

TRAINING PACKAGE – PART A – SESSION 2

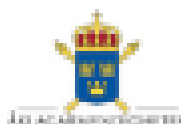


ILLEGAL KILLING, TAKING AND TRADING OF MIGRATORY WILD BIRDS IN THE MEDITERRANEAN REGION

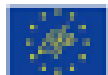
PRODUCED BY LIFE-ENPE'S WILDLIFE CRIME
WORKING GROUP (WG1)



The European Commission were recognized as Champion Plus for their generous support and commitment towards addressing Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean for the period 2018-2020. This activity has been funded with the contribution granted by the European Commission under the Migratory Species Champion Programme and through the Global Public Goods and Challenges (GPGC Programme) Cooperation Agreements with UNEP.



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With the contribution of the LIFE financial instrument of the European Community



IKB IN THE MEDITERRANEAN REGION TRAINING PACKAGE

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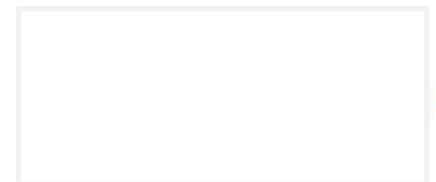


IKB IN THE MEDITERRANEAN REGION

PART A

SESSION 2

INTELLIGENCE NETWORKS THE RELEVANT INTERNATIONAL CONVENTIONS & EU DIRECTIVES



IKB IN THE MED REGION – INTELLIGENCE NETWORKS [a]

Two important wildlife intelligence and communication networks were outlined to the Segovia Workshop by Jaap Reijngoud, who is the Moderator of one network: IMPEL-ESIX, and the enforcement support officer of the other: EU-Twix.

Essentially, IMPEL-ESIX is focussed on the protected bird species in the (EU's) Birds Directive and the Habitats Directive – it is IKB focussed.

EU-Twix is focussed on illegal wildlife trade (the trading of all species, protected under the EU Wildlife Trade Regulations). As much of this trade is cross-boundary and the subject of CITES (the Convention on International Trade in Endangered Species) this website is much used by Customs officers.

[IMPEL is the EU network for environmental inspectors and other regulatory and officers. It is the oldest and biggest of the EU enforcement related environmental networks.]



IMPEL-ESIX
Enforcement and
Stakeholders Information
eXchange

IKB IN THE MED REGION – INTELLIGENCE NETWORKS [b]

IMPEL-ESIX tool

IMPEL-ESIX is real-time communication tool for information exchange and cooperation in the area of nature conservation enforcement e.g. between officers, national and international authorities and regional organisations of stakeholders.

Objectives of the tool

- Share best practices relevant to the enforcement chain and to provide training materials, identification guides and other useful information for stakeholders and enforcement agencies;
- To exchange information on trends, seizures and on-going poaching activities regarding birds.
- It facilitates assistance from experts, cooperation between regulatory officers, and the recording of seizure data.



IMPEL-ESIX
Enforcement and
Stakeholders **I**nformation
eXchange

IKB IN THE MED REGION – INTELLIGENCE [c]



IMPEL-ESIX

Enforcement and Stakeholders Information eXchange

Home

IMPEL-ESIX tool

News

Resources

Seizures

About IMPEL

Login (Enforcement only)

IMPEL-ESIX is a communication tool that

- Note the information generally available in the toolbar Menu above.
- Also note the restricted part of the service with “Login” available to enforcement personnel only.
- A sample of the publically available “Resources” is included to the right of this page. They include such things as lists of experts, ID guides & lists of wildlife rescue and care facilities in different countries.
- On the secure part of the system, enforcement personnel can report matters or seek advice from others.



Resources

[Tools](#)

[Legislation](#)

[Reports & studies](#)

[Modus operandi](#)

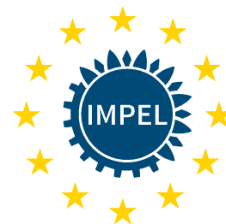
[Links](#)



IKB IN THE MED REGION – INTELLIGENCE NETWORKS [d]

IMPEL-ESIX – essential facts:

- The Moderator stands between registered Stakeholders and Enforcement personnel to ensure the confidentiality of sensitive enforcement information.
- Username and Password needed for the secured part of the service, and the use of an official e-mail address only. The Password and Username will be provided after checking, during registration process.
- Two excellent User Guides are available: one for Stakeholders and Users of the public site and one for Law Enforcement Officials.
- As at May 2018, there were 194 registered Users – 89 Enforcement officers and 105 Stakeholders, including from all EU member states and from 8 neighbouring countries.
- TO REGISTER GO TO: www.impel-esix.eu OR contact: moderator@impel-esix.eu



IMPEL-ESIX
Enforcement and
Stakeholders Information
eXchange

IKB IN THE MED REGION – INTELLIGENCE NETWORKS [e]

Some examples of IMPEL-ESIX information



Enforcement and Stakeholders Information eXchange

Poison alert in Cologne DE



Action against Bird Traders in Calabria IT

2 poachers caught, 50 birds released



Illegal catching of orioles in Cyprus



Lebanon: another step in the right direction



Minister Ria Haffar El Hassan (photo) has ordered the police to take decisive action against poachers. In other things, she has demanded more controls in the focusing areas of bird hunting and a more



IMPEL-ESIX
Enforcement and
Stakeholders
Information
eXchange



IKB IN THE MED REGION – INTELLIGENCE NETWORKS [f]

- EU-TWIX was developed in Belgium in 2005.
- The EU-TWIX provides an information exchange and database. It was developed to assist national law enforcement agencies, including CITES Management Authorities. Helps the detection of illegal activities relating to trade in fauna and flora (species covered by the EU Wildlife Trade Regulations).
- It is a unique source of centralised data on seizures and offences for all 28 EU Member States.
- It assists with the identification, valuation, disposal, etc. of seized or confiscated specimens.
- It also assists with strategic analyses and with carrying out field investigations.



EUTWIX
TRADE IN WILDLIFE INFORMATION EXCHANGE

IKB IN THE MED REGION – INTELLIGENCE NETWORKS [g]

- **The database has over 55,000 seizure records relating to a vast diversity of protected species seized in European ports, airports and other locations since 2000.**
- **There are Directories: of experts in flora and fauna; of European laboratories; of animal rescue centres for seized specimens & emergency numbers for European airport.**
- **EU-Twix’s information exchange facility is used daily, for reporting seizures/enforcement action and for the identification of species of protected flora and fauna.**
- **The e-mail system accesses government scientists, museum experts, and enforcement officers (some of whom have developed great knowledge with some categories of wildlife).**
- **EU-Twix mail has triggered cross-border investigations and prosecutions.**



IKB IN THE MED REGION – INTELLIGENCE NETWORKS [h]

An October 2018 EC report to the European Parliament lauded EU-Twix as a “practical”, “efficient” and a “successful tool for enforcement cooperation in the EU”.

- EU-Twix is only accessible to officers of relevant law enforcement authorities (e.g. Customs, certain Police and other units involved in wildlife trade controls and CITES Management Authorities) of all 28 EU member states plus 10 other countries (including the Mediterranean countries of Albania, Bosnia & Herzegovina, Montenegro and Turkey).
- The responsibility of designating authorised officers generally lies with the EU-Twix Focal Points in relevant agencies.
- Entitled officers who wish to join should contact the Support Officer or the Project Manager, either directly or via the website – direct contact details:

Support Officer (Jaap Reijngoud) – contact@eu-twix.org

Project Manager (Vinciane Sacré) –

vinciane.sacre@traffic.org



EUTWIX
TRADE IN WILDLIFE INFORMATION EXCHANGE

IKB IN THE MEDITERRANEAN REGION

THE RELEVANT INTERNATIONAL CONVENTIONS & EU DIRECTIVES

[The EU Directives are available in the language of EU member states. If copying from the EC website, we found the HTML version the easiest to cut and paste to the PowerPoint slides.

The CMS (Bonn) Convention is available in English, Arabic, French and Spanish. The Bern Convention (Wildlife) is in English, French, German and Spanish.

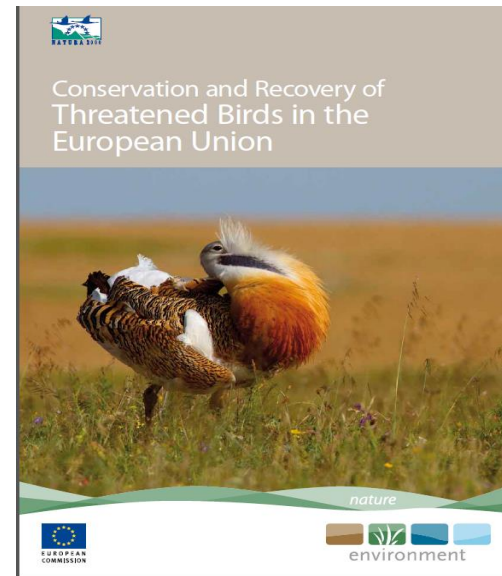
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A128050>



IKB IN THE MED REGION – CONVENTIONS & DIRECTIVES [1]

The European Commission's Directorate General of Environment's representative at the Segovia Workshop, Joseph van der Stegen, emphasised:

- There is a history of European bird protection back to 1902. Today the Birds Directive 1979/2009 is central, with national obligations to enact protection under Articles: 3&4 (habitats & sites) and 5 to 9 (species). Approximately 500 species are protected.
- Populations of 32% of bird species are not secure, situation of a further 16% is unknown. Farmland birds have suffered serious decline
- 2016: EC adopted “roadmap” towards eliminating IKB.
- Species action plans for some “Threatened” birds.
- Natura 2000 secures 27,732 sites
- Key messages: “Two pillars – (a) Species Protection & (b) Habitat protection & management”. “Cooperation is key, Not conservation in isolation”, and
“NO SUCCESS WITHOUT PROPER ENFORCEMENT”

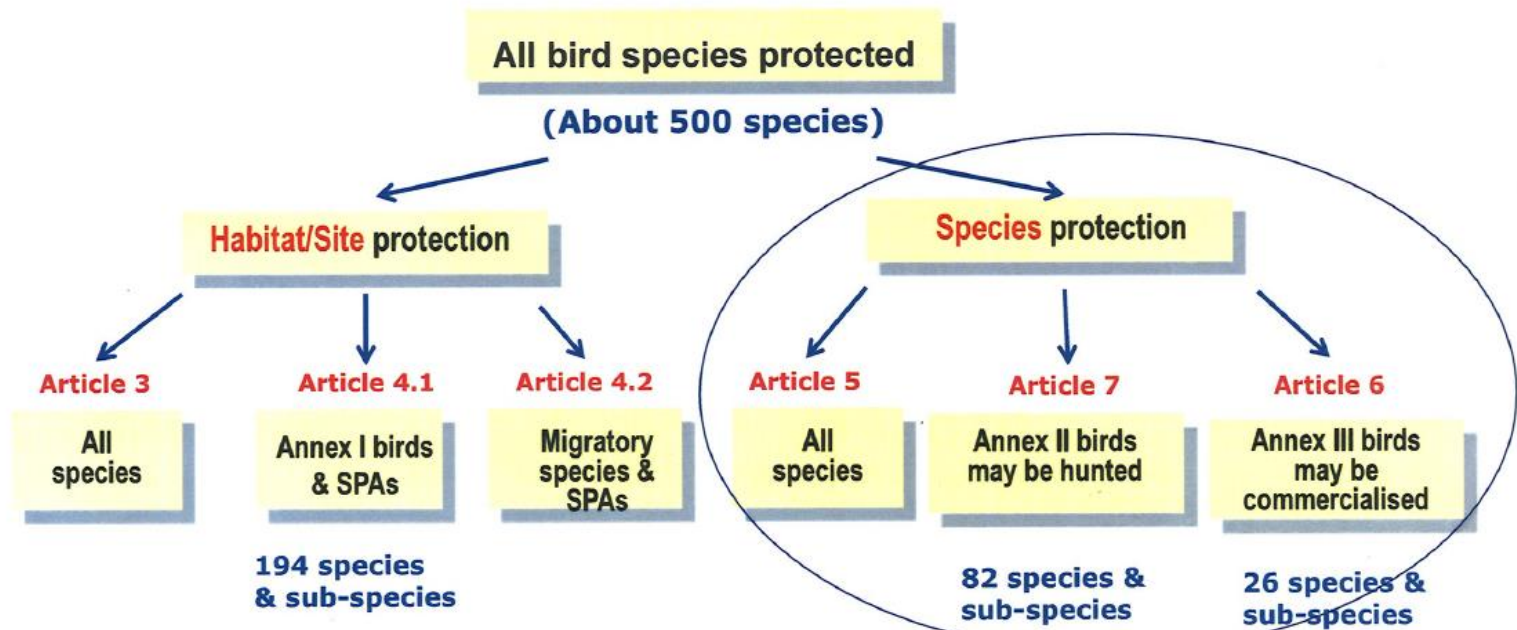


IKB IN THE MED REGION – CONVENTIONS & DIRECTIVES [2]

THE BIRDS DIRECTIVE – PROTECTION IN OUTLINE



Categories of protection of bird species



C & D [3] - DIRECTIVE 2009/147/EC “THE BIRDS DIRECTIVE” – “Articles”

Article 1

(THESE ARE EXTRACTS ONLY – SELECTED BY ENPE)

This Directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States....it shall apply to birds, their eggs, nests and habitats.

Article 2

Member States shall take the requisite measures to maintain the population of the species referred to in Article 1.

Article 4

1. The species mentioned in **Annex I** shall be the subject of special conservation measures (and the factors to be taken into account are set out in the Article).
2. Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. (*+ particular attention to wetlands*)



C & D [4] - DIRECTIVE 2009/147/EC “THE BIRDS DIRECTIVE” - “Articles”

(THESE ARE EXTRACTS ONLY – SELECTED BY ENPE)

Article 5: Without prejudice to Articles 7 and 9, Member States shall...establish a general system of protection for all species of birds referred to in Article 1, including prohibiting the deliberate killing or capture of birds by any method, and the deliberate destruction or damage to nests (and eggs) and destruction during breeding and rearing periods.

(Article 6 – in summary – prohibits sale, transporting & keeping for sale, live or dead birds or parts).

Article 7: 1. the species listed in **Annex II** may be hunted under national legislation...Member States shall ensure that the practice of hunting (is compatible with the maintenance of the population of these species, in particular migratory species which are not to be hunted during their period of reproduction or during their return to their rearing grounds).

Article 8: 1. Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds



C & D [5] - DIRECTIVE 2009/147/EC “THE BIRDS DIRECTIVE” - “Articles”

(THESE ARE EXTRACTS ONLY – SELECTED BY ENPE)

Article 9

DEROGATIONS

1.where there is no other satisfactory solution, for the following reasons: (a) in the interests of public health and safety, - in the interests of air safety, - to prevent serious damage to crops, livestock, forests, fisheries and water, - for the protection of flora and fauna; (b) for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes; (c) to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.
2. The derogations referred to in paragraph 1 must specify: (a) the species which are subject to the derogations; (b) the means, arrangements or methods authorised for capture or killing; (c) the conditions of risk and the circumstances of time and place under which such derogations may be granted; (d) the authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within what limits and by whom; (e) the controls which will be carried out.

[In summary, for very limited reasons, the objectives of the Directive may be derogated from by a National Government. These reasons include Public Health and Safety (including air safety), damage to crops, fisheries or livelihoods, the protection of flora and fauna, and scientific purposes. The derogations must contain some detailed and specified information].



IKB IN THE MED REGION - CONVENTIONS & DIRECTIVES [6]

DIRECTIVE 2009/147/EC “THE BIRDS DIRECTIVE” - The “Annexes”

The 500 wild bird species naturally occurring in the European Union are protected in various ways:

Annex 1: 194 species and sub-species are particularly “threatened”. Member States must designate Special Protection Areas (SPAs) for their survival and all migratory bird species.

Annex 2: 82 bird species can be hunted. However, the hunting periods are limited and hunting is forbidden when birds are at their most vulnerable: during their return migration to nesting areas, reproduction and the raising of their chicks.

Annex 3: overall, activities that directly threaten birds, such as their deliberate killing, capture or trade, or the destruction of their nests, are banned. With certain restrictions, Member States can allow some of these activities for 26 species listed here.

Annex 4: the directive provides for the sustainable management of hunting but Member States must outlaw all forms of non-selective and large scale killing of birds, especially the methods listed in this annex.



IKB IN THE MED REGION - CONVENTIONS & DIRECTIVES [7]

DIRECTIVE 2009/147/EC “THE BIRDS DIRECTIVE” - PROBLEMS WITH DEROGATIONS

Some member countries have had problems in their use of Article 9 – Derogations, particularly for hunting and trapping. Joseph van der Stegen specifically addressed this Article and made these points:

- Derogations are possible, IF NECESSARY, from Art 5 (strict protection), 6 (trade), 7 (hunting), or 8 (means);**
- In most member states the majority of derogation licences are issued for: the reason of preventing damage to crops, livestock, etc.; the protection of flora and fauna by deliberate killing of birds or destruction of eggs; research and education (e.g. ringing of birds).**
- Formal conditions must be respected (means, controls, etc.).**
- Some are given “to permit under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers”.**
- Reporting by Member states generally good, but important information frequently missing.**

IT IS THE OBLIGATION OF EACH EU COUNTRY TO ENACT LAWS THAT CARRY INTO LAW THE CONTENTS OF THE DIRECTIVE

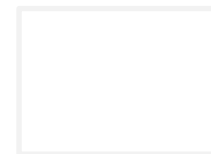


IKB IN THE MED REGION - CONVENTIONS & DIRECTIVES [8]

CMS (BONN) CONVENTION

CMS Secretariat, through Dr Borja Heredia (Head of Avian Species Team UNEP/CMS Secretariat), in Segovia, made the following points:

- **The Convention (on the Conservation of Migratory Species of Wild Animals) commenced in 1983. 126 parties (countries).**
- **There are four “Flyways” (main routes taken by migratory birds) across the World.**
- **The Mediterranean is in the middle of the African-Eurasian Flyway, between wintering grounds in Africa and breeding grounds in Europe and Western Asia.**
- **Resolution 11.16 of the 2014 Quito CMS meeting of parties to CMS, set up MIKT to tackle IKB in the Mediterranean Region this is an intergovernmental task force, which has 20 (nation) members and 37 Observers (including ENPE). They include representatives of bird conservation and hunting.**



IKB IN THE MED REGION - CONVENTIONS & DIRECTIVES [9]

THE CMS CONVENTION – Text Extracts

The preamble to the convention:

RECOGNISES “that wild animals in their innumerable forms are an irreplaceable part of the Earth's natural system which must be conserved for the good of mankind”;

AND RECORDS THE CONVICTION THAT “conservation and effective management of migratory species of wild animals require the concerted action of all States within the national jurisdictional boundaries of which such species spend any part of their life cycle;”

Amongst the articles of the convention, the following statements occur:

- “The Parties acknowledge the importance of migratory species being conserved and of Range States (*basically all countries in the Flyway*) agreeing to take action to this end...” and later that they “acknowledge the need to take action to avoid any migratory species becoming endangered...” (Article II)
- “**Appendix I** shall list migratory species which are endangered” (Article III);
- “**Appendix II** shall list migratory species which have an unfavourable conservation status and which require international agreements for their conservation and management” (Article IV);
- “The object of each agreement shall be to restore the migratory species concerned to a favourable conservation status or to maintain it in such a status. Each Agreement should deal with those aspects of the conservation and management of the migratory species concerned which serve to achieve that object” (Article V).



IKB IN THE MED REGION - CONVENTIONS & DIRECTIVES [10]

THE CMS CONVENTION – Text Extracts & Comment

EXTRACTS FROM THE ARTICLES – CONTINUED

GENERALLY: THE SCHEME OF THE CMS CONVENTION

CMS acts as a framework **Convention**. The Agreements instigated or facilitated by CMS may range from **legally binding** treaties (called Agreements) under Article V such as the [AEWA](#) - the Agreement on the Conservation of African-Eurasian Migratory Waterbirds to less formal instruments, such as Memoranda of Understanding (MOU), for example the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MoU) or Action Plans.

ONLY AGREEMENTS MADE UNDER ARTICLE V ARE LEGALLY BINDING. HOWEVER, EACH COUNTRY THAT BECOMES A PARTY IS COMMITTED TO THE TERMS OF THE CONVENTION.



IKB IN THE MED REGION - CONVENTIONS & DIRECTIVES [11]

THE BERN (WILDLIFE/HABITATS) CONVENTION – Text Extracts

Article 1

1. The aims of this Convention are to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation.

2 Particular emphasis is given to endangered and vulnerable species, including endangered and vulnerable migratory species. (*Full Article*)

(*Part*)

Article 7

1 Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the protection of the wild fauna species specified in Appendix III.

2 Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger, taking into account the requirements of Article 2. (*Part of article*)

ALL EU COUNTRIES AROUND, OR IN, THE MEDITERRANEAN ARE PARTIES TO THE BERN CONVENTION + MOROCCO & TUNISIA (with a reservation)



IKB IN THE MED REGION - CONVENTIONS & DIRECTIVES [12]

COUNTRIES AND THEIR DIRECTIVE/CONVENTION OBLIGATIONS

The countries surrounding, or in, the Mediterranean are: (EU) [Spain](#), [France](#), [Italy](#), [Slovenia](#), [Croatia](#), [Greece](#); [Malta](#) and [Cyprus](#); (Non EU) [Montenegro](#), [Albania](#), [Turkey](#), [Bosnia and Herzegovina](#), [Syrian Arab Republic](#), [Lebanon](#), [Israel](#), [Egypt](#), [Libya](#), [Tunisia](#), [Algeria](#), [Monaco](#) and [Morocco](#); (Additionally, the [Gaza Strip](#) and the [British Overseas Territories](#) of [Gibraltar](#) and [Akrotiri and Dhekelia](#) have coastlines on the Med, but, for the purpose of simplicity, are not included as countries). below.)

BIRDS DIRECTIVE: It is an absolute obligation of each EU Member State to enact laws that carry into law the terms of the Directive.

CMS (BONN) CONVENTION: All the above countries (EU and Non-EU) around, and in, the Mediterranean Sea, are parties to the Convention and committed to implement its terms.

BERN (EUROPEAN WILDLIFE & HABITATS) CONVENTION: All European countries (EU and Non-EU), including Turkey, plus Morocco and Tunisia (the latter with a “reservation”) are parties to the Convention and committed to implement its terms.

