbia. User from the Republic of Serbia is Institute for Nature Protection of Vojvodina Province.

The aim of the project is increasing of population of strictly protected species of imperial eagle (Aquila heliaca) in the Pannonian Region including significant reduction in mortality caused by humans.

2.6 To establish continuity in the training of certain representatives of the police and other competent authorities that would be nominated to make full contribution to the prevention and sanctioning of this type of illegal cases.

2.7 To conduct a detailed preliminary on-site investigation with as many collected data about an individual case as possible. Insufficient evidence is the most common problem for an inadequate judgement. The most important thing is not to delay with the investigation procedure and to take into account prevention as a precautionary measure,

2.8 That eagles get hurt secondarily in the food chain because Carbofuran is used for the treatment of seeds to protect from rodents. If any animal is killed this way, this bird species feeds on their corpses and thus dies because the corpses are poisoned with Carbofuran. It was noted that there is no deliberate poisoning of the birds, but that this concerns accidental poisoning in the food chain.

3. SUPPLIES OF THE PREPARATION FURADAN 35 ST

3.1 To permanently resolve the issue of stocks (of Furadan and Carbofuran)

Pursuant to the Article 36, paragraph 4 of the Law on Waste Management, the permit for export of 200 tons of stored waste into Austria was obtained, together with permits of all transit countries (Croatia and Slovenia). Permit for export of hazardous waste (No 19-00-00982/2015-16 from 25th October 2016.) is attached to this report.

4. ANALYSIS OF CAUSES OF DEATHS OF STRICTLY PROTECTED SPECIES

The found specimens of strictly protected and protected animal species are handled in accordance with Article 93 of the Law on Nature Protection (”Official Gazette of RS“, No. 36/09, 88/10, 91/10 and 14/16) which stipulates that a person who finds a specimen of a strictly protected or protected wild animal species shall immediately notify the Ministry and the Institute for Nature Protectionof:

(1) dead specimens found,

(2) live specimens that are sick, injured or unable to survive in the wild on their own.

The specimens of strictly protected wild species that were killed, or died otherwise, found within the territory of the Republic of Serbia shall be handed over to the closest veterinary organisation, or other institution chosen by the Ministry, for determining the cause of death. Expenses for sample analysis and diagnostic tests for determining the cause of death of the specimens shall be borne by the Ministry of Agriculture and Environmental Protection.

When developing work plans for 2017, and upon conducting a comprehensive analysis with regard to the implementation of obligations related to the handling of the found specimens of strictly protected and protected wild animal species, the Ministry's professional services decided that all future sample analyses and diagnostic tests done in the territory of the Republic of Serbia should, pursuant to Article 93 of the Law on Nature Protection, be carried out in the nearest veterinary organization.

This solution will help prevent work overload in institutions performing these analyses and at the same time increase their efficiency and speed up delivery of the results. Such a measure will enhance the efficiency of inspection authorities as well as the police and prosecution.

Prepared by

Snezana Prokic, FP for the Bern Convention

10. Slovak Republic

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES

OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION NO. 164 (2013)]

CONTACT DETAILS:

Country:	**Slovak Republic**
Organisation:	Ministry of Interior, Presidium of the Police Force, Criminal Police Bureau, Department for Detection of Hazardous Substances and Environmental Crime
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Date of completing the form:	2. 6. 2017

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- Recommendation No. 164 (2013) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- Recommendation No. 171 (2014) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- Recommendation N° 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following Recommendation No. 171 (2014)], as well as the bodies in charge of their enforcement and monitoring *****:

*******In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

The list of priorities hasn't yet been established because of ongoing process of creation of national action plan.

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

National priorities should be established in the national action plan which should be approved by the government of the Slovak Republic. The process of creation of the national plan hasn't been finished.

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

There are following authorities involved in the process of creation of national action plan:

- Ministry of Environment of the Slovak Republic,
- Slovak Environmental Inspection,
- State Nature Protection Service of the Slovak Republic,
- Ministry of Justice of the Slovak Republic,
- General Prosecutor Office,
- Presidium of the Police Force,
- Ministry of Agriculture and Rural Development of the Slovak Republic,
- State Veterinary and Food Administration of the Slovak Republic,
- Financial Administration of the Slovak Republic,
- Criminal Bureau of the Financial Administration of the Slovak Republic.

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

There should be following bodies in charge of their enforcement:

- Slovak Environmental Inspection,
- State Nature Protection Service of the the Slovak Republic,
- General Prosecutor Office,
- Police Force,
- State Veterinary and Food Administration of the Slovak Republic,
- Financial Administration of the Slovak Republic,
- Criminal Bureau of the Financial Administration of the Slovak Republic.

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

The enforcement bodies should meet at least twice a year and they should report a progress in the process of implementation of the national action plan.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The national priorities should help to established better system of cooperation between different bodies in charge and improve a focus of their activities to the most important areas.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

The national priorities haven't been officially established because of ongoing process of creation of the national action plan.

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

All wildlife criminal cases are recorded in the official police database. All administrative offences are reported in the system of Ministry of Environment of the Slovak Republic. There is also an unofficial database of bird crime cases which has been established and ran by NGO.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There are thirteen police specialist for the environmental crime in the Police who are in charge to assist investigators in the process of investigation of these cases. There is one specialist in the General Prosecutor office who is in charge to assist prosecutors.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There is a special not permanent interministerial body. All relevant authorities meet at least once a year and discus about actual problems in this field.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

There is no web portal to provide information and resources for the professional. There is only web page of NGO which offer the information for a public.
http://www.dravce.sk/vtaciakriminalita/

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through Recommendation N° 177 (2015) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

The list of sentencing guidelines hasn't been forwarded to the judiciary yet. The implementation of this recommendation should be involved in the nation action plan which is in the process of creation.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

There are no special mechanisms in place for analysing existing data. These mechanisms should be involved in the nation action which is in the process of creation.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

No, Slovak Republic hasn't established statistics on mortality. These statistics should be involved in the nation action plan which is in the process of creation.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

There are no estimates.

3. AWARENESS ASPECTS

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

There is no official study.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

No, there is no operation platform. There is only above mentioned web site of NGO which contains the information about bird crime.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No, there is no adopted communication strategy.

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

No, there hasn't been any kind of campaign.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornis Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

There is only not permanent interministerial body which enables regular meeting and

information exchange.

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

In this time only the Police uses Interpol National Central Bureau for information exchange and for cooperation with the Police of another states in investigation.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

The cooperation and exchange of information between the investigators is realized through the environmental specialists who work at the Presidium at the Police Force. The cooperation and exchange of information between the prosecutors is realized through the environmental specialist who works at the General Prosecutors Office.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Presidium of the Police Forced realized a special two days long regional meeting with the environmental crime police specialist from Czech Republic and Hungary. Regular cooperation in ongoing investigations is realized also with environmental crime police specialist from Austria.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Inter-sector cooperation should be improved by the national action plan whose creation is ongoing now.

11. Spain

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES

OF THE TUNIS ACTION PLAN 2020

[RECOMMENDATION NO. 164 (2013)]

CONTACT DETAILS:

Country:	SPAIN
Organisation:	Ministry of Agriculture, Food and Environment. Deputy General Directorate for Wildlife
Name and position of responsible person:	Ricardo Gómez Calmaestra. Wildlife Service.
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Phone:	0034 915975867
Date of completing the form:	15th March 2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

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1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following Recommendation No. 171 (2014)], as well as the bodies in charge of their enforcement and monitoring *****:

*******In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

……

1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
1	High	Illegal poisoning	Predators in general, scavengers in particular	High	1. Regional plans against poisoning 2. Examination and traceability of cases in the field 3. Necropsies analyses 4. Judicial and punitive measures 5. Mitigation with canine patrols	- Reporting regional data to a national database - Improvement of case findings in the field - Improvement of legal procedures	1, 2, 3 and 5. Autonomous communities, their veterinary services and regional environmental rangers. 2, SEPRONA 4, judicial and court bodies	Autonomous communities at regional level and the Ministry of Agriculture, Food and Environment at the national level
3	Medium	Illegal trapping	Songbirds (specially insectivorous)	Unknown-low	Persecution of illegal actions at “parany” points. Judicial and punitive measures	Definitive judicial and punitive measures to offenders	Autonomous communities and regional environmental rangers.	Autonomous communities at regional level and the Ministry of Agriculture, Food and Environment at the national level
4	Medium	Illegal shooting	Medium-sized birds (including raptors)	Unknown	Persecution of illegal actions during hunting periods. Judicial and punitive measures	Definitive judicial and punitive measures to offenders	Autonomous communities and regional environmental rangers.	Autonomous communities at regional level and the Ministry of Agriculture, Food and Environment at the national level

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

Through legislation (Ley 42/2007 at national level and different regional regulations) and technical documents, approved by coordinated bodies. There are national guidelines in relation to:

- Fight against illegal poisoning
- Finches trapping (which is legal following derogation procedures included in the article 9 of Birds Directive)

Regarding the parany, there are several judgements prohibiting this activity and there is only necessary to enforce the legislation through prosecution by the law enforcement agencies.

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

National and regional administrations, competent in wildlife monitoring and protection, as well as several ONGs participating in national working groups on threats

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

Autonomous communities (competent in monitoring and management of wildlife in terrestrial Spain) from an administrative point of view, and environmental rangers at regional level and SEPRONA (Guardia Civil) at national level as police corps

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

There are not such type of control mechanisms aiming at ensuring that the identified priorities are applied as such

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

The key question in Spain is that related to the reduction of the impact of poisoning in Spain, as there are only few coordinated and global data and its trend. In general, all the mentioned issues are being improved and being benefited by their consideration as priorities, for instance in the prosecution of illegal trapping at parany. The main challenge is to compile accurate data of the impact of poisoning and illegal shooting.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

No references on the national priorities regarding illegal killing of birds have been mentioned in the report of Article 12 of the EU Birds Directive

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

There are national working groups on different issues, like the illegal poisoning. There are not global and accurate national data regarding the issues of poisoning, illegal trapping and illegal shooting, due to the lack of data provision from the regional authorities –competent of collecting data- to the Ministry of Agriculture, Food and Environment.

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

There are not current statistical evidence of the main areas in which the issues are provoked.

In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect

Specially, the lack of official procedures for compiling data of the mentioned issues, the lack of common and coordinated databases at the different autonomous communities and the absence of a proper communication of data from regional administrations to the national bodies (Ministry of Agriculture, Food and Environment)

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

We have a national focal point for the Strategy against illegal poisoning (Mr. Ricardo Gómez) which also coordinates the rest of issues for the global Spanish administrations, experts, scientists, etc. Nevertheless, we have detected the need of increasing the cooperation between competent authorities in managing wildlife at the regional level and the national bodies (Ministry of Agriculture, Food and Environment)

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, there is an official working group on the Illegal poisoning but not for the general matter of illegal killing of birds

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

No, there are not. The way of providing data from regional competent authorities to national bodies is through direct communication within the framework of official working groups

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through Recommendation N° 177 (2015) to the attention of the judiciary? And what feedback – if any- was received authorities?

If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect

For the moment, these guidelines and gravity factors adopted by the Standing Committee have not been forwarded to the attention to the judiciary

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect

There are no standardised protocols for data collection, and the compiled information is received through direct communications from the competent authorities

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

Yes, we have good statistics of legal trapping of finches following the derogations established in article 9 of Birds Directive, by communication from regional authorities. We have not updated data on issues like legal hunting since this unit is not competent on this matter

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

It is not possible releasing an estimate of bird mortality due to illegal trapping and trade and illegal activities in Spain, since the extent of these activities are not subject of any official or

robust monitoring scheme. Thus, any data provided in this regard may be considered as unrealistic

3. AWARENESS ASPECTS

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

No, there is not

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

There are some initiatives developed by ONGs (i.e. SEO/BirdLife and WWF) partially commissioned by administrations (EU, Ministry of Agriculture, Food and Environment) aiming at raising awareness on these aspects. Similarly, there is an initiative in Spain - program ANTIDOTO- for monitoring and disseminating this threat at the national level

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

Yes, there is an official approved Strategy against illegal poisoning by the Ministry of Agriculture, Food and Environment (http://www.magrama.gob.es/es/biodiversidad/publicaciones/pbl-fauna-flora-estrategias-lucha-venenos.aspx)

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

Yes, within the framework of several projects (i.e. VENENO, ANTIDOTO) there have been public campaigns to raise awareness on this matter

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornis Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, they are all within the same unit and are only two persons (Mr. Ricardo Gómez and Mrs. Bárbara Soto-Largo)

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

We do not have accurate data on this issue but we suppose this cooperation (between SEPRONA of Guardia Civil) and INTERPOL is widely fruitful

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

If not, please list the reasons/challenges that prevented your authorities from action in this respect

Yes, there exists an established link between investigators (i.e. regional environmental rangers and SEPRONA) with prosecutors

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

Yes, several projects have implemented shared activities with prosecutors, police bodies and wildlife biologists to deal with illegal killing, for instance within different LIFE projects against the use of illegal baits

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

There are periodic coordination meetings among the different Ministries dealing with these environmental issues, within the European Network of Environmental Authorities for the Cohesion Policy

12. Tunisia

RAPPORT DE PROGRESSION DE L'IMPLEMENTATION DE PLAN D'ACTION DE TUNIS

2013-2020.

La Tunisie est un petit pays de Nord-Est de continent Africain couvre 164 000 km2, ouvert sur le bassin Méditerranée de 1300 km et renferme 253 zones humides et 64 îles et iléaux.

Environ 30 % de la superficie sont des milieux naturels, gérés par la Direction Générale des Forêts (DGF) par la Loi n°88-20 du 13 avril 1988, portant refonte du code forestier.

Dans le but de conserver ces milieux, la DGF a crée un réseau des Aires Protégées renferme 17 Parcs Nationaux; 27 Réserves Naturelles; 4 Réserves de Faune; 41 Zones Humides d'importance International "Ramsar" et 46 Zones Importante pour la Conservation des Oiseaux "ZICO"

Par son emplacement géographique la Tunisie renferme deux grands voix de Migration entre les deux Rives de la Méditerranée.

Par sa richesse biologique, la Tunisie représente une station importante pour les oiseaux migrateurs soit en période de la migration hivernale ou bien en période de migration estivale, elle accueille annuellement un grand nombre d'oiseaux migrateurs profitent parfois pour y faire un escale ou bien d'y rester sans entamer le chemin vers les lieux d'hivernage pour retourner par la suite en Europe dans la période post nuptiale. (***AAO/BirdLife Tunisie***)

Comme tous les pays de la Méditerranée, la Tunisie est signataire de la Convention sur la Conservation des Espèces migratrices appartenant à la Faune sauvage (Conventions de Bonn) et de la Convention relative à la Conservation de la Vie sauvage et du Milieu naturel de l'Europe (Convention de Berne) et fait partie de la Force opérationnelle internationale créée pour lutter contre l'abattage, la prise et le commerce illégaux des oiseaux migrateurs.

Et, suite aux recommandations de la première réunion, la Tunisie a renforcé ses efforts pour répondre aux objectifs de plan d'action de Tunis 2013-2020 et mieux protéger la nature et la biodiversité spécialement les oiseaux migrateurs par :

1- la création d'une plate forme de suivie et de contrôle

2- la révision des lois relatives aux chasses

3- la réalisation et la programmation d'une série de formation et de sensibilisation

4- les interventions pour la conservation des oiseaux migrateurs

1- LA CREATION D'UNE PLATE FORME DE SUIVIE ET DE CONTROLE (INITIATION DE L'AAO/BIRDLIFE TUNISIE ; "https://raedgobji.com/aao/public/"**)**

Vu le nombre d'agression répétitive envers la nature et la biodiversité spécialement les oiseaux sauvages, la mise en place d'un observatoire est devenue une nécessité pour faciliter les réclamations par les citoyens, afin d'évaluer la situation à un niveau national et pouvoir intervenir rapidement.

Cet observatoire citoyen à pour objectifs de :

- Réduire les infractions à l'encontre des oiseaux sauvages en Tunisie,
- Permettre aux citoyens de participer d'une façon active à la conservation de l'avifaune,

- Avoir une meilleure visibilité et connaissance des infractions contre les oiseaux sauvages en Tunisie,
- Appuyer les efforts de la DGF et des CRDA, notamment de leurs agents de terrain, en matière de lutte contre les infractions à l'encontre des oiseaux sauvages en Tunisie,
- Valoriser les résultats obtenus par la DGF, les CRDA et les ONG en matière de suivi des infractions et de lutte contre celles-ci,
- Répondre aux engagements signés par la Tunisie envers les conventions internationales notamment les conventions de Bonn et de Berne,
- Produire un rapport annuel sur l'état de conservation des oiseaux sauvages en Tunisie.


جمعية أحباء الطيـــور
Association "Les Amis des Oiseaux"
BirdLife INTERNATIONAL
STOP!
Observatoire citoyen des infractions à l'encontre des oiseaux sauvages en Tunisie
Accueil
Présentation
Réclamations
Informations
Statistiques
Liste des oiseaux
Blog
Contact
Login
Bizerte
Tunis
تونس
Agrigento
Sicilia
Gela
Syracuse
Ragusa
Avola
Tizi Ouzou
Béjaïa
Jijel
Skikda
Annaba
El Kala
Constantine
Souk-Ahras
Le Kef
Hammamet
Bordj Bou Arreridj
Sétif
M'Sila
Batna
Khenchela
Tébessa
Sousse
Kairouan
Monastir
Malte
Bou Saâda
Kasserine
Sidi Bouzid
Biskra
Sfax
Gafsa
Tozeur
Tunisie
Houmt Souk
Gabès
Zarzis
Médenine
Djamaa
Guemar
Douz
Touggourt
El Oued
Tadjourah
Filtrer votre recherche
Statut
Gouvernorat
Groupe oiseaux
Type d'infraction
Chercher

2- LA REVISION DES LOIS RELATIVES A LA CHASSE

Au mois de juin 2017 une révision de l'Arrêté Annuel relatif à l'organisation de la saison de la chasse va être faite au cours de la réunion de la Commission Consultative de la Chasse et de la Conservation du Gibier ; pour fixer les quotas de prélèvement des gibiers migrateurs.

Ainsi la loi de chasse en Tunisie interdit l'utilisation des filets, des lacets, des collets, les pièges, les trappes, les assommoirs et les frondes pour la chasse.

3- LA REALISATION ET LA PROGRAMMATION D'UNE SERIE DE FORMATION ET DE SENSIBILISATION

Grâce au partenariat entre la DGF et l'AAO/BirdLife Tunisie une série de formation et de sensibilisation ont été organisé et programmer ;

- la célébration de la Journée Mondiale des Oiseaux Migrateurs en Tunisie au milieu des oiseaux des Salines de Thyna (Tunisie); qui est connue pour leur richesse en avifaune en tout temps de l'année. Grâce au partenariat avec la COTUSAL, une trentaine de participants, parmi qui un bon nombre de jeunes photographes du Club Photo de Sfax, ont peut découvrir ce site exceptionnel et les activités programmées pour cette année par les trois partenaires en vue de la valorisation et gestion participative. Les oiseaux ont été au rendez-vous.

- la programmation d'une formation ; au mois de septembre 2017; aux Brigadiers régionaux concernant le recensement et la conservation des oiseaux migrateurs.

4- LES INTERVENTIONS POUR LA CONSERVATION DES OISEAUX MIGRATEURS

Une coopération entre l'Autorité (représenté par la Direction Générale des Forêts "DGF/Tunisie") et la société civile (représenté par l'Association "les Amis des Oiseaux" l'AAO/BirdLife Tunisie et l'Association régionale des chasseurs de Gouvernorat de Kef), pour faire face aux prélèvement et commerce illégaux des oiseaux migrateurs :

- Le 05 novembre 2016, Au Nord-Ouest de la Tunisie, sur la frontière Algérienne, le Brigadier régional de la DGF et l'Association régionale de la chasse à la région de Kef ont saisi 07 cages refermant environ 350 chardonnerets en provenance de la forêt Algérienne. Le jour même ces oiseaux sont libérés dans une réserve naturelle dans la région. (https://www.facebook.com/chardonneret.1/videos/10154628720524323/)
- Le 12 décembre 2016, l'AAO/BirdLife Tunisie et la DGF/Tunisie se sont réunies pour coordonner une intervention commune afin d'arrêter les braconniers vendeurs de canards (11 canards sauvages) au village de Nahli de Gouvernorat de l'Ariana, qui se situe au Nord-Est de la Tunisie.

Cette vente est en infraction avec l'Arrêté Annuel relatif à l'organisation de la saison de la chasse. (***AAO/BirdLife Tunisie***)

13. Turkey

REPORT ON NATIONAL PROGRESS ON

THE IMPLEMENTATION OF THE TUNIS ACTION PLAN 2020 SINCE 3RD MEETING IN ALBANIA

CONTACT DETAILS:

Country:	**Republic of Turkey**
Organisation:	Ministry of Forestry and Water Affairs General Directorate of Nature Conservation and National Parks (GDNCNP)
Name and position of responsible person:	Dr. Fehmi ARIKAN, Expert
E-mail:	farikan@ormansu.gov.tr
Phone:	+ 90 505 477 95 35
Date of completing the form:	30.05.2017

As it is mentioned in the questionnaire sent last year, the first priority is still decrease/stop poaching of particular species [*waterfowl (especially ducks), chukar, woodcock, turtle dove, quail, birds of prey, etc.*] in Turkey in terms illegal killing of birds. Main problems include shooting in closed period, shooting in areas with shooting prohibition, non-respect of bag limits. In Turkey, this is a chronic problem which has social and economic aspects. Control of poaching is mainly based on efforts made by government units such as Ministry of Forestry and Water Affairs as well as Ministry of Internal Affairs-Gendarmerie and Police forces. In Turkey, hunting grounds are mostly owned by the government not by individuals or hunting clubs. Therefore adoption of land and game animals is weak. And, obviously, the patrol carried out by GOs is not enough to stop it.

In order to beat this challenge, the studies started for a new management system which hunting grounds and game animals on them can be rented to other legal entities. It is believed that the legal entity will be more effective in terms of protection of the land and animals on it. **This new hunting ground system needs a lot of legal and instructional changes as well as time and political will.** We have recently made a change in the related law and sent it to the stakeholders for their opinions before sending it to the Parliament.

Secondly, a workshop with a very broad participation will be set this autumn. All stakeholders including Hunting NGOs and clubs, Universities, Ministry of Justice, Min. of Internal Affairs, Min. of Agriculture, Min. of Education, Min. of Finance etc. will be invited. All aspects of hunting in Turkey will be discussed in a participatory approach. It is believed that the decisions made here will be very useful for a better fight against illegal killing of birds in Turkey.

There are also some attempts to hire more wardens. Negotiations with related units are going on for a while.

A web based information system called *Hunting Ground Management Information System (AVBIS)* is in service since the beginning of 2016. Each penalty or fine issued for illegal killing or trapping of bird (or any other animal) is recorded by our officials to AVBIS. It is possible for us to screen fines and penalties throughout Turkey. It is also possible to see the type of crime (which article of the law has been broken), the date and the place of crime, the name of the offender, the amount of fine imposed, etc. This database works quite well since 2016 and it is now more settled now.

A new application for mobile phones has been launched which is integrated to AVBIS. Hunters can receive information and take quotas while they are in hunting ground.

The education programmes for hunter candidates still continue. In addition, campaigns for increasing awareness are carried out time to time by the provincial directorates of the Ministry.

It is quite difficult to say something about the progress on sentencing guidelines and gravity factors adopted by the Standing Committee through Recommendation N° 177 (2015) to the attention of the judiciary.

One of the missing points is to have a progress on a better cooperation with international stakeholders such as INTERPOL, etc. Cooperation between international institutions and relations with neighbouring countries must be improved regarding 'Decrease/Stop Trapping and Illegal Trade of Raptors' (*Second Priority*).

Other than aforementioned topics, the answers on the questionnaire sent last year are still valid.

QUESTIONNAIRE FOR THE REPORTING OF PARTIES

MID -TERM REVIEW OF THE IMPLEMENTATION BY PARTIES

OF THE TUNIS ACTION PLAN 2020

[**RECOMMENDATION NO. 164 (2013)**]

CONTACT DETAILS:

Country:	**Republic of Turkey**
Organisation:	Ministry of Forestry and Water Affairs General Directorate of Nature Conservation and National Parks (GDNCNP)
Name and position of responsible person:	Dr. Fehmi ARIKAN, Expert
E-mail:	farikan@ormansu.gov.tr
Phone:	+ 90 505 477 95 35
Date of completing the form:	22.03.2016

DEFINITIONS USED IN THE QUESTIONNAIRE

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

LIST OF REFERENCE TEXTS

- Recommendation No. 164 (2013) and the "Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds"
- Recommendation No. 171 (2014) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
- Recommendation N° 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

1. ENFORCEMENT AND LEGAL ASPECTS

A. IDENTIFICATION OF NATIONAL PRIORITIES

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following Recommendation No. 171 (2014)], as well as the bodies in charge of their enforcement and monitoring *****:

*******In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

…… …

1.1 Complementary information where appropriate (OPTIONAL)

Rank	Priority	Type of offence/ Crime targeted	Species affected	Level of threat on the species	Ongoing actions	Actions to be put in place	Body(ies) in charge of enforcement	Body(ies) in charge of monitoring
1	Decrease/Stop Poaching of particular species	Poaching (*shooting in closed period, shooting in areas with shooting prohibition, non-respect of bag limits*)	Waterfowl (*especially ducks*), chukar, woodcock, turtle dove, quail. (*These are all game birds in Turkey*)	High	Inspection and control, Establishment of Hunting Ground System	Inspection and control, Establishment of Hunting Ground System, Actions taken in order to combat against rural poverty	Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police forces	Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police forces
2	Decrease/Stop Trapping and Illegal Trade of Raptors	Trapping and Illegal Trade of them to (especially) Gulf Countries	Hawk, Sparrow hawk	High	Inspection and control	Inspection and control, Legal Changes	Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police forces	Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police Forces

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

Land Hunting Law coded 4915.

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

Implementation of the Land Hunting Law coded 4915 is enforced by the annual decisions of Central Hunting Commission which is constituted by 21 members selected from the Ministry of Forestry and Water Affairs, Ministry of Food, Agriculture and Animal Husbandry, NGOs, universities, private hunting ground owners, and from organizations of hunters (hunting clubs and associations). Therefore aforementioned GO/NGOs were involved.

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

Ministry of Forestry and Water Affairs, Ministry of Internal Affairs-Gendarmerie and Police forces

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

For the successful implementation of conservation measures efficient inspection and control mechanisms have to be developed. Within the frame of this policy, wildlife rangers working in 15 regional and 81 provincial offices of the Ministry of Forestry and Water Affairs have been trained in inspection procedures and a handbook is prepared, published, and distributed to all provincial and regional offices in order to provide standardization. In addition, to develop an efficient control mechanism, necessary equipment such as guns, radios, binoculars, cameras, sleepingbags, tents, and field vehicles have been provided to all the rangers in the provincial and regional offices.

6. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

It is undoubtedly useful in decreasing the rates of illegal bird killings. On the other hand, more efforts should be made considering large territories of Turkey.

7. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive? NA

……

B. MECHANISMS TO IMPROVE THE AVAILABILITY AND ACCESSIBILITY OF RELEVANT KNOWLEDGE FOR INVESTIGATION, PREVENTION AND PROSECUTION

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

We have established a new web based information system called Hunting Ground Management Information System (AVBIS) which is developed for the sustainable management and conservation of game and biological diversity.

Hunting in Turkey is regulated according to the annual game quotas calculated for each species based on the hunting grounds. AVBIS is developed in order to make hunters use their own quotas by internet. AVBIS allows us to control the quotas used by the hunters electronically.

More importantly, each penalty or fine issued for illegal killing or trapping of bird (or any other animal) is recorded by our officials to AVBIS. It is possible for us to screen fines and penalties throughout Turkey. It is also possible to see the type of crime (which article of the law has been broken), the date and the place of crime, the name of the offender, the amount of fine imposed, etc. This application is being used from the beginning of 2016.

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

AVBIS can be used by Country organization of GDNCNP which has 15 regional directorates, and 81 provincial directorates. So the areas of offending can be filtered from AVBIS and statistical data can be obtained.

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

It is thought that there are not enough experts, academicians, scientists, etc. specialised in this subject in Turkey at the time.

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

Yes, the annual meeting of Central Hunting Commission. Additionally, we hold meetings in different regions of Turkey nearly every month. These meetings are attended by the regional and provincial directors of the GDNCNP and exchange of information and coordination of actions are ensured.

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

Yes, AVBIS (please see the answer of 1.a and 1.b). Additionally, a comprehensive leaflet is published and distributed to all stakeholders in large numbers after the annual Central Hunting Commission Meeting is finalised and the decisions on that hunting period are made. All kind of knowledge regarding huntable birds, quotas, periods, etc. is included to leaflet.

C. IDENTIFICATION AND STANDARDISATION OF GRAVITY FACTORS AND SENTENCING GUIDELINES

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through Recommendation N° 177 (2015) to the attention of the judiciary? And what feedback – if any- was received authorities?

There are studies within this regard but they are quite premature.

2. BIOLOGICAL AND INSTITUTIONAL ASPECTS

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

In case of an illegal activity, wildlife rangers working for GDNCNP or gendarmerie apply the same procedure and impose fine and/or penalty. From the beginning of 2016 these cases are recorded to AVBIS (please see part 1). So an official of the GDNCNP can see the black spots which crimes are more often.

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism?

Hunting in Turkey is regulated according to the annual game quotas calculated for each species based on the hunting grounds. AVBIS is developed in order to make hunters use their own quotas by internet. AVBIS allows us to control the quotas used by the hunters electronically. So this gives us a general idea.

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

As it is mentioned previously, AVBIS allows us to see the crimes committed, and therefore we can see the numbers wild birds confiscated. But it is important to remind that it does not involve the illegal cases which we could not catch/investigate.

3. AWARENESS ASPECTS

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

There is not any official study, but the main key drivers are mainly known.

For poaching (even though it is not an official study) it is the uncontrolled, insensible, covetous and unsatisfied urge for hunting. It is believed that the benefit (especially financially or as meat) is not main reason in Turkey.

The illegal trapping and trade of raptors may be caused by financial value of the bird since they are in demand especially in Gulf countries.

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

The one who wants have hunter's licence is obliged to have an education. Within the framework of Hunters Education Program, this issue is highly emphasized. Additionally, NGOs engaged with nature conservation organizes many events and education programmes.

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

No, there is not.

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

In 2014 and 2015, we had a very big campaign against poaching and had several events within this regard. In addition, provincial directorates organise educational events for primary school students each year. These are all focused on anti-poaching generally not illegal killing of birds particularly.

4. COORDINATION, SYNERGIES AND MAINSTREAMING

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornis Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

   There are recently started studies for a better cooperation between involved actors.

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

   It is poor.

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

There is no specific mechanism for this issue. Investigators and prosecutors get in touch with the provincial directorates if they need to.

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

No, we have not.

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

Since poaching is still a priority for us, cooperation with Ministry of Internal Affairs is very important for us. And it can be improved. Ministry of Education is important because of raising awareness studies. Ministry of Food, Agriculture and Animal Husbandry is vital in terms of using fertilizers and pesticides. We cooperate with these ministries but it can be more efficient and result oriented.

Additionally, hunting clubs and associations can be more active in combating with poaching.