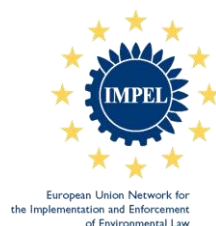


**IMPEL projects according to:**

## **Illegal killing/poisoning/trade of birds**

---

John Visbeen  
*IMPEL*  
[info@impel.eu](mailto:info@impel.eu)



**TAIEX / ECRAN workshop on regional capacity building on compliance with  
environmental legislation**

**Nature Inspection -**

**IMPEL: an international non-profit association of 48  
environmental authorities in 34 countries**



## Mission

*“To contribute to protecting the environment and nature by promoting the effective implementation and enforcement of EU environmental law.”*



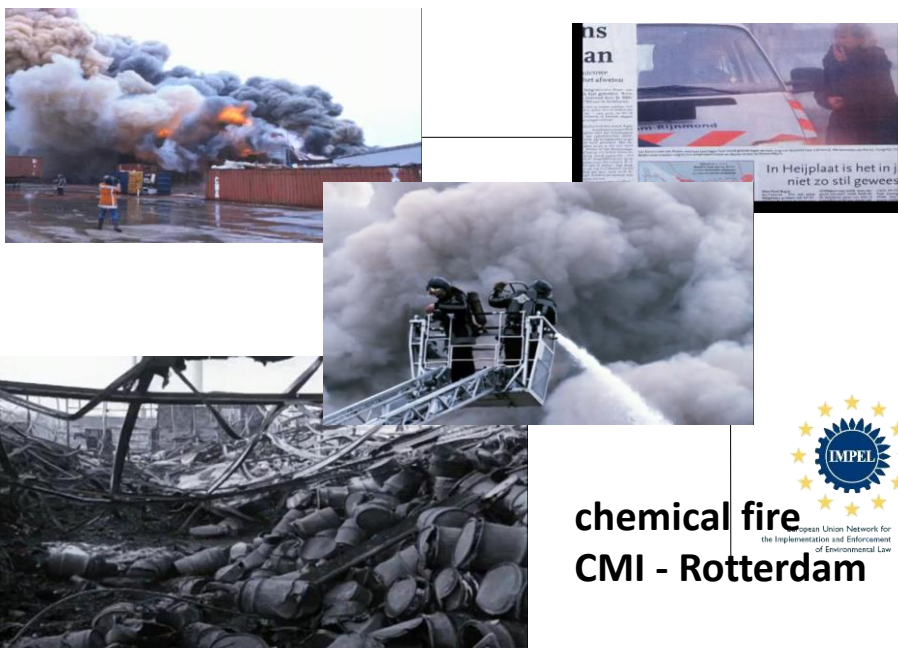
## IMPEL - a network of practitioners

- Facilitating exchange of knowledge, expertise and information
- Peer reviews of country practice e.g. IMPEL Review Initiative (IRI)
- Carrying out joint enforcement actions
- Developing new methods, tools and guidance



## My experience

- **Criminal law:**
  - Police officer Rotterdam, environmental coordinator(local -, regional, national level)
- **Administrative law:**
  - City of Lelystad,
  - Province of Flevoland
  - Province of trecht
- **European level : projectteam leader / expert team leader – IMPEL network**



**chemical fire**  
**CMI - Rotterdam**





poaching of fish,  
(pike perch,  
*Stizostedion  
luciperca*)



disturbing nests  
raptors,



## IMPEL project : IPPC/IED Pigfarm

Improving permitting and inspection of IPPC pig farming installations by developing practical guidance



## IMPEL project : Landfill-joint inspections

Improving permitting and inspection of IPPC Landfill-sites by developing practical guidance and joint inspections



Fig. 9: cell in construction



Fig. 10: cell in progress

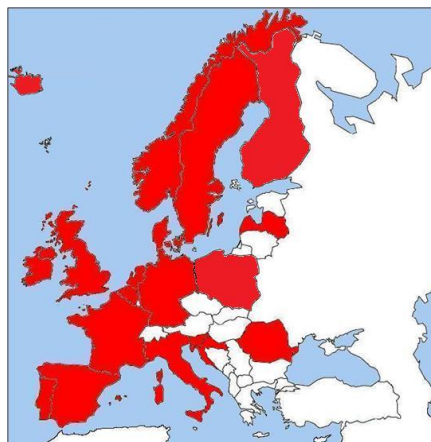


European Union Network for  
the Implementation and Enforcement  
of Environmental Law

## Key project - IRI

- 'IMPEL Review Initiative' (IRI)

- Peer review programme
- Carried out by 'frontline' experts, policy makers, lawyers and managers from IMPEL member countries
- 20 IRIs carried out so far...
- Identifies good practice and opportunities for development



***"...Money cannot buy this level and type of expertise. Peer reviews like the IRI help to create a shared understanding, promote and share new ideas, validate your own systems and ways of working, to benchmark and develop consistency, fairness and a level playing field". Simon Bingham, Scottish EPA, UK.***



## GREEN IRI ROMANIA

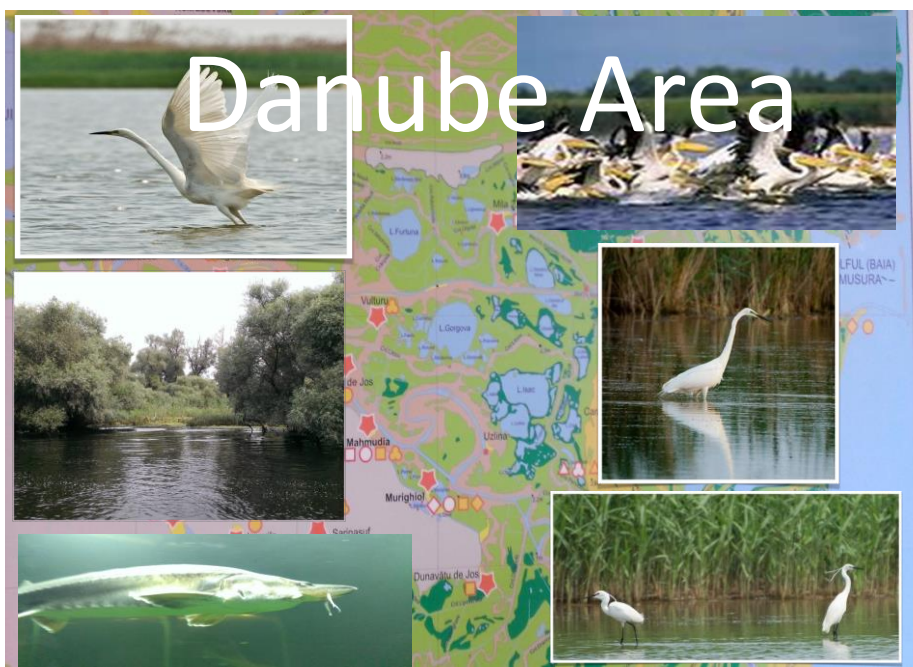
21st IRI, 1st Country/IMPEL member to have 2 IRIs, 1st "Green" IRI.

## REVIEW TEAM

- Marco Avanzo - Italy
- Stanley Gatt - Malta
- Martin Baranyai - Czech Rep.
- Jaap Reijngoud - Netherlands
- Darko Blinkov - Macedonia
- John Visbeen - IKB Project Leader
- Chris Dijkens - IRI Observer - IMPEL Vice President
- Michael Nicholson - Rapporteur - IMPEL Secretariat
- Simon Bingham - Review Team Leader



## GOOD PRACTICES & OPPORTUNITIES FOR DEVELOPMENT





**ENFORCEMENT – OPPORTUNITY: MAIN CONCLUSION;**

**Improve effectiveness in whole process of inspection  
and enforcement – prosecution - verdict,**

---

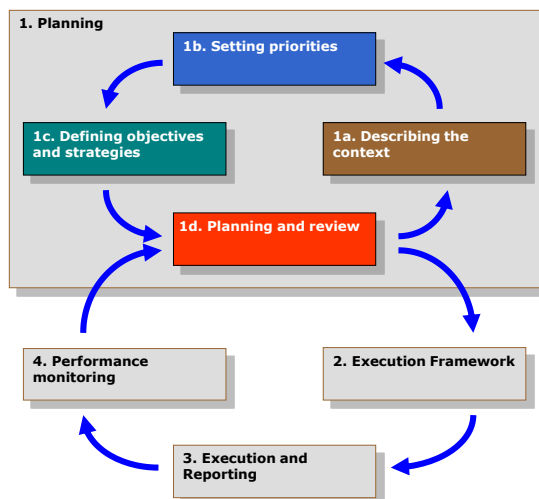


**NEXT IRI: ITALY MESSINA STREET**

**2-6 november 2015**

---

## ENVIRONMENTAL INSPECTION CYCLE

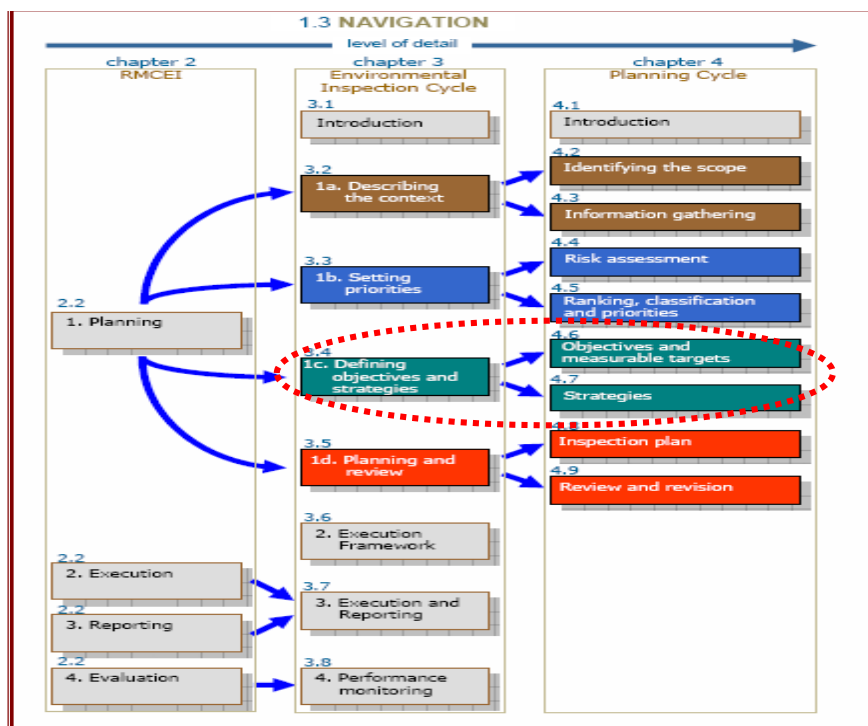


17

## GUIDANCE BOOK



18



## Illegal killing of wild birds

- How can IMPEL add value to executed activities?????



## Partners and networks involved:



## illegal killing of birds

### Focus for IMPEL

1. Extend the enforcement network
2. Exchange of information on crime cases
3. Collaboration with NGO's
4. Collaboration with network of prosecutors and judges to Improve effectiveness in whole process of inspection/enforcement, prosecution and verdict,



# 1. extend the network

**workshops – storytelling**

**basecamp (iedereen uitnodigen en de mail van Miroslav Angelov laten zien)**



# 1. extend the network

## **2013: Brussels-Belgium**

(Italy, Cyprus, Malta, Czech Republic, Netherlands, Birdlife, EU-Twix, Face, EC-DGEnv)

## **2013: Valetta –Malta**

(Italy, Cyprus, Malta, **Portugal, Macedonia, Estonia**, Czech Republic, Netherlands, Face, Birdlife, **Bern Convention**, EU-Twix, EC-DGEnv, **Themis**)

## **2014: Utrecht – Netherlands**

Cyprus, Czech Republic, Portugal, **Spain, Croatia**, Netherlands, **Slovenia, Latvia, Belgium, Romania, Chatham-house, Schotland, Hungry, HOS-Greece, CABS**, Birdlife, **IFAW**, EU-Twix, EC-DGEnv, Themis)

## **2015: Sibiu-Romania**

(Spain, Portugal, Netherlands, Latvia, Czech Republic, Romania, Slovenia, Croatia, IFAW, ROS/Birdlife, EU-Twix)



- **Presentation Cyprus**

- (Panicos Panayides)

- It is reported that the main illegal killing problem of birds in Cyprus involves illegal trapping with nets and limesticks with the use of sound devices. Illegal poisoning and shooting may locally be a problem in some areas, but by comparison illegal trapping is the main issue of concern. The illegal economic profits of such activities have contributed to the increase of trapping levels from the 1990's onwards, and although the illegal activity has to some extent been controlled it is still a serious problem. The main issues which have been identified and have to be dealt with were: low fines imposed by the Courts, restaurants, awareness – education, the impact of economic crisis and other means to combat illegal killing of birds (i.e. cross compliance).

Confiscated wild birds and game species from a restaurant



**Presentation Italy**

(Marco Avanzo)

Marco reports that crimes against birds are still an actual problem in Italy. Illegal killing, trapping and trading are still very common: poisoning is at a lower level also considering that it occurs as effect of other species killing.

In some areas of the Country poaching is so spread out that has been necessary to contrast it by a special intervention unit, whose police action (combined with a low but constant raising up of environmental awareness) is causing a decrease of the crimes.

EUROPEAN COMMISSION

**Corpo Forestale dello Stato**

Brescia valleys

Main activity:

controls in the field  
controls in the restaurants

Planning: Custom controls



### □ 1.3.7 Presentation Malta (Stanley Gatt)

Malta provided a summary of the tasks carried out by the Avifauna Section of the Malta Environment and Planning Authority to enforce the bird protection regulations, namely the gathering and sharing of intelligence; expert identification of species and determination of legal status; provision of expert testimony in court and follow-up of court cases. Malta also highlighted the main problems encountered to enforce the regulations, such as the techniques employed by offenders to avoid detection by the law enforcement authorities and the legal shortcomings, namely the lack of an exhaustive EU protected species list and a central database of close-ring sizes for captive-bred birds; and also indicated where international co-operation is important to improve effectiveness of enforcement practices. Malta stressed the importance of international co-operation to formulate the above-mentioned databases and to share knowledge on illegal hunting and trapping methods and enforcement techniques employed by Member

States as tools to effectively implement the EU wild Birds Directive and the Commission's roadmap to eliminate illegal killing, trapping and trade of birds.



## 1b. Basecamp

[Back to Projects](#)

### Expert Team: Nature Protection IMPEL Secretariat

Overview Messages To-Dos Calendar Writeboards Files

**Project overview & activity** [New message](#) [New to-do list](#) [New event](#) [New file](#)

**TODAY**

Comment [Re: Information and documents for workshop 16-17-18 september Sibiu Romania](#) Posted by Nancy I.

Comment [Re: Information and documents for workshop 16-17-18 september Sibiu Romania](#) Posted by Christian T.

**MONDAY, 28 SEPTEMBER 2015**

Comment [Re: about combating illegal poisoning](#) Posted by Andris S.

**FRIDAY, 25 SEPTEMBER 2015**

Message [about combating illegal poisoning](#) Posted by John V.

**TUESDAY, 22 SEPTEMBER 2015**

Comment [Re: Information and documents for workshop 16-17-18 september Sibiu Romania](#) Posted by Staci M.

Comment [Re: Information and documents for workshop 16-17-18 september Sibiu Romania](#) Posted by Katika B.

## 1b. Basecamp

Dear all,  
I received interesting information from Miroslav Angelov from DG-Env.  
Kind regards,  
John

Dear Colleagues,

I hope you all are doing well.

I would like to draw your attention to the outcomes of the Spanish LIFE+ funded project 'Veneno' on combating illegal poisoning. I hope the project's results could be interesting and useful for your work because it has a clear impact on the prosecution of illegal poisoning and awareness of judges and prosecutors in Spain and could be replicated in other countries as well. I would like to invite you to have a look at the detailed information on the project website ([http://www.venenono.org/?page\\_id=289](http://www.venenono.org/?page_id=289)) but allow me please to use the occasion for making some observations on individual project outputs.

The VENENO project team has, inter alia, drawn up a basic draft of the Action Plan for Eradication of the Illegal Use of Poison in the Countryside (Plande Acción para la erradicación del uso ilegal de veneno en el Medio Natural) and four protocols (available through the above link):

- Procedural protocol for dealing with cases of poisoning in wildlife rescue centres and toxicology laboratories.
- Procedural protocol for law enforcement officials in charge of collecting presumably poisoned fauna or bait and the preliminary investigation.
- General legal protocol for administrative action and liaison with criminal proceedings deriving from the use of poisoned bait in the countryside.
- Procedural protocol for law enforcement officials in charge of surveillance and preventive action

Although there are aspects that are clearly specific to Spain, these outputs of the project are valuable for several

## Exchange of information on crime cases

### Wildlife crime and illegal logging



- Examples of Wildlife Crime Birds and Reptiles ( incl. new trends Illegal Trade)
- Examples of Illegal logging

REGULATION (EU) No 995/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 20 October 2010

laying down the obligations of operators who place timber and timber products on the market

DIRECTIVE 2009/147/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 30 November 2009  
on the conservation of wild birds



## Recent Bird cases (EU related)



## 23-02-2014 Serbia

- In the early morning hours on 23. 02.2014, the Provincial environmental inspectors, in co-operation with ornithologist of Institute of nature protection of Vojvodina and police officers, seized 82 specimens of passerine birds at an open
- market in Pančevo. The bird
- species belonged to different
- families: *Emberzidae*,
- *Aludidae*, *Fringillidae* and
- *Sylvidae*. The specimens were
- illegally caught in the wild
- and offered for sale at the
- market.



## September 2014 Finland



- We had in Finland a similar case in September, when they in the security check at the airport in Helsinki found 111 dead (frozen) birds in a suitcase, 1 Song thrush, 62 Redwings, 1 Black grouse and 47 Fieldfare. He may have to pay about 2 000 €.
- The suitcase belonged to an Italian with the flight route Helsinki - Munich - Venice.
- Some weeks later, in October, the police in Finland investigated an Italian, that was hunting with loudspeakers to lure the birds. He had shot 10 Redwings and 1 Fieldfare.

CUSTOMS INVESTIGATION SERVICE  
Serious Crime prevention division



## 27-10-2014 Malta



- **Man charged with smuggling 645 protected birds from Sicily**
- A 35-year-old man from Qrendi was this afternoon was granted bail against a personal guarantee of €2,000 and a deposit of €500 after he pleaded not guilty to charges of smuggling 645 protected songbirds from Sicily.
- The case dates back to Friday when PERSON was found in possession of the birds on his arrival from Sicily aboard the catamaran, following a search by custom officials and the police.
- The birds - 326 hawfinches, 164 linnets, 108 serins, 46 goldfinches and one greenfinch - some of which were alive, where found in his car which was also confiscated.
- Inspector J told the court this afternoon that these birds were valued at €31,862.
- The accused was also charged of evading €5,735 in value added tax.
- In a separate case PERSON fined €3,460 and had his car confiscated after he admitted to importing 50 protected birds from Sicily.



## 31-10-2014 Germany

- **Munich customs find 200 dead birds in a suitcase**
- Customs officers at Munich Airport found 200 dead songbirds in a passenger's suitcase, officials said on Wednesday.
- The 65-year-old Italian man said he was taking the skylarks and meadow pipits, which were wrapped in plastic bags, back to his family to cook and eat them.
- He claimed he was an amateur bird hunter and had just come from Romania, where he had killed the birds.
- "There hasn't been a case like this since 2006, when a man tried to bring 2,000 songbirds through," a Munich customs spokesman said.
- As wild birds are protected under EU law, officers confiscated them and opened criminal proceedings against the man.
- He may have to pay a fine of more than €1,000.



## 10-10-2014 NL

### Helmonders opgepakt voor handel in beschermde vogels

**HELMOND** - Drie inwoners van Helmond zijn deze week opgepakt door de politie voor het illegaal vangen en verhandelen van beschermde inheemse en uitheemse vogels. De dieven vingden de vogels in het wild.

Het gaat om een 72-jarige man, een 69-jarige man en een 49-jarige vrouw. De Helmonders worden samen met twee anderen verdacht van de illegale handel. De verdachten uit Helmond en een man uit Sint Pancras zitten sinds vrijdag vast.

#### Lijmstokjes

De vogeldieven sloegen onder andere toe in natuurgebieden op het Zuid-Hollandse Goeree-Overflakkee. Daar werden in lijm gedoopte stokjes in de grond gestoken bij voerplaatsen.

De vogels die op het voer afkwamen, konden niet meer wegvliegen.



## Recent Reptile cases (EU related)



## 01-06-2014 Croatia

- On June 1th 2014 in a routine traffic control Croatian police officers stopped a car of Croatian citizen in the town of Vukovar and in the trunk of the car they found six jute bags with 220 live turtles and tortoises and 20 dead ones. No documents of the origin of the animals were presented. The animals were seized and criminal charges were placed against the offender. Subsequently it was determined that there are 110 specimens of *Testudo marginata* (Annex A, Appendix I), 101 specimens of *Emys orbicularis* and 29 specimens of *Mauremys rivulata* (both strictly protected species in Croatia). All animals were placed in a registered rescue centre but due to dehydration, malnutrition, poor transport conditions and infestation by ticks 96 animals have died so far.



## 06-09-2014 Serbia/Hungary

- A smuggling attempt of 1023 Hermann's Tortoises (*Testudo hermannii*) was detected on 6 September 2014 at the green border between Serbia and Hungary by border police patrols. The men, who smuggled the animals in cotton sacks, escaped from control and went back to Serbia, while they left the tortoises behind



## 28-04-2014 France

- **French Customs in Sète seize 70 tortoises from the engine compartment of a van**

On 28 April 2014, French Customs at the port of Sète seized 70 live tortoises of the species *Testudo graeca*, listed under Appendix II of the CITES Convention<sup>1</sup>, during the control of a vehicle that was leaving a ferry.

The animals were discovered in two sports bags placed in the engine compartment of a van that originated from Nador in Morocco. The driver, who was traveling to Belgium, had no CITES documentation to cover the possession, transportation and trade of these protected species.



## New Trends in Illegal Wildlife Trade

- New illegal trade routes using Middle Eastern countries
- Huge demand for EU species in Asia
- EU wild caught birds and reptiles are illegally traded to NON EU neighbouring countries and then white washed to Captive Bred and exported to Asia (China, Vietnam)
- Increase of illegal catching of birds and reptiles in EU due to economical crisis.



## Illegal logging Recent EU related cases

- WHAT IS ILLEGAL LOGGING

- Logging without permission or concession from public forests
- Wood theft or illegal logging from private forests.
- False declaration of volumes, species, values or origins of harvested wood.
- Logging in non-marked or prohibited areas.
- Obtaining logging authorisation through bribes.
- Killing or burning trees so that they can be logged.
- Logging in prohibited or protected areas such as national parks



## Illegal timber remains for sale in EU despite ban

Press Release - July 31, 2014

Four years after the adoption of European legislation against illegal wood imports, according to a European Commission assessment that almost half of the Member States lagging behind with its implementation. This exceeds the worst expectations.

The situation is particularly alarming in Spain, Portugal, Hungary and Malta but also countries like France and Italy score dramatically bad. It is high time that the European Commission rebukes those countries because they are not legally in order.

## Examples of illegal logging cases (within EU) enforced by the Czech Environmental Inspectorate (CEI)

- Regional Inspectorate Hradec Králové in 2012 imposed fine 2 500 000 CZK (approximately 100 000 EUR) to company I.L.C., a.s., for harmful impact on forests caused by series of illegal logging organized by this company. This company during year 2011 repeatedly violated forest act limits for logging within six own forests in 3 different districts (Polička, Hlinsko v Čechách, Trutnov). In total company realised illegal logging by clear – cutting on area 9,87 ha, where was illegally harvested 4 200 m<sup>3</sup> timber. CEI officially initiated also the criminal investigation, but the public prosecutor cancelled this case for lack of evidence after one year of police investigation.



## Examples of illegal logging cases (within EU) enforced by the Czech Environmental Inspectorate (CEI)

- Company I.L.C., a.s., in 2012 continued in another district Moravská Třebová, where realised illegal clear – cutting on area 1,85 ha, where was illegally harvested 700 m<sup>3</sup> timber.
- CEI in this case imposed the fine 250 000 CZK (approximately 10 000 EUR).
- The same group of businessmen created similar company S.I.N. Corporation a.s., which in 2012 repeatedly violated forest act limits for logging within three own forests in 2 different districts (Lanškroun, Dvůr Králové). Company S.I.N. Corporation a.s. realised in total illegal logging by clear – cutting on area 4,15 ha, where was illegally harvested 1 900 m<sup>3</sup> timber.
- CEI in this case imposed the fine 280 000 CZK (approximately 11 000 EUR). CEI again officially initiated the criminal investigation, but the public prosecutor cancelled this case for lack of evidence after one year of police investigation.



# Collaboration with NGO's and law enforcement agencies

(based on experiences in Cyprus, Italy  
and Spain)



**From dismantling.....**

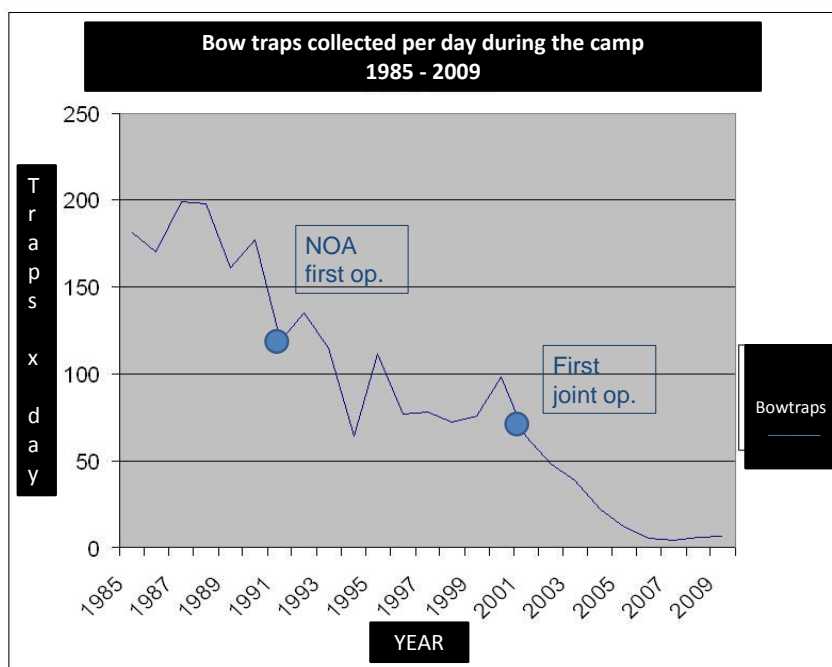


**.....to scouting and reporting**









**BRESCIA: COOPERATION WITH NOA OF THE CFS (FOREST POLICE)**

<i>YEAR</i>	<i>BOWTRAPS</i>	<i>NETS</i>	<i>SNAPTRAPS</i>	<i>POACHERS REPORTED TO NOA</i>	<i>POACHERS PROSECUTED BY NOA</i>	<i>NGO's CONTRIBUTION IN PERCENTAGE</i>
2001	12.104	76	76	12	131	<b>9%</b>
2002	9.587	57	107	23	84	27%
2003	7.378	83	245	18	87	21%
2004	4.418	78	296	25	108	23%
2005	3.753	174	258	18	92	20%
2006	1.436	156	284	17	76	22%
2007	1.231	133	338	36	99	36%
2008	1.908	106	949	57	137	42%
2009	2.159	167	340	42	94	45%
2010	1.228	115	802	53	92	58%
2011	1.056	94	588	37	90	41%
2012	963	85	690	43	112	38%
2013	1.161	108	568	38	92	41%
2014	735	59	398	40	72	<b>56%</b>

**CASE STUDY 2 - CYPRUS**

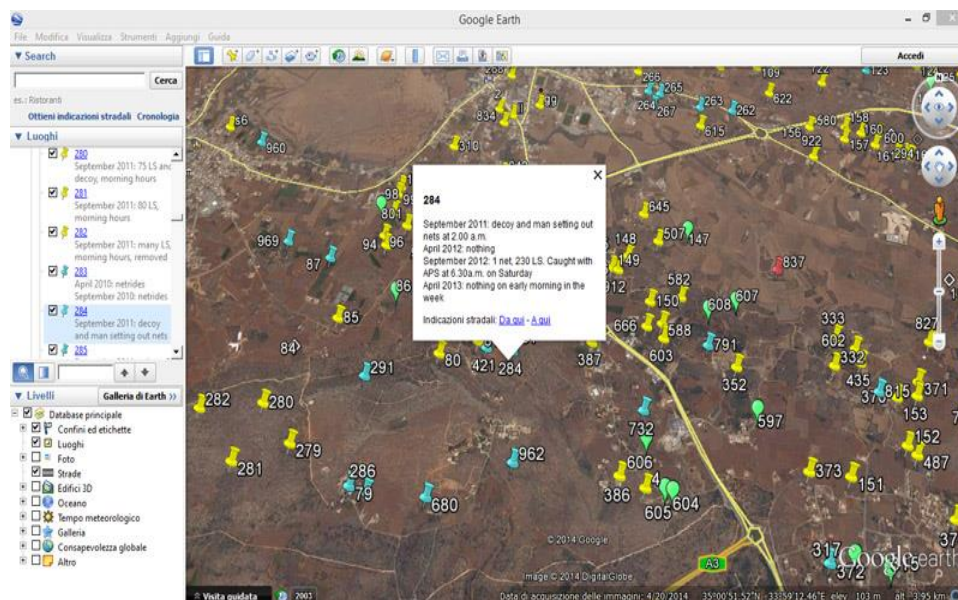
## CYPRUS: COOPERATION WITH APS of the MMAD of the Cyprus Police

YEAR	Limesticks	Nets	Decoys	POACHERS REPORTED TO APS AND PROSECUTED	POACHERS PROSECUTED BY APS	NGO's CONTRIBUTION IN PERCENTAGE
Spring 2008	227	12	4	0	25	0%
Spring 2009	2,136	33	15	2	18	11%
Spring 2010	1,977	9	12	0	7	0%
Autumn 2010	934	11	9	0		
Spring 2011	3,353	15	12	0	18	6%
Autumn 2011	4,014	21	24	1		
Spring 2012	4,439	15	12	14	27(?)	100%(?)
Autumn 2012	4,503	100	64	13		
Spring 2013	3,272	44	16	20	20(?)	100%(?)
Autumn 2013	4,419	60	85	0		
Spring 2014	2,256	27	10	15	63	67%
Autumn 2014	3,950	116	35	27		

### Principles/possibilities

1. NGO on the ground with volunteers during the peak poaching season disrupting/disturbing poaching activity
2. Achieve a perfect knowledge of the territory
3. Achieve knowledge of poaching methods, poaching patterns, poaching areas (database, systematization of information, reports)
4. Seek and provide cooperation with/to law enforcement agencies
5. Feed back form law enforcementn agencies

## A simple tool: google earth database



## IMPELs contribution

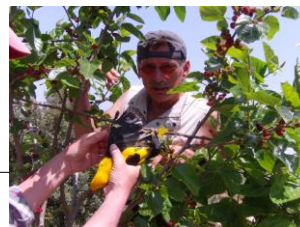
**1. Establish mailinglist like EU Twix with access for authorities and NGO's.**

**2. Invitation of NGO's to workshop**



## Question/discussion

1. What is your opinion about collaboration with NGO's



**Collaboration with network of prosecutors and judges to improve effectiveness in whole process of inspection/enforcement, prosecution and verdict,**



## Different approaches EU MS in Enforcement and Prosecution



### Court decisions against illegal bird trapping

One of the key elements to tackle illegal bird trapping at its root is the need to have deterrent court fines as part of a 'zero tolerance' approach to wildlife crime, something that is still non-existent in Cyprus. On average court penalties are around €800 and they are non-deterrent compared to the thousands of euros organised trappers make illegally every year. However, in the last months on two separate occasions, a court in the Republic and in the UK Sovereign Base Areas handed out court decisions which highlighted that bird trapping is a serious wildlife crime.

The first court case refers to the recent trial between the activists from the Committee Against Bird Slaughter (CABS), who were wrongfully accused of causing damage to property by two bird trappers from the Famagusta area. The incident took place in October 2013 in the Famagusta area, when the trappers had assaulted and injured the CABS activists while they were undertaking their anti-trapping survey. On 5 March 2014 the Famagusta District Court threw out the accusations against the activists and put a fine of €500 for the illegal possession of limesticks to the trappers. Furthermore the trappers paid an additional €7,000 as compensation to the CABS activists, as an out-of-Court settlement for the false accusations.



Photo: Bird trapping is a serious wildlife crime © BirdLife Cyprus

## CYPRUS

Average  
Penalty  
€ 800,--



## MALTA

## PENALTIES AGAINST SHOOTING OR TRAPPING PROTECTED SPECIES TO INCREASE TEN-FOLD

Reference Number: PRI40574, Press Release Issue Date: Mar 24, 2014

Criminals caught shooting protected birds will find no refuge amongst law-abiding community

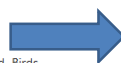
Government condemns the hideous act of shooting of protected storks that occurred yesterday and has deployed the necessary resources to investigate the incident and to bring perpetrators to justice.

In a drive to stamp out illegal targeting of protected species, last October the Government revamped national legislation and doubled applicable penalties for illegal shooting of protected birds. "Whilst, as amply documented in the enforcement report published last Saturday, multiple improvements in enforcement occurred over the past few months, the latest incident shows that some rogue individuals are still undeterred from committing such brazen crimes", said Parliamentary Secretary Roderick Galdes in reaction to the storks' shooting incident.

"Therefore Government will do whatever is necessary to not only bring perpetrators to justice, but to also eliminate the very possibility of such acts occurring in the future", Parliamentary Secretary added.

Penalties to increase tenfold

In the next few days, the Government shall publish further amendments to the Conservation of Wild Birds Regulations (S.L.504.71). These amendments will include a provision that any shooting or trapping for protected species listed in Schedules I and IX of these Regulations, even in the case of a first time offence, will automatically incur penalty comprising of €5,000 fine, and / or imprisonment for one year, as well as permanent revocation of license and confiscation of corpus delicti. In case of second or subsequent offence, the applicable penalty will go up to €10,000, confiscation, and / or imprisonment for two years. These measures represent a ten-fold increase in the presently applicable minimum fine for first time and subsequent offences, whilst permanent revocation of license, and imprisonment, which, at present, only apply to repeat offenders, will also apply in the case of a first time offence in such cases.



€ 5000



### Boete van 5.000 euro voor recidivist-vogelvanger

woensdag 20 maart 2013

De onderfussen beruchte, hardleerse vogelvanger uit het Oost-Vlaamse Steendorp-Termse heeft van het Parket van de Procureur des Konings te Dinant een administratieve boete van 5.000 euro gekregen omdat hij op 20 augustus 2012 voor de zoveelste keer op heterdaad werd betrapt op het vangen van beschermde zangvogels met behulp van mistnetten. De feiten deden zich voor in het Waalse Gedinne (provincie Namen) en het was de Unité Anti Braconnage (UAB) van de Waalse overheidsdienst DNF (Division Nature & Forêts) die hem verbaliseerde. Edy B. was toen niet aan zijn proefstuk toe; het aantal keer dat hij op heterdaad betrapt werd, is niet meer op vier handen te tellen. Hij werd ook al verschillende malen veroordeeld voor illegale vogelvangst, zowel in Wallonië als in Vlaanderen, maar ondanks boetes van meerdere duizenden euro's blijft hij volharden in de boosheid. Gedurende een week hielden inspecteurs van de UAB enkele vaak gebruikte vogelvangstplaatsen in de gaten waar Edy B. al eerder werd betrapt. Ze hadden er immers vers vogelzaad aangetroffen waarmee Edy B. de vogels naar zijn netten lokte. De UAB-inspecteurs namen vier mistnetten in beslag.



Een slijp gevangen in een mistnet — © Jan Rutbe / Vogelbescherming Vlaanderen

Ook de auto – die werd gebruikt om het misdrijf te plegen – werd op bevel van het Parket van Dinant geconfisciseerd. Dit is al minstens het derde voertuig van Edy B. dat door het gerecht in beslag wordt genomen. Na het verhoor door de inspecteurs



## BELGIUM

€ 5000

after >20



### **Court of First Instance East-Flanders – Ghent division**

#### **PRESS RELEASE - 27 June 2014**

On 27 June 2014, the criminal court of First Instance of East Flanders (Ghent division) in Belgium pronounced judgement in an important case of illegal trade in protected and endangered birds. The case is the result of a long and extensive judicial inquiry, including international legal cooperation between Belgium, the United Kingdom, Spain, France, Germany, Austria and The Netherlands.

Four defendants have been found guilty.

Eggs and chicks of the birds, mainly birds of prey, were stolen from the wild among others in the south of France or Spain, and handed over to collaborators responsible for hatching out. The young birds were then hand-reared and ringed. Through forging of rings and breeder's declarations, the defendants obtained CITES-certificates for captive-born and bred species, which allowed them to commercialize the birds in spite of the general prohibition with respect to Annex A species.

### **Court of First Instance East-Flanders – Ghent division**

The birds species included among others Egyptian Vulture (*Neophron percopterus*), African Fish Eagle (*Haliaeetus vocifer*), Imperial Eagle (*Aquila heliaca*), Bald eagle (*Haliaeetus leucocephalus*), Bonelli's Eagle (*Aquila fasciata*), Golden Eagle (*Aquila chrysaetos*), Booted Eagle (*Hieraaetus pennatus*), several falcon species such as Peregrine (*Falco peregrines*), Merlin (*Falco columbarius*), Hobby (*Falco subbuteo*), Red-footed Falcon (*Falco vespertinus*), Lesser Kestrel (*Falco naumanni*), Black-winged Kite (*Elanus caeruleus*), Red Kite (*Milvus milvus*), Black Kite (*Milvus migrans*) but also Spoonbill (*Platalea leucorodia*), Great Bustard (*Otis tarda*), Great Grey Owl (*Strix ionalica*), Snowy Owl (*Nyctea scandiaca*), Short-eared Owl (*Asio flammeus*).

### **Court of First Instance East-Flanders – Ghent division**

The four defendants were also found guilty of participating in a criminal organisation with international branches in Spain, the United Kingdom, Austria, Germany, France and The Netherlands. The purpose of this criminal organisation was the withdrawal of protected bird species from their habitats, obtaining forged CITES-certificates and finally, marketing the birds. Typical of the criminal organisation was a clear hierarchy and division of tasks, the use of (police) officials and the creation of an animal zoo to obtain credibility and access to the market.

The defendants were also convicted of fraud regarding CITES export permits, the failure to keep a CITES-register and the use of illegal traps and nets. The birds of prey commerce was extremely profitable. Bonelli's Eagles (*Aquila fasciata*) were sold for 10.000 euro, Bald Eagle (*Haliaeetus leucocephalus*) for 5.000 euro, African Fish Eagle (*Haliaeetus vocifer*) for 6.000 euro and Booted Eagle (*Hieraaetus pennatus*) for 5.000 euro.

The court underlined that international trade in endangered plant- and animal species has approached a scale and lucrativity comparable to international drugs and arms trafficking.

### **Court of First Instance East-Flanders – Ghent division**

In the decision the courts stresses that the defendants committed a direct and irreversible assault on biodiversity. For profit, the defendants seriously undermined national and international efforts to preserve and protect these already vulnerable bird species.

The four defendants were sentenced to 4 years (1 year suspended), 2 years (1 year suspended), 18 months (suspended) and 1 year (suspended). The court also imposed fines of 90.000 euro, 30.000 euro and 12.000 euro.

The court confiscated 835.800 euro of illegal gains of the trade (including real estate).

All seized birds were confiscated and entrusted to the Belgian CITES-authority.

### The Criminal Court of Santander (Spain)

The Criminal Court pronounced a judgement regarding the poisoning of, i.a., 11 Red kites (*Milvus milvus*), 4 Griffon vultures (*Gyps fulvus*), and 1 Common buzzard (*buteo buteo*) in 2011: two years of prison, 2 years prohibition to work as a cattle breeder, 4 years of prohibition to hunt, and payment of damages of EUR 118.770, part of it (EUR 90.270) for the value of the specimen, and part of it earmarked for paying the monitoring of the Red Kites population in Cantabria in the next three years (EUR 28.500).

### the Court of Valdepeña (Spain)

In another interesting court decision from April 2015, the Court of Valdepeña (Spain) fixed a bail of EUR 800,000 in the 'Imperial Eagle case'. This means that the cattle breeder accused of having 6 poisoned specimen of this endangered species, which had been detected in 2012 by environmental technicians trained as part of the LIFE+ Veneno Project, had to pay this bail, if he wanted to avoid going to prison awaiting trial. The bail was more than twice what had been requested by the competent public authorities and the public prosecution (EUR 360,000). The court went beyond simple accounting of the value of each animal as established in the related fine catalogue in Decree 67/2008 (= € 60,000 per Imperial Eagle) to take into account the particular value due to the status of being in danger of extinction. The reasons given for this high amount were that not only the estimated value of specimen listed in the liability catalogues and the aggravating fact that this was a species in danger of extinction had to be considered, but also the cost for conservation measures related to this endangered species such as habitat restoration and feeding stations (in LIFE+ alone, EUR 8.7 million were invested in this species). The case is still pending but demonstrates how criminal proceedings can take account of the biodiversity impact of the crime.

## **Conclusions Enforcement and Prosecution**

- Lack of Enforcement ( BD + EU TR) in several MS
- Just a few MS have specialized Enforcement field units
- Differences in prosecution and punishment, but good examples are there and should be shared
- Difficulties to prove BD offences
- Regulation/Legislation of seamless closed foot rings to prove CB in just a few EU MS
- In some MS offences are rarely sentenced
- In several MS Judges and Procurers are not sufficiently aware of the importance of the issue (biodiversity loss, money involved and organized crime)



### **Question/discussion**

1. What is your opinion about how to strengthen chain of enforcement prosecution and verdict.

## IMPELs contribution

1. Conference in 2016 organised together with network of judges, prosecutors and inspectors,

2. Invitation of judges and prosecutors to workshop



ROMANIA  
PUBLIC MINISTRY  
PUBLIC PROSECUTOR'S OFFICE



## "POACHERS" CASE FILE



Prosecutor Romania



Basically, what happens is that the movement of the weapons and ammunition is not registered in the records of the S.F.G.H.C.A. and the hunting files are not filled in, so there is no form of control towards what the so-called hunters are doing. Furthermore, a real phenomenon of hunting tourism has been created, where Italian citizens in exchange for consistent amounts of money, bring their compatriots to hunting games in which they destroy the wildlife. Animals and birds are shot and killed without limit, and then they are frozen and delivered to luxurious restaurants in Italy.



## PEOPLE INVESTIGATED

- Head of organisation

- PERSON X



- 4 Italian citizens – 2 lieutenants of organisation and 2 ammunition suppliers



- 6 Romanian citizens –





## WEAPONS, AMMUNITION AND OTHER GOODS

- 37 hunting weapons different brands and calibres
- 45000 pcs. cartridges different brands and calibres
- 18 batteries for charging the calls
- A wooden box with 3 larks (calls) and other components for additional calls
- 3 plastic larks (*calls*)
- 5 circular calls
- A stuffed lark (*call*)
- 4 electric calls



## WEAPONS AND AMMUNITION





## POACHED BIRDS

1. Pheasant – 10 pcs.
2. Partridge – 80 pcs.
3. Unidentified wild birds - 280 pcs.
4. Larks - 1574 pcs. eviscerated (frozen)  
- 818 pcs. in feathers
5. Quails - 85 pcs. eviscerated (frozen)  
- 55 pcs. in feathers
6. Ringdove - 10 pcs.
7. Crow - 15 pcs.
8. Harrier - 12 pcs.



## POACHED BIRDS





## LEGAL FINALITY

On 11.07.2013 the indictment was issued through which it was ordered the prosecution of the defendants, the cause being on the role of the Court for the trial of the Fund.

The head of organisation was dismissed and the entire leadership of the association has been replaced; precautionary measures were applied both to the special confiscation of unlawfully obtained goods and to recover the created financial prejudice.

Besides the legal and judicial issue, we believe that the blow given to the poachers was a real breath of oxygen to protect hunting and a clear signal that in Romania you can't hunt in any way and as much as you want but according to some rules; though insufficiently firm, everyone must respect them.



„GRAV PREJUDICIU ADUS FONDULUI CINEGETIC NAȚIONAL”

ȘEFUL VÂNĂTORILOR ȘI PESCARILOR SPORTIVI DIN CONSTANȚA, TRIMIS ÎN JUDECATĂ ALĂTURI DE MAI MULȚI ITALIENI

11 Nov, 2013 00:00 - Ionuț ZAGONEANU - 997



ALĂT  
ȘEF  
LIB

Articol Imagini (1) Versiune printabilă

Marime text - +

Sursa foto: Realitatea.net

15 Oct

Art

Luigi !  
Vânător  
Julian  
munici  
servici  
în libe



Procurorii spun că, în urma unor percheziții domiciliare, au fost depistați 20 de cetățeni italieni, care se aflau de câteva zile la vânătoare în zona Cernavodă

## IMPELs contribution

### 1. Organise joint inspections

#### RECOMMENDATIONS

- Recognize the severe impact of illegal bird trapping, killing and trade to the biological diversity and natural heritage, as well as the intrinsic value of nature and the inextricable link between nature and people.
- Provide consistent and high-profile political support to the responsible law enforcement agencies.
- Develop national communication strategies, public awareness campaigns and environmental education projects. (NGO's)
- Encourage collaboration between NGO's and authorities, specuially during season of birdsmigration,
- Increase the fines and penalties imposed for illegal and non-selective bird trapping and killing, taking in account the size of the business, the average catch, the ecological impact.
- Increase the operational capacity and effectiveness of the responsible law enforcement agencies.

## RECOMMENDATIONS

- Improve cooperation and coordination between law enforcement agencies and prosecutors
- Better exchange of Information and Intelligence
- Improve specific knowledge of law enforcement agents and prosecutors/judges.
- Capacity building for Green Enforcement Officers
- EU wide legislation for Bird footprints for CB specimens
- EU Alert system for illegal Bird and Reptile trade and illegal logging within EU
- Cooperation with EUROJUST and European Network of Prosecutors for the Environment (ENPE) to build awareness
- Better cooperation with NGO's

