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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting
Strasbourg, 30 November - 4 December 2020

Possible file

**Lack of legal protection for Northern Goshawk
and other birds of prey
(Norway)**

- REPORT BY THE GOVERNMENT -

*Document prepared by the
Ministry of Climate and Environment, Norway*



ROYAL NORWEGIAN MINISTRY OF
CLIMATE AND ENVIRONMENT

Marc Hory

Your ref

Our ref
17/169-15

Date
28 July 2020

Report: Case-file 2017/01 - Possible file on lack of legal protection for Northern Goshawk and other birds of prey in Norway

Dear Mr. Hory,

We refer to the e-mail of 11th December 2019 to Mr. Øystein Størkersen of the Norwegian Environment Agency, concerning case-file 2017/01 *Lack of legal protection for Northern goshawk and birds of prey in Norway*. The Norwegian Environment Agency has forwarded the e-mail to the Ministry of Climate and Environment.

In your e-mail, you mention that the Standing Committee to the Bern Convention re-examined the above-mentioned complaint at its 39th meeting. The Standing Committee acknowledged the progress in the revision process of the national legislation. It took note that the public consultation initiated in early 2019 had ended in October and that replies were currently being assessed. Pending the results of the public consultation, the Norwegian Parliament could be invited to examine the revised Nature Diversity Act in 2020. The Committee decided to keep the file as a possible file and requested the national authorities to report on the case again at its 40th meeting. As reports submitted to the attention of the Standing Committee are usually pre-screened by the Bureau at its second annual meeting, you ask for a report, not later than 31st July 2020, on progress made.

We can inform you that the Norwegian Parliament has now amended Article 17 of the Nature Diversity Act. It now follows from Article 17 section 2 subsection 2 that the owner, or a person acting on behalf of the owner, may kill a wild animal because of an ongoing or imminent attack on livestock, including pigs and poultry, domesticated reindeer or dogs, when this is deemed necessary. The amendment act came into force on 19th June 2020.

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The Bureau has previously noted that there was an unintentional change to the wording of the provision, and that the Supreme Court judgment of 12 March 2014 decided that the term “considered necessary” does not apply where wild animals are making a direct attack on livestock, domesticated reindeer, pigs, dogs and poultry. In order to maintain adherence to, in particular, Article 1, 2, 3(1), 6(ii) (a), 7(2) and 8 of the Bern Convention, the Bureau has considered that it is necessary that the unintentional change to the wording is corrected.

The amendment of Article 17 of 19th June 2020 has re-introduced the wording "deemed necessary" to the provision, correcting the unintentional change that occurred when the provision was transferred from the Norwegian Wildlife Act to the Nature Diversity Act in 2009.

Yours sincerely

Torbjørn Lange
Deputy Director General

Maline Salicath Gordner
Higher Executive Officer

This document is signed electronically and has therefore no handwritten signature