

Strasbourg, 6 July 2016
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T-PVS/Files (2016) 21

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

36th meeting
Strasbourg, 15-18 November 2016

Other complaint

**Alleged deliberate killing of birds of prey
in Serbia**

- REPORT BY THE COMPLAINANT -

*Document prepared by
EPAR - OIPA SRBIJA, Serbia*

**EPAR - OIPA SRBIJA****Alijansa za zaštitu prirode, prava životinja i prava ljudi**
24000 Subotica Matka Vukovića 9epar@mts.rsepar.slavica@gmail.comepar-oipasrbia@hotmail.comepar.org@hotmail.com06th July 2016.**UPDATED REPORT****ON COMPLAINT SENT ON 7TH MARCH 2016 / No. 2016/3****REGARDING CASES OF POISONING OF WILD ANIMALS BY PESTICIDES IN SERBIA**

The reason for additional supplementing of our complaint of 7th March 2016, which we have forwarded to the Secretariat of the Bern Convention, are new cases of poisoning by pesticides of species of animals which are on the Appendix II of the Bern Convention. There is no proof that these cases have been processed according to the legislation of the Republic of Serbia, as this has not been done also in previous cases, for which the Secretariat of the Bern Convention already received the complaint from the Bird Protection and Study Society of Serbia in 2014 and from EPAR-OIPA Serbia in 2016.

As a result of this, no person was lawfully sentenced for the stated criminal acts.

1. New facts

The reason for additional supplementing of our complaint of 7 March 2016, which we have forwarded to the Secretariat of the Bern Convention, are new cases of poisoning by pesticides of species of animals which are on the Appendix II of the Bern Convention. There is no proof that these cases have been processed according to the legislation of the Republic of Serbia, as this has not been done also in previous cases, for which the Secretariat of the Bern Convention already received the complaint from the Bird Protection and Study Society of Serbia in 2014 and from EPAR-OIPA Serbia in 2016. As a result of this, no person was lawfully sentenced for the stated criminal acts.

The following bird species listed in the Appendix II of Bern Convention (Strictly protected fauna species) are subjects of this complaint: White-tailed Eagle (*Haliaeetus albicilla*), Buzzard (*Buteo buteo*), Crane (*Grus grus*), Marsh Harrier (*Circus aeruginosus*) and Montagu's Harrier (*Circus pygargus*). The total number of poisoned and dead individuals of these strictly protected birds, the subject of this report, found in Serbia **during March and April 2016 is 21:**

- 8 individuals of White-tailed Eagle (*Haliaeetus albicilla*)
- 3 individuals of Buzzard (*Buteo buteo*)
- 5 individuals of Common Crane (*Grus grus*)
- 4 individuals of Marsh Herrier (*Circus aeruginosus*)
- 1 individual of Montagu's Herrier (*Circus pygargus*)

The list of individuals, place and time of poisoning and source of these information are listed in the Annex I of this report.

All dead individuals of White-tailed Eagle were found on agricultural land, or close to alluvial regions along the Danube, Sava and Tisa Rivers. All other mentioned individuals were found on agricultural land and beside most of them bait was found - domestic or wild animal, whose parts are

consumed by poisoned individuals. In one case the bait was an egg of a domestic hen. In case of mentioned poisoning of the Cranes, the consumed food consisted of young maize plants, treated prior to the eowing by highly toxic pesticide. There are clear indications that the number of poisoned strictly protected birds within this period was much higher, but exact number remained unknown due to many errors and inconsistencies in the procedures of relevant government authorities.

All, except three individuals (total of 18) were found in the Autonomous Province of Vojvodina.

If cases of poisoning of the listed birds is not followed by continuous administrative and legal procedures, which would in a preventive manner deter a use of pesticides that is causing these poisonings, and with court procedures resulting in lawful sentences and punishing of persons responsible for such criminal acts, including compensation for the poisoned individuals, poisoning is promoted as an effective mean for controlling unwanted wild animals, identical to cases mentioned in two previous complaints. For example, the sudden death of 8 individuals of White-tailed Eagle (*Haliaeetus albicilla*) during a short period of time (only two months), the absence of punishment of those responsible for this, sends a very negative message that criminal acts are worthwhile and that the government officials are not capable or do not wish to solve the problem.

2. Carbofuran

Substances containing carbofuran as the active ingredient, are forbidden for sale in the Republic of Serbia since the year 2013, but are openly sold via internet sales and therefore widely accessible on the black market. Substances are coming from persons who obtain these preparations from countries in which these are legal. Due to its high effectiveness and easy accessibility, carbofuran is frequently applied, especially in agricultural areas, and especially during the spring period of intensive agricultural activities in Serbia (March-May). Because of its quick reaction in animal organism, it is also very often used (illegally) for reducing the population of foxes (*Vulpes vulpes*) and jackals (*Canis aureus*). In the vicinity of corpses of these two mammals, also corpses of the mentioned poisoned birds have often been found. It is evident that the authorities of the Republic of Serbia have not exerted any effort to withdraw from use and sale supplies of this pesticide therefore prevent the illegal distribution of preparations containing carbofuran after their prohibition, reluctant to legally process any Internet or other sale, which are by Article 243 of the Criminal Law of the Republic of Serbia characterized as criminal acts under "Unlawful sale".

Such a situation threatens with further cases of poisoning of strictly protected animals in a very short period of time as Government authorities behave very irresponsible and totally indifferent towards this problem. Numerous flaws in procedures exist concerning Government authorities during the discovery of animal corpses for which poisoning is suspected. Main flaws are:

1. The procedure of inspectors for environmental protection without informing and the assistance of police and public prosecutor, responsible for filing procedures of investigation.
2. In case of having been informed, the police and public prosecutors act reluctantly and carelessly, do not recognize their authorities for illegally killed by poisoning, strictly protected animal species.
3. A very slow analysis of samples of dead, strictly protected animals and submission of data on this to the inspection and court authorities.
4. The absence of refunding the costs of analysis of samples of dead, strictly protected animals by the Ministry of Agriculture and Environmental Protection which is their lawful obligation (according to the Art. 93 of the Nature Conservation Act);
5. Impossibility of paying the costs of the analysis of samples of dead animal species which are not strictly protected in the Republic of Serbia, domestic animals and other animal food which is often the cause of poisoning (not predicted in Article 93 of the cited Law on Nature Protection).

The listed flaws contribute to the absence of sentencing of acts of poisoning, encouraging the atmosphere in which such acts may be repeated indefinitely without any punishment.

**Annex I of Complaint to Bern Convention Secretariat by EPAR-OIPA Serbia
on 27th June 2016.**

Table 1. List of reported cases of poisoning of birds from App. II of Bern Convention in March and April 2016

Date	Location (settlement, site)	Number of poisoned individuals	Species – carcasses/animal traces found	Source of information
26 March 2016	Around Erdevik (Municipality of Šid)	1	Haliaeetus albicilla	Institute for Nature Conservation of Vojvodina Province
		1	Canis aureus (not Bern Appendix II species – most probable source of poisoning)	
7 April 2016	Around Temerin (Municipality of Temerin)	1	Buteo buteo	Nedeljko Orić N 45°28'4.68" E 19°50'44.08" N 45°28'4.07" E 19°51'38.98"
		4	Circus aeruginosus	
		2	Corvus corax (not Bern Appendix II species)	
		1	Vulpes vulpes (not Bern Appendix II species) Domestic duck – with clear remnants of pesticide, source of poisoning	
8 April 2016	Around Crepaja (Municipality of Kovačica)	1	Haliaeetus albicilla	Institute for Nature Conservation of Vojvodina Province
		1	Vulpes vulpes (not Bern App. II species)	
11 April 2016.	Around Tovariševo (Municipality of Bačka Palanka)	2	Haliaeetus albicilla	Institute for Nature Conservation of Vojvodina Province
20. April 2016.	Around Temerin (Municipality of Temerin)	1	Haliaeetus albicilla	Srđan Čaturilov
21. April 2016.	Around Velebit (Municipality of Kanjiža)	2	Buteo buteo	Institute for Nature Conservation of Vojvodina Province
		1	Circus pygargus	
21. April 2016.	Around Novi Kneževac (Municipality of Novi Kneževac)	5	Grus grus	Provincial Environmental Inspection; State Phytosanitary Inspection
23. April 2016.	Pančevački Rit, close to Kovilovo (Municipality of Palilula, City of Belgrade)	3	Haliaeetus albicilla	Bojan Bukovac

https://www.kupujemprodajem.com/Furadan-29965792-oglas.htm?filter_id=133788#photoBig

Ulogujte se | Početna | Najnoviji | Pretraži detaljno | Promocije oglasa | Baner reklama | kp izlog

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kupujem prodajem

DATA **Otvaranje firme** Otvaranje firme u Sloveniji, EU. Sve za vaš biznis. Proverite! data.si/hr/

41.687 novih oglasa juče

Postavi oglas ▶

Moje kp ▶

Poljoprivreda > Ostalo > ID oglasa: #29965792 (postavljen: pre 3 nedelje)

Furadan (Kao novo - nekorisćeno)



Cena: 4.200,00 din
Viđeno: 2513 puta

Pošaljite poruku

Zeljko online
Stara Pazova
22 0 Član od 15.10.2013
Kliknite za broj telefona
Svi oglasi

NBS - 04.05.2016.

	kup	sred	prod
EUR	122,21	122,58	122,95
CHF	111,13	111,47	111,80
USD	106,38	106,70	107,02

EUR > RSD

100 = 12.258,15

Ako ste na mobilnom, sajtovima pristupate najradije?

- Iz browsera
- Iz aplikacije
- Nijedno od ova dva

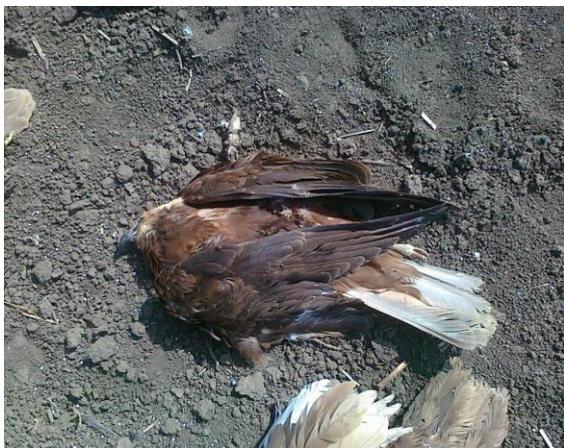
Glasaj

FURADAN NAJBOLJE sredstvo za tretiranje semena i zastitu. Imamo u ponudi i ekobooster1, pospesuje kljavnost i nicanje semena, 1l za 100kg kukuruza, ili 200 kg suncokreta ili 300-400 kg semena soje.

treca i cetvrta slika su radjene imidorom 13 4 2016. jedan deo radim furadanom, jedan imidor, jedan mesurol.











Sincerely,

EPAR -OIPA Serbia / Alliance for Nature Protection, the rights of animals and people

24000 Subotica Matka Vukovića 9

Agent: MD Slavica Mazak Bešlić

epar@mts.rs;

epar-oipasrbia@hotmail.com

Save the nature!

- COMPLAINT FORM RECEIVED ON 7 MARCH 2016 –

**Convention on the Conservation of
European Wildlife
and Natural Habitats**



COMPLAINT FORM

***NB:** Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.*

Please, fill in this form and send it to the attention of:

Ivana d'ALESSANDRO
Directorate of Democratic Governance, Culture and Diversity
Council of Europe
F-67073 Strasbourg Cedex

E-mail: Ivana.DALESSANDRO@coe.int

First name: Slavica.....
Surname(s): Marak-Beslic.....
On behalf of (if applicable): .. EPAR-OIPA-Serbia / Alliance for Nature Protection, the rights of animals and people ..
Address: Matka Vukovica 9.....
Town/City: Subotica.....
County/State/Province: Serbia.....
Postcode: 24000.....
Country: Serbia.....
Tel: ++381 24 55 25 00.....
Fax: ..
E-mail: epar@mts.rs, epar-oipasrbia@hotmail.com
Web site: ..
Date : 07.March.2016.

Electronic Signature



1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

The reason of our complaint are reported cases of death of White-tailed Eagle (*Haliaeetus albicilla*), Common Buzzard (*Buteo buteo*), Crane (*Grus grus*) by poisoning and Griffon Vulture (*Gyps fulvus*) was shot from a hunting rifle in the Republic of Serbia in years 2014- 2016 at various locations.

By the mean, Article 6. 7. 8. and 10. of Bern Convention are violated.

We ask for the Secretariat of Bern Convention to take all foreseen administrative measures and ask authorities of the Republic of Serbia to undertake urgent stops leading to prevention of deliberate killing of birds from Appendix II of the Convention, locating and adequate legal prosecution of individuals or organization involved in described violations.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Following species of birds are subject of our complaint, all of them listed on Appendix II of Bern Convention Strictly Protected Species: White-tailed Eagle (*Haliaeetus albicilla*), Common Buzzard (*Buteo buteo*), Common Crane (*Grus grus*) and Griffon vulture (*Gyps fulvus*). All above mentioned species are regular breeding species in Serbia, except Common Crane.

The White-tailed Eagle is most severely affected. Breeding population in Serbia, according to the most recent information, numbers about 110-120 breeding pairs..

Total number of poisoned birds which are subject of this complaint is 39 birds : 10 White-tailed Eagles, 9 Common Buzzards, 19 Crane, and 1 Griffon Vulture, was shot from hunting rifles, 20 January 2016.

List of individuals, location of founding and sources of information are listed in Table 1. In Annex I of this complaint.

All dead individuals of White-tailed Eagle, are found on agricultural land, but close to floodplains of the rivers Danube, Sava, Tisa, Tamit and Begej or in the floodplains themselves.

There are strong indices that in this period much larger, but unknown number of these and many other raptor species were poisoned in Serbia, but no evidences were found due to non-systematic surveys.

3. What might be the negative effects for the specie/s or habitat/s involved?

Negative effects of direct or indirect poisoning of raptors are reflected in direct lowering of breeding/non-breeding populations, thus decrease of number of adults directly involved in breeding process. Secondary loss is loss of chicks or eggs in the nest belonging to adults being poisoned (if poisoning occurred in the breeding period). More over, in case of poisoning of immatures, decrease in number of non-breeding stock might reflect to future decrease of breeding population. Poisoning with very strong poisons (in almost all of these cases carbofuran is suspected or proved by laboratory analyses as cause of poisoning), can cause secondary poisoning of carcass-eating animals consuming already poisoned ones. Poisoning of above mentioned birds, if not followed by strict administrative and legal procedure of arresting and charging of persons who are suspected users of poisons which caused death of these birds, can lead to negative promotion of poisoning as method of control of unwanted animals. Same as in the previous period.

In many protected floodplain areas in Serbia, White-tailed Eagle is key and umbrella species, serving as promoter of conservation actions. Sudden death of such large number of birds in so short period sends very negative message on incompetent authorities who are unable to solve this issue. Therefore above mentioned cases are cause of concern also in terms of international obligation towards obeying of Bern Convention.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

Following individuals of White-tailed Eagle were found dead in Ramsar Sites: place where found is very close or on the edge of Ramsar area.

It is very probable that these birds' ranges, feeding sites or nests are partly in these Ramsar sites.

White-tailed Eagle is included in Appendix I of Convention of Migratory Species.

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

All above mentioned species are strictly protected species in the Republic of Serbia (Rulebook on Designation and Protection of Strictly Protected and Protected Species of Plants, Animals and Fungi; ("Official Gazette of the Republic of Serbia" No. 5/2010, 47/2011)). Their protection from killing and other threats is established according to the Art. 74 of the Nature Conservation Act ("Official Gazette of the Republic of Serbia" No. 36/2009, 88/2010, 91/2010). A maximal fee of 500.000 or 400.000 Serbian Dinars is established as a punishment for the act which is causing death or damage of one individual of Griffon Vulture or White-tailed Eagle (Rulebook in Compensatory Pricelist for Establishment of Rate of Imbursement of Damage Caused by Improper Act Related to Strictly Protected and Protected Wild Species, ("Official Gazette of the Republic of Serbia" No 37/2010). For other species of raptors, e.g. Common Buzzard maximal fee is 160.000 Serbian Dinars. For Crane, fee is 200.000 Serbian Dinars.

Pending procedure contains: submissions of criminal charge by the environmental inspection to public prosecutor's office, decision on character of criminal act, police investigation and, finally, penalty procedure. This is not happening.

No public information is available on the status of these procedures in particular cases.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

Available photos:

First line, from left to right: case at Sanad

Central line, from left to right: cases in Ritovi donjeg Potisja, SNR and Kanjita

Third line, from left to right, cases in Ritovi donjeg Potisja, SNR and Uvac SNR

<http://www.blic.rs/vesti/drustvo/sramota-zdralovi-otrovani-zabranjenim-insekticidom/kvzv6wb>

<http://www.alo.rs/orlovi-otrovani-furadanom/29864>

<http://www.ekolist.org/ima%20hi%20kraja%20trovanju%20optica%20kod%20apatina.php>



**Annex I of Complaint to Bern Convention Secretariat by EPAR-OIPA Serbia on
7th March 2016.**

**Table 1. List of reported cases of poisoning of birds from App. II of Bern Convention since April 2014.
(assignment of the convention by the Republic of Serbia)**

Date	Location (settlement,site)	Number of poisoned individuals	Species	Source of information
April 2014.	Sanad	19	Grus grus	Public Prosecutor's Office Zrenjanin
31.March 2015.	Krivaja	1	Haliaeetus albicilla	Institute for Nature Protection
03.March 2015.	Radojevo	1	Haliaeetus albicilla	AP Vojvodina, Inspection of the Environment
03.March 2015	Radojevo	3	Buteo buteo	AP Vojvodina, Inspection of the Environment
21.April 2015.	Ritovi donjeg Potisja, SNR	1	Haliaeetus albicilla	Institute for Nature Protection
04.Decembar 2015	Višnjicevo, Forest Service Sr. Mitrovica	4	Haliaeetus albicilla	Goran Jević, 3 dead eagle Ivana Lozjanin, 1 dead eagle
17.January 2016.	Kanjiža	6	Buteo buteo	https://www.facebook.com/photo.php?fbid=731166305017266&set=pcb.731166485017248&type=3&theater Sinisa Gojkov
20.January 2016.	Uvac, SNR	1	Gyps falvus	Saša Marinković
27.January 2016.	Ritovi donjeg Potisja, SNR	1	Haliaeetus albicilla	Danilo Đeković
19.February2016	Tovariševo Karađorđevo SNR.	2	Haliaeetus albicilla	http://www.ekolist.org/vesti/%20-%20mrtvi%20orlovi%20belorepani%20nadjeni%20kod%20tovariseva.php

Note: 1 Griffon Vulture was shot from hunting rifles, 20.January 2016. feeding stations for vultures, the Special Nature Reserve "Uvac"