



## A proposal for a EU Action Plan to prevent illegal poisoning of wildlife

II European Workshop on Environmental Crime: Illegal Poisoning of Wildlife  
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### Introduction

Use of poison-baits in the countryside is one of the most widely used predator eradication methods worldwide (Márquez, et al. 2012) and is a significant threat to biodiversity in the European Union. Poison is used to kill wildlife considered to be harmful to certain activities, in particular game management for hunting, livestock farming and other agricultural practices (Graham, et al. 2005; Sotherton, et al. 2009). Illegal use of poison is considered one of the most important issues regarding illegal killing of birds due to the serious conservation impacts (Margalida, et al. 2008; BirdLife, 2011) and is confirmed to be among the most important direct threats in Europe to the Spanish Imperial Eagle (*Aquila adalberti*), Eastern imperial eagle (*Aquila heliaca*), Red kite (*Milvus milvus*), and Egyptian vulture (*Neophron percnopterus*). Poison-baits have been identified, for example, as the primary limiting factor in the expansion of the reintroduced population of Red kites in northern Scotland (Smart et al. 2010) and of the UK Golden eagle (*Aquila chrysaetos*) population (Whitfield et al. 2008). In addition, poison-baits suppose a serious impacts on carnivore mammals (Virgós & Travaini 2005), by causing population decline and/or regional/national extinction of some species of bears, lynxes, wolves, mustelids or wild cats (Council of Europe 1993; Breitenmosser 1998; Lozano & Malo 2012; Ripple et al. 2014). Indiscriminate use of poison-baits also presents a risk to other wildlife, working animals (shepherd and hunting dogs), pets and human health, with potentially lethal consequences.

Very large numbers of birds are killed annually as a result of deliberate misuse or otherwise illegal use of poisons (Brochet et al. 2015; Bodega Zugasti, D 2014; Birdcrime, RSPB). This unnecessary mortality can severely affect the conservation status of vulnerable species, including species protected under national, EU and wider international law. A transboundary approach at EU level is needed to address this problem in the case of migratory species.

Use of poison-baits commonly involves lacing a food item in a toxic substance, normally phytosanitary products like insecticides, rodenticides, fungicides, herbicides or molluscicides (snail and slug pellets). The prepared bait is left in a spot accessible to the target animals and often to other non-target species, which may also be affected. Deliberate poisoning is therefore a large-scale, non-selective and destructive method of control that has a huge knock-on effect on non-target species; it may even pose risks to human health.

Illegal poisoning can involve legal everyday compounds which are used in an illegal manner, as well as substances which are illegal (e.g. Carbofuran or Aldicarb). The most common substances used in poison-baits are insecticides and, to a lesser extent, rodenticides, usually those that are known as highly toxic by users. Carbamate insecticides, such as carbofuran and aldicarb, are often used in poison-baits for predator control in numerous areas around the world. For example, in Spain, between 2005 and 2010, 50 % of cases of poisoning were caused by aldicarb and 22% of them by carbofuran (Bodega Zugasti, 2012). In Hungary carbofuran was



detected in 85% of the 476 birds found poisoned by baits to illegally control predators between 2000 and 2015. The other commonly detected chemicals in this country were terbufos (9%) and phorate (7%) (BirdCrime database of MME BirdLife Hungary).

Finally, many of the Species Action Plans (around 50 bird species) developed by BirdLife International and funded by the EU, recognises poisoning as a threat and recommended anti-poisoning actions in most of the plans for raptors (e.g. both imperial eagles, all vultures or red kites).

### **Legal framework**

The use of poison or any other large-scale or non-selective predator control method is expressly forbidden under Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (Article 8) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Article 15) and the Bern Convention on the Conservation of European Wildlife and Natural Habitats. Moreover, Article 3 (f) of the Directive 2008/99/EC on the protection of the environment through criminal law requires Member States to criminalise in their national law “the killing, destruction, possession or taking of specimens of protected wild fauna or flora species” and Article 5 requires to introduce effective, proportionate and dissuasive penalties to punish detected serious breaches.

The Convention on Migratory Species (CMS), especially Resolution 10.26, calls on the nations that are parties to the treaty to prevent the risk of poisoning migratory birds. Moreover, the *Eleventh Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species* (CMS COP11, 4 – 9 November 2014, Quito, Ecuador) adopted Resolution 11.15 which endorsed the Guidelines on preventing the risk of migratory bird poisoning (UNEP/CMS/COP11/Doc.23.1.2. Hereafter CMS Guidelines).

### **Action Plan to prevent risk from use of poison-baits**

This proposed Action Plan to prevent risk from use of poison-baits has been developed for adoption by the members of the European Network against Environmental Crime (ENEC)<sup>1</sup> during the II European Workshop on Environmental Crime, held in Barcelona on 6<sup>th</sup> November 2015.

This Action Plan has been drawn up through a participatory process with the following organisations involved: Spanish Association of environmental officers (AEAFMA); Association BIOM; BirdLife International; BirdWatch Ireland; Bulgarian Society for the Protection of Birds (BSPB); BirdLife Slovenia (DOPPS); CMS; Dansk Ornitologisk Forening (DOF); EnviCrimeNet; European Commission (DG Environment); European Union Forum of Judges for the Environment (EUFJE); European Network of Prosecutors for the Environment (ENPE); European Union Action to Fight Environmental Crime (EFFACE); Federation of Associations for Hunting and Conservation of the European Union (FACE); Friese Milieu Federatie; Hellenic Ornithological Society (HOS); Hungarian Ornithological and Nature Conservation Society

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<sup>1</sup> ENEC consists of members from EU BirdLife partners, other EU conservation NGOs and organisations involved in the fight against environmental crimes. More info: <http://lawyersfornature.org/>



(MME); Nature And Biodiversity Conservation Union (NABU); Polish Society for the Protection of Birds (OTOP); Portuguese Society for the Study of Birds (SPEA); Royal Society for the Protection of Birds (RSPB); Romanian Ornithological Society (SOR)/BirdLife Romania; Spanish Ornithological Society (SEO/BirdLife); SOS/BirdLife and the Swedish Society for Nature Conservation (SSNC).

The purpose of this Action Plan is to set guidelines on behalf of the ENEC for the adoption of measures to eradicate the use of poison-baits in the countryside. These recommendations will contribute to implementing the CMS Guidelines to tackle wildlife poisoning, including recommendations at EU level to ensure a consistent and effective deterrent to poison-bait use in the EU. This action plan has been produced according to the CMS guidelines, including that:

*“A national strategy building on the recommendations herein should be developed in each relevant country and focus on implementation of the recommendations. Central governments should coordinate the development of the national strategy with all relevant stakeholders, and ensure it is reviewed regularly. Preference should be given to supplementing any existing relevant legislation.*

*The strategy should include best practice recommendations and be created with community input. Transparency and community involvement is essential to raise awareness and to ensure the plans are endorsed by the community.*

*Poison-bait issues vary between countries and the needs of the national strategy should be tailored to each particular country. It is however desirable to renounce the use of indiscriminate poison-baits internationally. Furthermore, if there is sufficient variation within countries, the development of regional action plans may be appropriate, e.g., particularly for countries where poison-baits are used for predator control”.*

Moreover, this Action Plan is also designed to encourage compliance with the UICN Resolution 4.021 “Elimination of the illegal use of poisoned bait as a method for controlling predators in the EU”, adopted by the World Conservation Congress held in Barcelona, Spain, from 5 to 14 October 2008. The Resolution *urges the EU and its Member States to carry out a programme that promotes national action plans and facilitates their development using all available means to enforce existing controls over any use of poison baits in order to reduce negative impacts on native species.*

The proposed actions constitute a draft action plan, with actions for implementation at EU level and individually by each Member State.

To achieve the aim of eradicating the illegal use of poison in the countryside, it was agreed during II European Workshop on Environmental Crime that there are existing a needs to: i) extend and improve knowledge of the issues amongst potential poison-bait users; ii) enforce authorities and legal officials; iii) develop a coordinated recording system to determine the extent of illegal poisoning in each Member State which involves all relevant stakeholders; iv) appropriate awareness raising of illegal poisoning incidents; v) work towards the prevention, deterrence and surveillance of the illegal use of poison-bait; vi) boost prosecution efficacy; vii) control the sale of toxic substances likely to be used for preparing poisoned-bait; viii) and improve liaison and coordination among all stakeholders involved in the fight against the use



of poison in the countryside. These needs have informed the objectives and actions of this action plan.

To fulfil the purpose of this plan the recommendations aim to fulfil the following objectives, via corresponding strategic lines and actions for their practical application:

- Increase and improve available information on the illegal use of poison-bait and its consequences.
  - Work towards the prevention, deterrence and surveillance of the illegal use of poisoned-bait
  - Increase prosecution efficacy
  - Control the sale of toxic substances likely to be used for preparing poison-bait
  - Ensure administrative action to protect the natural heritage and improve coordination and liaison between all stakeholders involved in the fight against the use of poison in the countryside
- **OBJECTIVE 1: Increase and improve available information on the illegal use of poison-bait and its consequences**

This objective would include the first step of the CMS guidelines: **Identify drivers of the problem and publish regular reports on poisoning incidents.**

The Strategic Lines (SL) and actions in pursuit of this objective aim to collect information on poisoning cases within the Members States, exchange information between the various stakeholders and explore the causes behind the illegal use of poison.

Key to resolving the conflict between humans and wildlife is to understand the drivers of poison-bait use. Understanding these issues will be essential in order to successfully address the problems.

It is necessary to compile information on poisoning incidents to understand the extent and trends in occurrence of the problem. Provision of a standard format for data collection would facilitate improved monitoring and consistency between Member States.

Centrally held information on poison-baits incidents should be reported regularly and made publicly available, especially for NGOs playing a role in wildlife law enforcement. Communication and collaboration between relevant stakeholders should be key in achieving an effective data collection protocol.

#### **SL 1.1 Enhance knowledge of the origin and effects of poison-baits**



Actions	Possible body in charge	Main recipient	Execution deadline	Priority
1.1.1 Enhance knowledge of the reasons or causes for using poison-bait (socio economic drivers).	National public administrations, EC, Conservation NGOs, Animal welfare organisations, FACE (hunting associations), social scientists, researchers, Agriculture organisations	Law enforcement officials, environmental inspectors, judges <sup>2</sup> , prosecutors, national administrations	Short -term	High
1.1.2 Study in depth the impact of illegal poison use on threatened species and other wildlife.	National public administrations, EC, Conservation NGOs, FACE, Animal Welfare organisations, Researchers, social scientists, Agriculture organisations, Agrochemical industry		Short -term	High

**SL 1.2 Create an information baseline and hazard map through the use of existing sources of information**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
1.2.1 Create a database containing all incidents of illegal poisoning of species of fauna, specifying with precision all available data: location, date, affected wildlife, substances used, (results of the necropsies and toxicological analyses),	National public administrations and /or NGOs	Law enforcement officials, judges, prosecutors, national administrations, NGOs	Continuous	High

<sup>2</sup> All action should be taken considering the independence of judges (human right granted under the European Convention on Human Rights -ECHR-) and the independence of the prosecutor in his prosecution decision



actions taken, etc.				
1.2.2 The database will contain all information on the registered hunting grounds and crop- and livestock-farms, especially their tenure, leases, requests for predator control operations, damages claims, wildlife attacks on livestock and however much relevant information is to hand thereon.	National public administrations and/or NGOs	Law enforcement officials, judges, prosecutors, national administrations, NGOs	Continuous	High
1.2.3 The database will be updated and upgraded on a permanent basis, constituting in itself a hazard map to serve as a guide for search, surveillance and investigation work.	National public administrations and/or NGOs	Law enforcement officials, judges, prosecutors, national administrations, NGOs	Continuous	High
1.2.4 Publish a public annual report containing all judicial incidents of illegal and non intentional poisoning cases (secondary poisoning by rodenticides, Diclofenac and lead ammunition) of species of fauna, specifying with precision all available data	National public administrations and /or NGOs	Law enforcement officials, judges, prosecutors, national administrations, NGOs	Continuous	Medium

**SL 1.3 Coordinate the transmission of information. Arrangements will be made to guarantee swift information exchange between all plan stakeholders**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
1.3.1 Identify all the stakeholders involved in poisoning cases to ensure direct access of information to all of them, enhance cooperation and a swift exchange of information between them.	National public administrations, EC, stakeholders, Law enforcement bodies	Law enforcement officials, judges, prosecutors, national administrations, NGOs and the public	Short-term	High
1.3.2 Collaborate with the	Vets and rescue	Law	Continuous	High



veterinary sector and rescue centres to inform the law enforcement officials of possible cases of poisoning.	centres	enforcements officers		
1.3.3 Quick handing over of necropsy and toxicological analysis results to the law enforcement officials to ensure measures are taken according to the chain of evidence	National wild fauna rescue centres and labs	Law enforcements officers, prosecutors and judges	Continuous	High
1.3.4 Set up fluid exchange of information with the law enforcement officials, Public Prosecutors' Office with other government authorities and NGOs to coordinate joint action.	National public administration, NGOs	Law enforcement officials, judges, prosecutors, national administrations, NGOs	Continuous	High
1.3.5 Make public all information available on poisoning cases in the region (except active cases); information on counter-measures and legal proceedings included.	National public administrations, NGOs	NGOs, general public	Continuous	High

○ **OBJECTIVE 2**

**Work towards the prevention, deterrence and surveillance of the illegal use of poisoned-bait**

This objective would include the second step of the CMS guides: **Resolve human-wildlife conflict using multi-stakeholder forums.**

A key obstacle to preventing the illegal use of poison-baits is ineffective enforcement of the law, often related to inadequate monitoring and surveillance of poisoning incidents, and minimal investigation of complaints (Bodega Zugasti, D 2014). There is a strong relationship between deterrence and enforcement, whereby a lack of enforcement detracts from the deterrent effect of existing laws. Much of the problem stems from wildlife crime's position in the crime agenda – it is generally given a low priority by enforcement agencies and there is a lack of political impetus to push it further up the agenda – much of which could be improved through better enforcement, effective penalties and increased awareness (Wellsmith 2011). Obtaining high-level political support should be given priority in implementing this action plan in individual Member States. This can also be improved through education, particularly raising the profile of the issue with enforcement agencies, judiciaries and communities.

The aim of the strategic lines (SL) and actions described below is to stop the illegal use of poison in the countryside; they are based on prevention, deterrence and surveillance of poisoning cases as well as raising public awareness, especially among those social groups or sectors where the use of poisons is most widespread.



Social factors motivate individuals to control predatory species, and therefore these factors need to be incorporated when making decisions to mitigate the human-predator conflict, without derogation from wildlife protection legislation. Moreover, in order to achieve cooperative collaboration, it is critical that stakeholders (e.g farmers, hunters, etc) are made aware of alternative, practical, non-poison methods for legal control of predation and of the demonstrated role of carnivores in maintaining healthy ecosystems (Ripple et al. 2014).

The successful resolution of human-wildlife conflicts also requires the participation of local communities and other stakeholder groups in formulating management decisions.

Educating individuals about the law and the consequences of poison-baits, in combination with conflict resolution measures, can help to protect natural resources by (a) making potential poison-bait users truly aware of the conservation impacts of their actions as well as of the potential legal penalties for misuse and abuse and can deter them from committing the crime; and (b) informing the general public of the law and the environmental costs of poison-baits, which may encourage the public to report illegal poison-baits to the police or local conservation authorities.

The ultimate goal is to eradicate the use of poison-baits by making it culturally and socially unacceptable. To achieve this goal, penalties that have a deterrent effect and effective levels of enforcement are necessary. Both strengthening of the legal system and raising public awareness needs high-level political support.

Inspection and surveillance are essential for detecting cases of poison incidents, and is furthermore important to prevent damage and non-compliance and obtain legal evidence for enforcement proceedings. Training of law enforcement officers in surveillance tasks and methods to find carcasses and other baits (such as canine units) have been essential in some countries like Spain to reduce the poisoning of wildlife (Fajardo, et al. 2012).

**SL. 2.1 Adopt preventive measures**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
2.1.1 Apply rural development measures and direct aid to crop- and livestock-farms that promote measures to prevent harm to wildlife, including payments for proactive measures.	National public administrations, Agriculture Organisations	Farmers (livestock breeders, beekeepers, pigeon keepers, farmer), land owners	Medium term	Medium
2.1.2 Publically acknowledge farmers and game-managers' for proactive measures to protect raptors and other protected	National public administrations, Agriculture Organisation	Land-owners, FACE	Medium term	Medium



wildlife				
2.1.3 Set up agricultural and livestock insurance or other compensation arrangements for wildlife-caused damages and ensure affected persons/parties are paid swift and effectively.	National public administrations, insurance	Farmers, land owners	Short-term	High
2.1.4 Award municipalities, lands, farms and/or areas that carry out sound environmental practices; this necessarily implies no illegal use of toxic products and minimisation of their legal use and involving integrated Pest Management for rodent control.	National public administrations, Agriculture Organisation, FACE, NGOs	Farmers, hunters, land owners, municipalities	Long-term	Low

**SL. 2.2 Adopt deterrent measures**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
2.2.1 Discourage use of poison-baits by potential users via effective criminal and administrative penalties that have a deterrent effect, including civil liability.	National public administrations, agriculture organisation, FACE, NGOs, law enforcement bodies	Farmers, hunters, general public	Continuous	High
2.2.2 When assessing eligibility for hunting or farming grants, give priority to those hunting grounds or farms that have never recorded any cases of poisoning.	National public administrations	Hunters, farmers, landowners	Short-term	Low
2.2.3. Implement specific legal regulation for removal of CAP payments under Cross Compliance from landowners where poison events have been recorded	National public administrations	Hunters, farmers, landowners	Short-term	Medium
2.2.4. Develop and implement "Name and shame" campaigns	National public administrations, law enforcement bodies, NGOs, media	Farmers, hunters, general public	Continuous	Low



**SL. 2.3 Adopt training and awareness-raising measures**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
2.3.1 Inform involved sectors of inspection and surveillance arrangements, penalties and sentences related to the use of poisoned-bait.	National public administrations, law enforcement officials and bodies, Agriculture organisations, FACE , NGOs	Hunters, farmers, law enforcement officials, prosecutors, judges, civil servants,	Continuous	Medium
2.3.2 Inform involved sectors of the crucial ecological role fulfilled by predators in well-functioning ecosystem.	National public administrations, NGOs,	Hunters, farmers, law enforcement officials, environmental inspectors, prosecutors, judges, civil servants, general public, schools	Medium term	Medium
2.3.3 Promote the training of legal and technical personnel and the law enforcement officers of the departments participating in the procedures, as well as the personnel of other government authorities related to this matter.	National public administration, NGOs, environmental inspectors, law enforcement bodies	Civil servants (legal and technical personnel), environmental inspectors, law enforcement officers	Medium term	High
2.3.4 Inform and raise awareness specifically in hunting and farming groups by tapping into the official government channels of communication with them (sending out authorisations, permits, meetings, etc.) and also any participation arrangements, including	National public administrations, law enforcement officials and bodies, Agriculture organisations, FACE , NGOs	Hunters, farmers	Continuous	High



information on current law and also the consequences of using poison-bait for human health and the environment.				
2.3.5 Investigate the impact of predation on key breeding sites for ground-nesting game birds and on released game birds, hunting grounds and livestock farms and encourage, where appropriate, the use of legal control of predation that do not focus on the eradication of a particular predator species.	National public administrations, FACE , NGOs	Hunters, farmers, general public	Long-term	High
2.3.6 Conduct an awareness-raising campaign at points of sale of products used for preparing poison-bait, to give information on the risks posed to human health and the environment by improper use.	National public administrations, Agriculture organisations, agrochemical industry, NGOs,	Distributors, hunters, farmers, general public	Long-term	Medium
2.3.7 Encourage cooperation and coordination between the various sectors involved, including experts of the Environmental authorities, public prosecutors, lawyers, law enforcement officers, environmental NGOs, hunting associations, farming associations and the media, doing so by organising technical conferences, periodical meetings or the creation of forums, etc.	National public administrations, law enforcement bodies, Agriculture organisations, FACE , NGOs, media	National public administrations, law enforcement bodies, Agriculture organisation, FACE , NGOs, media, hunters, farmers	Continuous	High
2.3.8 Promote environmental education campaigns on a regional scale targeting livestock farming groups, hunters and other associations or groups relevant to potential use of poison-bait. These campaigns should stress the impact of poisons on threatened species and human health risks, plus the penalties which can apply, as well as the benefits of predators in the	National public administrations, law enforcement officials, Agriculture organisations, FACE (including National Hunting Federations), NGOs	Hunters, farmers, Agriculture organisation, FACE, Agricultural and game keeping colleges, schools.	Continuous	High



ecosystem				
2.3.9. Raise the general public's awareness of the problem doing so by means of media campaigns	National public administrations, Agriculture organisations, FACE, NGOs, media	General public	Continuous	High

#### SL. 2.4 Adopt inspection and surveillance measures

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
2.4.1 Facilitate the search for, collection and analysis of poison-baits and specimens of wild or domestic animals found dead in the countryside and suspected of having been victims of poison.	National public administrations, law enforcement bodies, national rescue centres, labs, NGO's	Law enforcement officials, civil servants, prosecutors, judges, vets	Continuous	High
2.4.2 Improve investigation procedures and research new bait-locating and toxin-detecting methods in bait and carcasses.	National public administrations, law enforcement bodies	Law enforcement officials, prosecutors, judges	Continuous	High
2.4.3 Establish national and/or regional annual inspection and surveillance plans for an effective level of surveillance and transparent reporting mechanism.	National public administrations, inspectors, law enforcement bodies, NGOs	Inspection authorities, law enforcement officials	Continuous	High
2.4.4 Promote specialist training of law enforcement officers in surveillance tasks and with allocation of sufficient material and time resources.	National public administrations, law enforcement bodies, NGOs	Inspection authorities, law enforcement officers	Continuous	High
2.4.5 Create canine teams to help in the tasks of finding poisoned-bait in the countryside.	National public administrations, law enforcement bodies, NGOs	Law enforcement officers	Long-term	High
2.4.6 Establish channels for information sharing and encouraging public collaboration with inspectors and law enforcement officials in poison-detection and -prevention tasks, with special	National public administrations, law enforcement bodies, NGOs	Hunters, farmers, general public, inspection authorities, law	Continuous	High



consideration for the NGOs, foundations and other private organisations working in the fight against illegal use of poison.		enforcement officers, NGOs, private organisations		
2.4.7 Guarantee a fluid exchange of information between the police patrols and other actors involved in investigating the cases, such as the personnel carrying out the pathologic-anatomic and toxicological studies, legal studies and the public prosecutors' office.	Law enforcement officials, NGOs, national rescue centres, labs, prosecutors	Inspectors, law enforcement officials, NGOs, national rescue centres, labs, prosecutors	Continuous	High

○ **OBJECTIVE 3**

**Increase prosecution efficacy**

This objective would include the fourth step of the CMS guides: **Ensure legislative/regulatory effectiveness: create enforcement legislation with effective deterrent mechanisms and infringement penalties**

Unauthorised use of poison in the countryside is illegal under EU law (see under Legal framework) and public authorities are bound to prosecute illegal practice. To be effective, these legal restrictions require adequate levels of enforcement and penalties to provide a deterrent effect, which ultimately depend on obtaining successful prosecutions. To avoid creating a climate of impunity for those who carry out this illegal activity, it is necessary to increase surveillance and control and measures are proposed below to optimise the efficacy of prosecutions in the fight against poison and for coordination thereof with criminal proceedings.

**SL 3.1 Create a specialized and motivated patrol of environment officers**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority



<p>3.1.1 As an overarching measure within this line of action, specialist patrols will be set up. These patrols will carry out overall work in the fight against poison and will take on responsibility specifically for the following:</p> <ul style="list-style-type: none"> <li>• Coordinating and carrying out the inspection and surveillance tasks to ensure affective detection of the illegal use of poison.</li> <li>• Coordinate, supervise and, where applicable, carry out the work of removing and keeping carcasses and baits. In any case guarantee the suitable collection and preservation of evidence and conservation of the custody chain.</li> <li>• Coordinate and carry out the tasks of investigating cases of illegal poison use.</li> <li>• Participate in the solving of wildlife conflicts.</li> <li>• Carry out inspections to control the sale of products used for preparing poison-bait.</li> <li>• Carry out the tasks of informing and raising the awareness of the general public.</li> </ul> <p>The tasks of these patrols will be coordinated with the rest of the region's environment officers. They will be given specialist training, equal remuneration and suitable material for carrying out their duties.</p>	<p>National public administrations, law enforcement bodies</p>	<p>Law enforcement officials</p>	<p>Medium term</p>	<p>High</p>
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3.1.2 The members of the patrol must be environmental officers motivated and being in charge to act preferentially in the investigation of cases of illegal use of poison based on the principle of immediacy	National public administrations, law enforcement bodies	Law enforcement officials	Medium term	High
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**SL. 3.2 Ensure proper collection and custody of evidence and carcasses**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
3.2.1 Evidence and carcasses will be collected and kept in all cases by law enforcement officials with criminal-investigation powers, in due accordance with the Procedural protocol for law enforcement officials in charge of collecting suspected poisoned fauna or bait and the preliminary investigation <sup>3</sup>	Law enforcement officers	law enforcement officers, judges, prosecutors, lawyers	Continuous	High
3.2.2 Improve and promote the training of all law enforcement officials and personnel who might intervene in the collection and custody of evidence in poisoning cases.	National public administration, law enforcements bodies, NGOs	Law enforcement officials, civil servants, vets	Continuous	High
3.2.3 Equip all involved agents with the necessary material for collection of evidence and maintenance of the custody chain.	National public administration	Law enforcement officials	Continuous	High
3.2.4 Ensure Environmental officers have access to all lands where there is a suspicion of illegal use of poison	National public administration, law enforcements bodies	Law enforcement officials	Continuous	High
3.2.5 Create a general information phone line and relevant web pages in order to ensure public awareness to know what to do with the	National public administration, law enforcements bodies, NGOs	National public administration, law enforcements bodies, NGOs		Low

<sup>3</sup> It is available at [www.venenono.org](http://www.venenono.org) a document prepared under the LIFE +VENENO



carcasses and facilitate collaboration of individuals to report cases detected.				
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**SL. 3.3 Ensure legal validity of toxicological analyses and expert appraisals**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
3.3.1 All baits and dead animals suspected of having poisoned must undergo a toxicological analysis carried out according to procedures that ensure legal validity.	National public administration, law enforcements bodies, national rescue centres, labs (both public and private)	Law enforcement officials, prosecutors, judges, lawyers	Continuous	High
3.3.2 Ensure that sufficient human, material and financial resources are assigned to the tasks of keeping samples and the carrying out of expert appraisals and toxicological analyses.	National public administration, law enforcements bodies, national rescue centres, labs	Law enforcements officials, national rescue centres, labs	Continuous	High
3.3.3 Ensure close collaboration between the expert appraisers and the judicial authorities and/or the Public Prosecutors in investigation of the cases.	Law enforcements bodies	Law enforcement officials, prosecutors, judges, lawyers	Continuous	High
3.3.4. Toxicological analyses could be done by public or private laboratories accredited by the National Accreditation Body according to standard operating procedures (UNE-EN ISO/IEC 17025:2005).	National public administration, labs	Labs	Continuous	High

**SL. 3.4 Ensure the adoption of effective, proportionate and dissuasive sanctions**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority



<p>3.4.1 Implement specific penal sanctioning for use of poison-baits, considering implementing this infringement into the national penal law</p>	<p>National public administration</p>	<p>National public administration, Law enforcement officials, prosecutors, judges, perpetrators</p>		<p>High</p>
<p>3.4.2 Implement administrative sanctions for failure to prevent the planting or existence of poison-bait against those liable for this administrative fault (vicarious liability).</p> <p>Landowners will be liable when the offence has been made possible through their failure to undertake sufficient supervision or control.</p> <p>To be subject to this administrative sanction, there must have existed an actual opportunity to detect the poison bait; and a probability that it would have been detected under the landowner's, his company's, employee's or subcontractors' normal activities; and there must exist a legal responsibility for hunting rights and/or access to property.</p> <p>Severe potential effect on fauna and human health is to be considered as aggravating factors, as reoccurring instances of poison on one landowner's lands or poisoning found on several locations</p>	<p>National public administrations</p>	<p>National public administrations, Law enforcement officials, prosecutors, judges, perpetrators</p>	<p>Short-term</p>	<p>High</p>
<p>3.4.3 Implement administrative sanctioning proceedings for failure by landowner to report the appearance of animals suspected of being poisoned or poison-baits on their estates,</p>	<p>National public administrations</p>	<p>National public administrations, Law enforcement officials, prosecutors,</p>	<p>Short-term</p>	<p>Medium</p>



under certain aggravating circumstances.		judges, perpetrators		
3.4.4 Implement administrative sanctioning proceedings for possession of banned substances used in poisoning cases.	National public administrations	National public administrations, Law enforcement officials, prosecutors, judges, perpetrators	Short-term	High
3.4.5-Implement sanctions of payment withdrawal for landowners (or others), who are in receipt of grants, where poisoning events have been recorded	National public administrations	National public administrations, Law enforcement officials, prosecutors, judges, perpetrators	Short-term	Medium
3.4.6 Implement additional sanctions such as hunting license restrictions or disqualification for hunting or other profession for offenders.	National public administrations	National public administrations, Law enforcement officials, prosecutors, judges, perpetrators	Short-term	Medium

○ **OBJECTIVE 4**

**Control the sale of toxic substances likely to be used for preparing poison-bait**

The products used to prepare poison-bait are mainly highly toxic pesticides for farming use. Such products are readily available in many parts of the EU (Richards 2011; Sánchez-Barbudo, et al. 2013) and there is therefore a pressing need for controls on the sale of substances which can be used in deliberate poisoning abuse, including strengthening and alignment of removal policies in all member states, and user/buyer restriction to certified professionals only.

Often illegal substances are stockpiled by poison-bait users and farmers who originally had legal use of these substances, such as carbofuran and other highly toxic carbamates. To limit accessibility to these substances, there are a number of steps to take.

**SL. 4.1 Increase control over legal substances used as poison and make them less readily available**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
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4.1.1 Identify and monitor the type of products used as and for preparing poison-bait with the purpose of detecting new substances and taking suitable measures to head off their illegal use.	National public administrations, national rescue centres, labs, law enforcement officials, farm inspectors NGOs, scientists	National public administrations, law enforcement bodies	Continuous	Low
4.1.2 Improve control over the marketing of pesticides and other substances that might be used to prepare poison-bait, improve the national legislation on this matter, if necessary.	National public administrations, law enforcement bodies, agrochemical industry	Agrochemical industry, point of sale, law enforcement officials	Long-term	High
4.1.3 To set up a system of obligatory prescription at the point of sale: amount to be purchased for subsequent application; size of the area, time for its application, purpose of use and limits on the amount stored	National public administrations, agrochemical industry	Agrochemical industry, point of sale	Long-term	Medium
4.1.4 Ensure the application of the Directive 2009/128/EC allowing the use of certain pesticides and other substances that might be used to prepare poison-bait only by professionals who have been certified.	National public administrations, agrochemical industry	General public, point of sale, professionals using pesticides	Continuous	High

**SL. 4.2 Management of illegal toxic substances used as poisoned-bait**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
4.2.1 Establishment of an integrated management system for pesticides, which use and trade have been banned  <ul style="list-style-type: none"> <li>Establish a removal program of the substances banned for sale and</li> </ul>	National public administrations, law enforcement bodies, agrochemical industry, Agriculture organisations waste managers	Points of sale, agrochemical industry, holders of obsolete pesticides, law enforcement	Long-term	High



distribution according to the EU Regulation on pesticides <ul style="list-style-type: none"> <li>Set up an inspection, surveillance and control plan after the removal deadline is over.</li> </ul>		officials		
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○ **OBJECTIVE 5**

**Ensure administrative action to protect the natural heritage and improve coordination and liaison between all stakeholders involved in the fight against the use of poison in the countryside**

The actions described below have the aim of uniting forces in the fight against poison and protection of biodiversity, with the aim of improving coordination of all actions taken by the various stakeholders (Governments, judicial authorities, law enforcement officials, NGOs, veterinary surgeons, etc.).

**SL 5.1 Adopt proper administrative measures for the protection of natural heritage by the use of poison**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
5.1.1 Make due arrangements for appearance by the government authority as accusing and civil party within the criminal and civil judicial proceedings pertaining to the use of poison-bait, claiming where applicable civil liability and the reparation of ecosystem damage	National public administrations	National public administrations	Continuous	High
5.1.2 Recognition of environmental Non-Governmental Organisations (NGOs) right to bring criminal proceedings in a court of law and participate as a civil party in such proceedings in cases of wildlife crime	National public administrations, judges, prosecutors	NGOs	Continuous	High
5.1.3 Implement measures to ensure, in any case, reparation of any damage caused by use of poison to restore the ecological values that has been destroyed or harmed.	National public administrations, judges, law enforcement bodies	Perpetrators	Continuous	High



<p>5.1.4 As a specific remedial measure, proceed whenever there is evidence of the planting of poison to ensure recovery of the environment and the species affected:</p> <ul style="list-style-type: none"> <li>• Temporary suspension of hunting activity or revocation of its status as a registered and enclosed hunting ground.</li> <li>• Suspension of authorized predator control measures.</li> </ul> <p>The remedial measures should proceed alongside and not in any way replace punitive sanctions.</p>	<p>National public administrations, judges</p>	<p>Landowners, hunters</p>	<p>Continuous</p>	<p>High</p>
<p>5.1.5 Seek professional disqualification of any wardens who have used poison for predator control.</p>	<p>National public administrations, judges</p>	<p>Wardens</p>	<p>Continuous</p>	<p>High</p>
<p>5.1.6 Set up lists of economic valuation of fauna to determine the economic damage by poisoning and claim the corresponding environmental liability taking into account other factors such as the status of the species killed or the cost of protection programs involved</p>	<p>National public administrations, specialized economists</p>	<p>National public administration, law enforcement bodies, judges, prosecutors, lawyers</p>	<p>Short-term</p>	<p>High</p>

**SL. 5.2 Promote or improve cooperation and collaboration with stakeholders intervening in the fight against poison**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
<p>5.2.1 Hold periodic liaison and coordination meetings involving governments, law enforcement officials and experts in the fields of hunting, crop- and animal-farming.</p>	<p>National public administrations, law enforcement bodies, NGOs, Agriculture organisations</p>	<p>National public administrations, law enforcement bodies, FACE, NGOs, Agriculture organisations</p>	<p>Continuous</p>	<p>High</p>



5.2.2 Encourage the formalization of collaboration agreements or cooperation systems between the responsible body and other authorities in pursuit of the objectives of this plan, especially the law enforcement officials and the environment public prosecutors' office.	National public administrations, law enforcement bodies	National public administrations, law enforcement officials, judges, prosecutors	Medium-term	High
5.2.3 Establish a collaboration system with other sectors of civil society involved in this problem, such as farming sector and hunting community or the associations for the defense of nature.	National public administrations, NGOs, FACE, Agriculture organisations	National public administrations, NGOs, FACE, Agriculture organisations	Medium-term	High
5.2.4 To ensure and facilitate compliance with the actions laid down in this plan, set up liaison and coordination channels with other government authorities with remits in farming, hunting and biodiversity.	National public administrations	National public administrations	Continuous	High

**SL 5.3 Set up and appoint national and regional coordinators for poisoning**

Actions	Possible body in charge	Main recipient	Execution deadline	Priority
<p>Establish at national and regional level coordinators for poisoning. His or her main duties will be the following:</p> <ul style="list-style-type: none"> <li>• Encourage, coordinate, direct and supervise all the actions provided for herein.</li> <li>• Draw up an annual assessment report, hazard map and detailed database of the results of the year just ended (respecting privacy issues and ongoing investigations) and as many reports as may be required regarding the illegal use of poison-bait.</li> </ul>	National public administration	National public administration	Continuous	High



<ul style="list-style-type: none"><li>• Draw up a proposal for a prioritized timetable of the actions to be carried out the following year.</li><li>• These documents will be sent up to the plan managers and the corresponding participation organisation, who will all be entitled to propose new measures and modifications.</li><li>• Plan surveillance with the coordinators of law environment officers</li></ul>				
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