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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 COMPLAINANT -

*Document prepared by
Birdlife Norway*

24 August 2020

Bern Convention - Possible case-file 2017/01: Lack of legal protection for Northern goshawk and birds of prey in Norway

Dear Helena,

I have consulted with Mr. Eggen on this matter, and here is our reply.

On June 19th, this year the Norwegian Parliament have made changes to the Nature Diversity Act (Naturmangfoldloven) § 17. This is a link to the change: <https://lovdata.no/dokument/LTI/lov/2020-06-19-87>
The new law text is as follows (my translation): § 18 second part: "Game can be killed when it must be considered necessary to remove a current and significant risk of injury to person. The owner, or anyone acting on behalf of the owner, may kill game when deemed necessary due to an ongoing or imminent attack on the grazing animals, reindeer, pig, dog and poultry."

BirdLife Norway considers the main purpose of the complaint to Bern to be fulfilled, and thanks the convention for good follow-up. Our main point of view was that the section did not contain a requirement that other solutions than killing had to be tried first.

At the same time, we ask the Convention to discuss on an independent basis whether the wording "ongoing or imminent attack" is in line with the provisions of the Convention. Our assessment is that this wording is unreasonable, as it is difficult to assess whether an attack is imminent without making unsubstantiated prophesies of the future. We were however unsuccessful in persuading the Norwegian parliament in this detail of the matter. This was probably because the Norwegian supreme court had previously made a statement that an "imminent attack" was within what was understood by the term "ongoing attack".

The best way forward is perhaps to rest our case and wait and see how the Norwegian courts interpret this new legislation.

Best regards
Kjetil Aa. Solbakken
Director
Birdlife Norway, Sandgata 30B, N-7012 Trondheim, Norway
E-mail: kjetil@birdlife.no
Skype: kjetil.solbakken
Phone: +47 73841649 / +47 91859428

Help us protect birds and their habitats - join us today!
Contact: nof@birdlife.no, phone +47 73841640, www.birdlife.no