



Convention on the Conservation of Migratory Species of Wild Animals

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Roadmap towards eliminating illegal killing, trapping and trade of birds

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Version 4 2016

Roadmap towards eliminating illegal killing, trapping and trade of birds

Based on various sources of information (in particular the Bern Convention Recommendation on the illegal killing¹², trapping and trade of wild birds, discussions with BirdLife International, the Federation of Associations for Hunting and Conservation of the EU (FACE), and Member States, and a study produced for the Commission³), the Commission intends to identify actions to be taken at EU or Member State level with a view to increase effectiveness in measures aimed at eliminating illegal killing, trapping, and trade of birds in the EU.

The first version of the Roadmap was finalized in December 2012. The present version has been updated according to the actions undertaken and further to the Tunis' Conference on Illegal killing, trapping and trade of birds⁴ organized by the Bern Convention and the Recommendation N° 164 (2013) of the Standing Committee of the Bern Convention on the implementation of the " *Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds*"⁵.

Although enforcement is primarily a responsibility of Member States, the Commission can play a significant role to help improve the situation. The five main domains where the Commission can act are the following: 1) Raising awareness of the competent authorities and the civil society, 2) Funding projects, 3) Co-ordinating efforts at EU level, 4) Processing data provided by Member States in the context of their reporting obligations or Commission's enquiries, and 5) Initiating legal procedure.

The Roadmap lists possible actions under 4 main headlines: 1) Monitoring and data collection, 2) Information exchange, training and awareness-raising, 3) Enforcement and legal aspects, and 4) Prevention. The Roadmap does not aim to set up a comprehensive program aimed at eliminating illegal killing, trapping and trade of birds. Such a program can be found in the Bern's Convention Action Plan. It rather **aims to list all possible actions for the Commission and a set of actions for the other concerned parties.**

¹ [https://wcd.coe.int/ViewDoc.jsp?Ref=T-PVS\(2011\)20&Language=lanFrench&Ver=original&Site=DG4nature&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=T-PVS(2011)20&Language=lanFrench&Ver=original&Site=DG4nature&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

² http://www.coe.int/t/dg4/cultureheritage/nature/bern/default_fr.asp

³ BIO Intelligence Service (2011), Stocktaking of the main problems and review of national enforcement mechanisms for tackling illegal killing, trapping and trade of birds in the EU, Final report prepared for European Commission (DG Environment).

⁴ http://www.coe.int/t/dg4/cultureheritage/nature/bern/Birds/Meeting_052013.asp

⁵

<https://wcd.coe.int/ViewDoc.jsp?id=2096619&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FC44F&BackColorLogged=FFC679>

I. Possible, on-going and completed actions

I.1 Monitoring and data collection

No	Action	Body in charge	Public concerned/targeted	Details on past, current or planned activity	Timetable	Link with the Bern Convention's Action Plan
1	Processing data					
1	Processing in a structured way information reported by Member States in the context of their reporting obligations under the Birds Directive (Art. 12, information on "threats") or any information provided under Article 10 of the Birds Directive (research activities)	Commission	BirdLife, FACE and other stakeholders	Art. 12 reports to be analysed and relevant information (threats) extracted (NB in 2013 reports threat information is provided only for Annex 1 and 'SPA trigger' species)	On-going	<i>"Enforcement & legal aspects: Result n°1: Identification of national priorities"</i>
2	Collection of data					
2	Collection of data on the nature, extent and trend of illegal activities by using the most relevant methodologies	BirdLife	Commission, Member States	Collection of existing available databases on illegal activities at Member State level. Compilation by BirdLife International available here (9/2013): http://www.birdlife.org/sites/default/files/attachments/20130913_Overview_databases_illegalkilling-trapping-trade-birds-EU.pdf BirdLife review on IKB in the Mediterranean region (8/2015)	To be continued	<i>"Enforcement & legal aspects: Result n°1: Identification of national priorities"</i>

				http://www.birdlife.org/sites/default/files/attachments/01-28_low.pdf Article by Birdlife (3/2016): Preliminary assessment of the scope and scale of illegal killing and taking of birds in the Mediterranean, http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=10215514&fileId=S0959270915000416		
<u>2</u>	Idem	FACE and Wildfowl & Wetlands Trust	Hunting community, conservationists	Illegal Shooting of Migratory Swans Project initiated in 2011 ⁶	On-going	<i>"Awareness aspects: Result n°3: Tailored messages are developed"</i>
3	Derogation reporting					
3	Monitoring and follow-up of derogations granted by Member States, in particular by insisting on quality and timeliness of MS reporting obligations (Art. 9 of the Birds Directive)	Commission	Member States	Work is on-going concerning MS who failed to send derogation reports by deadline.	On-going (derogation reports are submitted annually)	

⁶ <https://www.wwt.org.uk/conservation/saving-wetlands-and-wildlife/saving-wildlife/science-and-action/illegal-shooting-of-migratory-swans/>

I.2 Information exchange, training and awareness-raising

No	Action	Body in charge	Public concerned/targeted	Details on past, current or planned activity	Timetable	Link with the Bern Convention's Action Plan
4	Uptake of IMPEL (<i>EU Network for Implementation and Enforcement of Environmental Law</i>⁷)					
4	Uptake of IMPEL in the on-going initiative on illegal killing ⁸	Commission	<i>IMPEL</i>	<ul style="list-style-type: none"> - IMPEL Implementation Review (IRI) in Romania in 2014 (peer review of the national enforcement system) - new activities in 2016: IRI in Italy, project on hunting tourism incl. joint inspections and to develop a system on how to exchange information with NGOs - Collaboration with the EU Forum of Judges for the Environment (EUFJE) 	On-going	<i>"Enforcement and legal aspects: Result n°4: Sentencing guidelines are elaborated"</i>
5	Information sessions for judges and prosecutors					
5	Support to information sessions for judges, prosecutors or enforcement officials and dissemination of training material	Member States with support of BirdLife, FACE, stakeholders...	National judges, prosecutors, enforcement officials	Seminars organized by Member States at regional/national level	To be continued	<i>"Enforcement and legal aspects"</i>

⁷ <http://impel.eu/>

⁸ <http://www.impel.eu/projects/nature-protection-expert-team-meeting-and-joint-inspections/>

5	Idem	BirdLife International	Enforcement authorities	<ul style="list-style-type: none"> - Co-operation of the Czech Society for ornithology with the Police and Environmental inspectorates - Participation of RSPB in the Partnership Against Wildlife Crime in UK 	On-going?	<i>"Enforcement and legal aspects"</i>
5	Idem	Commission	National judges or prosecutors,	<p>EC's seminar in Bucharest, Brussels and Budapest in 2012 (with the support of EIPA), training module produced by EIPA available http://ec.europa.eu/environment/legal/law/training_package.htm).</p> <p>New module on wildlife trafficking incl. workshops organised by ERA and EC in April 2016⁹</p>	Completed On-going	<i>"Enforcement and legal aspects"</i>
5	Idem	Commission	Inspectors, customs officials, police, prosecutors and judges	List of financial programmes, run by different Directorates General of the European Commission, which offer possibilities to provide funding for the organisation of training, awareness-raising, networking and capacity-building activities on wildlife trafficking	On-going	<i>"Enforcement and legal aspects"</i>

⁹ https://www.era.int/cgi-bin/cms?_SID=76256597fbfa4f60b9a8ba1d072a55570c0d338800471723106651&_sprache=en&_bereich=artikel&_aktion=detail&idartikel=125819

5	Idem	BirdLife International	Enforcement officials	Conferences organized in Bulgaria by the Bulgarian Society for the Protection of Birds on wildlife crimes with the support of the Royal Society for the Protection of Birds (RSPB) ¹⁰	Completed	"Enforcement and legal aspects"
6	Information on good practices					
6	Information on good practices	Commission, BirdLife, FACE and other stakeholders	Member States, Sectors or group of persons possibly involved in illegal activities		To be continued, also via the Bern's Convention Action plan	"Awareness aspects"
6	Idem	Commission,	Member States, professional sectors or group of persons possibly involved in illegal activities	Identification of existing agricultural measures within the Common Agricultural Policy (rural development programmes, cross-compliance under the 1st pillar of the CAP) or measures that have been piloted in LIFE projects that can contribute to reducing illegal activities. Compiled information available here: Review of measures to combat illegal poisoning-final-rev.pdf	Completed	"Awareness Aspects"
6	Idem	BirdLife International		Overview of LIFE projects by BirdLife on illegal killing, trapping and trade in the EU	On-going	"Awareness Aspects"

¹⁰ <http://bspb.org/en/news/BDZP-organizira-seminar-za-mitniceski-sluzhiteli-za-protivodeystvie-na-trafika-na-divi-zhivotni.html>

				(2014): http://www.birdlife.org/sites/default/files/attachments/20141010_Overview_LIFE_Projects_BirdLifePartners_illegalkilling-trapping-trade-birds-EU.pdf		
	Idem	BirdLife Greece	Member States, BirdLife, FACE and other stakeholders	Outcomes of the Zakynthos' international conference on best practices to tackle the illegal killing of migratory birds. Summary is available here: 140704 Conference Zakynthos 26-27 June 2014 summary results_final.pdf	Completed	"Awareness Aspects"
7	Information and awareness-raising					
7	Information dissemination and awareness-raising	Commission	General public	Addition of a page to the EC's Nature and Biodiversity website on implementation of the Birds and Habitats Directives http://ec.europa.eu/environment/nature/conservation/wildbirds/illegal_killing.htm	Completed	"Awareness Aspects"
7	Idem	BirdLife	General public	Review on on-going initiatives to tackle illegal killing of birds (3/2016) https://wcd.coe.int/ViewDoc.jsp?p=&id=2425841&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679&direct=true	On-going	"Awareness Aspects"

8	Information on the on-going initiative					
8	Information of national associations of the on-going initiative	BirdLife, FACE and other stakeholders	National/regional associations	Improving the promotion of the implementation at national level of the 2004 agreement between BirdLife and FACE ¹¹ and setting up joint communication	To be continued	"Awareness Aspects"
9	Targeted communication campaign					
9	Organization of targeted communication campaigns aimed at addressing well identified and acute cases. Information of the Commission on such campaigns.	BirdLife, FACE, other stakeholders, Member States	General public, targeted groups...	<ul style="list-style-type: none"> - EU Action Plan against Wildlife Trafficking adopted by EC on 26.2.2016¹² - EC's communication on wildlife trafficking (COM 2014 (64)¹³) and consultation (sought a.o views on how to strengthen enforcement within the EU, including through better cooperation amongst enforcement agencies, and through awareness raising and training for the judiciary) - Resolution of the European Parliament on Wildlife crime (2013/2747(RSP)¹⁴ 	On-going	"Awareness aspects"

¹¹ http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/agreement_en.pdf

¹² <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:87:FIN>

¹³ http://ec.europa.eu/environment/cites/pdf/communication_en.pdf

¹⁴ <http://www.europarl.europa.eu/sides/getDoc.do?&reference=B7-2014-0013&language=EN>

9	Organization of targeted communication campaigns aimed at addressing well identified and acute cases. Information of the Commission on such campaigns.	BirdLife,	General public, targeted groups...	- Targeted campaign (" <i>The truth about bird trapping</i> ") organized by BirdLife Cyprus ¹⁵	Completed	" <i>Awareness aspects</i> "
10	Better understanding of hunting legislation					
10	Identify and support mechanisms to improve understanding of national or regional hunting legislation	Member State authorities, appropriate national hunting organisations	Stakeholders	Improved inter-service communication between competent authorities and resources for awareness campaigns	To be initiated	

I.3 Enforcement and legal aspects

No	Action	Body in charge	Public concerned/targeted	Details on past, current or planned activity	Timetable	Link with the Bern Convention Action Plan
11	Environmental Crime Directive					
11	Assessment of the transposition and implementation of the Environmental Crime Directive (Directive 2008/99/EC), including its aspects related to the killing of specimens of protected wild fauna or flora species and the trade therein.	Commission	Member States	Study on evaluation of the MS' transposition of the Environmental Crime Directive by the Commission (DG JUST).	Completed	" <i>Enforcement and legal aspects</i> "

¹⁵ http://www.birdlifecyprus.org/en/news-253-The_truth_about_bird_trapping.html

				Review of ECD to start by end 2016	To start	
12	EU-TWIX					
12	Extension of the scope of the EU-TWIX ¹⁶ system to better cover illegal trade of EU bird species.	Commission	Enforcement officials (custom agents, etc...)	EU-TWIX is an internet tool to facilitate information exchange on illegal wildlife trade in the EU	Action to be reconsidered when possible	<i>"Enforcement and legal aspects"</i>
13	CITES Enforcement Group					
13	Updating the EU CITES enforcement Group about the present initiative and identifying key areas of overlap/co-operation	Commission	National officials in charge of CITES (trade with non-EU countries as well as within EU)	Presentation at the EU CITES enforcement Group by the EC	On-going	<i>"Enforcement and legal aspects"</i>
14	Legal aspects					
14a	Identification of legal loopholes that affect the implementation and enforcement of bird protection measures	Commission, stakeholders	Member States		To be continued	<i>"Enforcement and legal aspects"</i>
14b	Legislation clarification or improvement when a loophole has been clearly identified	Member States		e.g.: setting deterrent fines	To be continued	<i>"Enforcement and legal aspects"</i>

¹⁶ <http://www.eutwix.org/Fr/Default.aspx>

				<p>recommended by the Bern Convention's Recommendation 164 (2013)</p> <ul style="list-style-type: none"> - Other initiatives on-going^{17, 18, 19} - The EU Action Plan on Wildlife trafficking adopted on 26.2.2016²⁰, see also under action 9. 	<p>meeting on 12.-15.7.2016 in Egypt. EC financing secured for 3 years.</p>	
17	Legal procedures – on-going action					
17	Opening a legal procedure when a clear breach of the Birds Directive or a characterized failure of enforcement measures has been identified	Commission	Member States		On-going	

I.4 Prevention

	Action	Body in charge	Public concerned/ targeted	Details on past, current or planned activity	Timetable	Link with the Bern Convention Action Plan
18	Derogations					

¹⁷ <http://www.face.eu/about-us/resources/news/prominent-hunters-from-middle-east-and-africa-sign-declaration-on>

¹⁸ <http://migratorysoaringbirds.undp.birdlife.org/>

¹⁹ http://www.unep-aewa.org/news/news_elements/2013/bird_netting_meeting.htm

²⁰ press release http://europa.eu/rapid/press-release_IP-16-387_en.htm

18	Promoting good use of derogations to prevent damage when alternative solutions are not satisfactory (Art. 9.1.a. of the Birds Directive)	Member States, BirdLife, FACE and other stakeholders	Stakeholders		To be continued/further elaborated	"Awareness aspects – Result n°3: Tailored messages are developed"
18	Idem	Member States, BirdLife, FACE and other stakeholders	Stakeholders	Production by the Commission of a Guidance document on Cormorant: http://ec.europa.eu/environment/nature/pdf/guidance_cormorants.pdf	Completed	"Awareness aspects – Result n°3: Tailored messages are developed"
19	Alternatives					
19	Promotion of alternative activities likely to divert people from illegal ones	Member States, BirdLife, FACE and other stakeholders	Citizens, sectors or group of persons possibly involved in illegal activities		To be initiated	
20	Legal framework for derogations					
20	Adoption as far as possible of a clear and stable legal framework for derogations under Art. 9.1.c. of the Birds Directive	Member States	Stakeholders		To be continued	
21	Cross-compliance under the Common Agricultural Policy					
21	Promoting application of cross-compliance under CAP for Illegal Killing of Birds	Member States	Stakeholders		To be reconsidered when possible	

II. Background information

II.1 The Birds Directive, still a lack of enforcement

The Birds Directive (2009/147/EC) establishes a general system of protection for all species of birds naturally occurring in the wild state in the European Union. "*The Directive covers the protection, management and control of these species and lays down rules for their exploitation It shall apply to birds, their eggs, nests and habitats*" (Article 1). Under the Environmental Crime Directive (2008/99/EC²¹), intentional and unlawful killing, destruction, possession or taking of specimens of protected wild fauna or flora species constitutes a criminal offence for which Member States are required to provide for criminal penalties in their national legislations.

Although the Birds Directive is more than 30 years old, illegal activities such as illegal killing, trapping or trade of birds still occur and are one of the threats hindering the achievements of the objectives of the Birds Directive and the first target²² of the Biodiversity Strategy of the EU. Although illegal killing of birds is not, as a whole, the most significant threat to birds, it can have a very negative impact on bird populations in some specific situations (specific species or regions). For more than 20 years this issue has been an Open File at the annual meeting of the Standing Committee of the Bern convention²³, and the Commission regularly receives complaints concerning illegal killing, trapping or trade of birds in the European Union (e.g. poisoning of birds of prey in Eastern Europe, illegal trapping of passerines in Southern Europe, killing of protected species, restaurants serving trapped birds as delicacies, illegal imports, egg picking ...).

Ensuring the respect of all bird conservation legislation, in particular through proper law enforcement but also by education and awareness raising initiatives, is one out of the 10 points on which BirdLife and FACE have agreed in 2004.

The Commission adopted a Communication on implementation²⁴ ("Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness" – COM(2012)95) on 07/03/2012. This communication is intended to help prepare the way for the 7th Environmental Programme and indicates an intention by the Commission to explore several options for improving implementation which are relevant to the present Road Map, including the following: 1) upgrading current EU provisions on inspection and surveillance 2) adopting criteria for complaint-handling at Member State level (including complaints consisting of information about criminal offences) and 3) improved conditions for access to justice.

Although law enforcement of bird protection regulations is primarily a competence of Member States, this issue has an international dimension (migratory species, international trade...) which justifies EU action. Therefore the Commission has decided to collaborate with the Secretariat of the Bern Convention, BirdLife International and the Federation of Associations for Hunting and Conservation in the EU (FACE) and participated in the international conference organized by the Bern Convention Secretariat on 6-8/07/2011 in Cyprus. The Recommendation n°155 (2011) of the Standing Committee on the illegal killing, trapping and trade of wild birds was adopted by the contracting parties of the Bern Convention on 02/12/2011.

²¹ OJ C 10, 15.1.2008, p. 47

²² The first target of the EU Biodiversity Strategy is about Conserving and Restoring Nature.

²³ http://www.coe.int/t/dg4/cultureheritage/nature/bern/default_fr.asp

²⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0095:FIN:EN:PDF>

In view of the Conference BirdLife consulted its partners and produced an assessment of the situation in the EU as regards illegal killing of birds. The Bern Convention assessed the extent of the problem among contracting parties. The Commission also launched a study contract to collect Member States' views on the issue, to better assess the scale of the problem and to suggest recommendations for action.

Finally a resolution on "Minimizing the risk of poisoning for migratory birds" was adopted at the latest Conference of the Parties (COP10 – 20-25/11/2011) of the Convention of Migratory Species²⁵.

II.2 Categories of illegal activities

The Commission's consultant produced an overview of illegal practises reported by Member States. Some practises are still widespread throughout Member States whereas others are only reported in few Member States. The most widely reported illegal activities which deserve serious attention are the following:

The following groups of illegal activities are the three most often reported by Member States:

- **Intentional poisoning of raptors or predators** (corvids and mammals).
- **Illegal killing of protected species** (shooting, trapping, nest destruction): This type of activity concerns so called pest species (Cormorant, Heron, Gulls ...) or other protected species, e.g. for trophy or taxidermy.
- **Trapping of protected "small species"** (mostly passerines): Illegal trapping of passerines is practised in some Member States either for cage birds or for food.

Other activities are less common but still reported in more than four Member States:

- **Accidental poisoning** due to the use of illegal products.
- **Stealing eggs or chicks**: The reasons behind such practise may be demand for birds for falconry or trade but also fears that the presence of some bird species will not allow some developments
- **Illegal trade of protected species.**
- **Shooting game species in close period** (waterfowl, quail,...) or use of illegal methods to capture game species.

II.3 Types of measures taken at Member State level

The study produced for the Commission and other sources of information allowed the collection of a list of measures experienced throughout Member States. The most relevant ones are presented hereunder.

Information exchange, training and awareness-raising

- Awareness raising campaign on illegal use of poison: joint communication and collaboration of hunting associations, NGOs, veterinarians... aimed at detecting, reporting and elucidating poisoning incidents. Joint press releases were issued.

²⁵ http://www.cms.int/bodies/COP/cop10/resolutions_adopted/10_26_poisoning_e.pdf

- Training of custom officers or enforcement officers
- Training dogs to detect poison baits
- Trans-boundary expertise sharing among police forces

Enforcement and Legal aspects

- Prohibition to detain trapping material in Belgium
- Administrative fines
- Specialized prosecutors
- Legal responsibility of landowners as regards offences committed by their employees
- Deterrent sanctions
- Specialized wildlife crime unit within the police force with established work priorities
- Shift of the burden of proof

Monitoring and data collection

- Collection of identified cases in a specific database
- Possibility for citizens to report illegal activities

Prevention

- Compensation for agricultural damage to reindeer herders based on the number of nesting pairs in their herding areas
- Dedicated LIFE program to address poisoning problems
- Efficient scheme to compensate for damage
- Development of alternative sources of income such as nature tourism

Co-ordination

- Setting up a special task force or communication platform involving all concerned actors (authorities, NGOs, hunting organisations...) aimed at addressing a specific problem
- Joint declaration of all concerned actors against illegal raptor persecution
- Co-ordinated production of documents raising awareness
- Co-operation between NGOs and police forces