

PROPOSED STEPS TO LAUNCH AN OPERATIONAL DIALOGUE ON SUSTAINABLE HUNTING WITHIN THE FRAMEWORK OF THE BIRDS DIRECTIVE

While the Birds Directive fully recognises the legitimacy of hunting it limits this activity to certain species (listed in Annex II to the directive) and sets out the legal requirements to be implemented through Member States legislation. This provides the framework for the management of hunting¹.

Over the past 20 years there has been a lot of controversy and in recent years some confrontation over the compatibility of hunting with certain requirements of the directive. The controversy is often fed by differing interpretations of those requirements. This is regrettable because hunters and other conservationists share a common interest in preserving wild birds and their habitats.

There is a need to start a new dialogue with a view to developing co-operation between all organisations concerned with the conservation and wise and sustainable² use of our wild birds. In order to develop such a dialogue a series of ten measures is suggested for consideration.

These have broadly two main aims:

- Improving the legal and technical interpretation of the directive's provisions relating to hunting
- Developing a programme of scientific, conservation and training/awareness measures as well as a 'Charter on Sustainable Hunting' within the framework of the Birds Directive

Further details of the ten proposed measures are set out below.

The success of this initiative will depend on the commitment of a number of key stakeholders including the Commission, the Member States, BirdLife International and the Federation of Associations for Hunting and Conservation of the EU (FACE). The main forum for dialogue on implementation of the Birds directive is the ORNIS Committee and its Scientific Working Group (both BirdLife and FACE participate as observers in the ORNIS SWG). It is also foreseen that there will be ad hoc working group(s) to help develop specific measures under the initiative

¹ Other provisions of the directive may also be relevant. Article 14 of the Birds Directive allows for Member States 'to introduce stricter protective measures than those provided for under this directive'. Article 13 requires that the 'application of measures taken pursuant to the directive may not lead to deterioration in present situation as regards the conservation of species of birds referred to in Article 1'.

² Whereas the term 'wise use' is referred to in the directive it is also proposed to use the term 'Sustainable use' in the context of the present initiative. An explanation of the notion of wise use is given in the second report on the application of Directive 79/409/EEC (COM(93)572 final). It will be necessary to come to a common understanding of the notion of sustainable use within the context of the present exercise.

IMPROVED LEGAL AND TECHNICAL INTERPRETATION OF PROVISIONS OF DIRECTIVE RELATING TO HUNTING

1. ACCEPTANCE OF WORKING WITH EXISTING TEXT OF THE BIRDS DIRECTIVE INCLUDING PROVISIONS RELATING TO HUNTING (MAINLY ARTICLE 7)

One of the key objectives of this initiative is to provide better clarification of the requirements of the directive relating to hunting, within the existing legal framework³ and strongly based on scientific principles and data. This will build on the work that has already taken place on the key concepts of Article 7(4) of the directive⁴.

The Commission is working on a better interpretation of those elements relating to hunting, together with the Member States, FACE and BirdLife. Future work will include examining the possibility of some flexibility under Article 9 derogations regarding hunting seasons, within the constraints of the legal framework and the relevant case law of the EU Court of Justice and based on sound scientific principles. This work would involve the Commission developing a guidance document on this subject

Targets: A) *Having consulted the relevant stakeholders for Commission services to prepare a guidance⁵ document by the end of 2002 on the legal and technical aspects of the directive's provisions relating to hunting, including the possible use of derogations for certain Annex II species within the legal framework and based on scientific principles.*

³ Modifying the text of the directive is at present not a serious option despite the fact that there may be a case for some amendments to the list of huntable species (Annex II). However, it is recognised that any party to this initiative may reserve its position as to the long term utility of amending the directive to scientific and technical progress

⁴ Key concepts of Article 7(4) of Directive 79/409/EEC. Period of reproduction and pre-nuptial migration of Annex II bird species in the EU (Doc ORN 01/1 January 2001).

⁵ The modalities for this need to be worked out but the precedent of the Commission guidelines on Article 6 (Habitats Directive) are worth noting

DEVELOPMENT OF A PROGRAMME OF SCIENTIFIC, CONSERVATION AND TRAINING/AWARENESS MEASURES WITH A VIEW TO DEVELOPING A ‘CHARTER ON SUSTAINABLE HUNTING’ UNDER THE BIRDS DIRECTIVE

(No dates are attached to the individual suggested targets at present as this will depend on the commitment of the different stakeholders as well as on the allocation of the necessary resources, within the framework of the overall initiative)

A) COLLECTING DATA AS A SCIENTIFIC BASIS FOR MANAGEMENT

2. MONITORING AND ASSESSMENT OF THE CONSERVATION STATUS OF HUNTABLE BIRD SPECIES

There is a need for high quality up to date information on the status and trends of the different species of Annex II. This is especially important for those species that are considered to have an unfavourable conservation status. The overall objective is to ensure that any data collection is to a high standard. Efforts should be made to work with common methodologies, and where possible common data sets. Several international bodies already monitor birds, such as the European Bird Census Council (EBCC) and Wetlands International using established methodologies.

For species in decline, as appears to be the case with many farmland species, there is a need to develop indicators and to support studies and research aimed at understanding the sources of the problems. The results of monitoring the conservation status of species might be covered in the triennial report on the implementation of the Birds Directive (in accordance with Article 12 of the directive). As the results are also of interest to the European Environment Agency their role in this initiative should be considered.

Targets: **A)** *Review existing programmes of monitoring to establish their relevance to the objectives of this initiative and identify gaps*
B) *Where there is a need for improvement agree on common methodologies for monitoring of Annex II species*
C) *Support studies to understand the pressures, including impacts of hunting, on species with an unfavourable conservation status, at population or flyway levels*

3. COLLECTION AND REPORTING ON QUALITATIVE AND QUANTITATIVE DATA ON HARVESTS WITHIN ALL MEMBER STATES

There appears to be generally poor data on the hunting take for different species in most Member States. Such information is central to determining the effect and impact hunting may have on the dynamics of populations of huntable species. This lack of

data is also not in the interests of hunters as regards the management of populations or in arguing that hunting does not play a role in the decline of certain species or populations. There is a need to put in place improved bag statistics, especially for huntable species that have an unfavourable conservation status.

Targets: **A)** *Review existing schemes for collecting/reporting on bag statistics with a view to their wider application*
B)- *Develop pilot schemes for the collection/reporting on bag statistics in at least X additional Member States and for at least Y species (Z of which should be species with unfavourable status covered by Community management plans) to be extended in due course to all huntable species*

B) PROMOTING ACTIVE CONSERVATION AND MANAGEMENT MEASURES

4. MINIMISING THE DISTURBANCE EFFECTS OF HUNTING IN PROTECTED AREAS

There is a need to shift the debate to hunting being a well regulated practice and that hunters can contribute to the good management of sites and of the wider countryside. In this regard serious efforts will need to be made to assess and manage any disturbance effects of hunting, especially in wetlands. This will require a better evaluation of the effects of disturbance on hunted and non-hunted species. We need to show more win-win situations where management of hunting in sites is beneficial to birds, their habitats as well as to the practice of sustainable hunting itself. The Danish model of creating a network of hunting-free zones inside protected areas provides a very good example of this, which should be replicated in appropriate forms in the other Member States. In this regard consideration should be given to extending this concept to the flyway level for certain huntable species⁶.

Targets: **A)** *review the literature on disturbance and its effects on hunted and non-hunted species as a basis for developing good practice*
B) *Assess the feasibility of using the Danish and other models for dialogue and consensus seeking at EU level*
C) *As a pilot exercise for at least X Member States create undisturbed areas in Y major protected areas where there is regulated hunting within the next Z years and monitoring the effects*

⁶ Collaboration with the African Eurasian Waterfowl Agreement may provide an additional useful framework to achieve this objective

5. ACTIVELY PROMOTE POSITIVE MEASURES FOR CONSERVATION OF HABITATS THROUGHOUT THE WIDER COUNTRYSIDE

It is widely recognised that the loss and degradation of habitats is the greatest threat to wild bird species. This applies in particular to farmland birds, a number of which are also huntable species. The Common Agricultural Policy (CAP) has been a factor negatively influencing bird populations but there are increasing opportunities, especially through agri-environment programmes to support habitat conservation measures. Both FACE and BirdLife recognise the value and benefits of managing rural habitats for birds and other species and are increasingly promoting examples of good practice. This is clearly an area where 'win-win' scenarios can be further developed to the benefit of the interests of these two organisations and other relevant stakeholders.

- Targets:**
- A) Promote the need for positive habitat management, using practical examples from different Member States, and consider developing best practice guidelines on the subject*
 - B) Develop/promote model farms where 'win-win' scenarios can be demonstrated for all farmland birds and other wildlife, hunters and farmers, together with appropriate monitoring*
 - C) Propose measures for further improvements within framework of implementation of existing Rural Development policy and with regard to future reform of the CAP.*

6. SUPPORT THE COMPLETION AND IMPLEMENTATION OF COMMUNITY MANAGEMENT PLANS FOR ANNEX II SPECIES WITH AN UNFAVOURABLE CONSERVATION STATUS.

Since 1997 the Commission has financially supported the preparation of management plans for 15 of the 22 Annex II species which are considered to have an unfavourable conservation status. These framework plans have still to be completed, especially as regards defining clear management prescriptions, and approved by the ORNIS Committee⁷. It will be the Member States who will ultimately have responsibility for implementation the plans at national level but this will be made much more feasible with the support of the key stakeholders, including FACE and BirdLife. There will also be a need for plans to be monitored and updated in the light of new scientific knowledge.

- Targets:**
- A) Support completion of the plans for x species*
 - B) Actively promote their full implementation among FACE and BirdLife members*

⁷ 'Finalising management plans for huntable bird species (with an unfavourable conservation status) to be then executed by Member States' is an action in the Communication from the Commission to the Council and the European Parliament Biodiversity Action Plan for the conservation of natural resources. COM (2001) 162 final Volume II.

C) EDUCATION, TRAINING AND AWARENESS MEASURES

7. ENCOURAGE AND SUPPORT, AS APPROPRIATE, TRAINING AND EDUCATION CAMPAIGNS FOR HUNTERS AS WELL AS INITIATIVES TO CONTROL ILLEGAL HUNTING ACTIVITIES

In order to ensure respect of the Birds Directive there is a need for hunters to be well informed about the need for correct species identification, good practices, hunting and the law, need for reporting etc. FACE and its national organisations can have a key role to play in this. Illegal activities (shooting protected species, use of illegal trapping devices, shooting out of season or in prohibited areas, illegal use of poisons) are against the 'principle of wise use', a key element of the Birds Directive and are not in accordance with the principle of conservation through sustainable use. Furthermore, the illegal actions of a small number of hunters can also bring the whole activity of hunting into serious disrepute. As hunters are the most effective custodians of the hunted areas it is in their long term interests to increasingly oppose such activities and to be seen to do so. There is also a need to inform bird conservationists and the general public about the principle of conservation through sustainable use.

- Targets:**
- A) Review of training, education and information schemes for hunters in different Member States with a view to developing model of good sustainable hunting practices*
 - B) Develop clear guidance for hunters on the legal aspects and objectives of the Birds Directive, including their rights and responsibilities under the directive*
 - C) Using the principle of sharing of good practice extend training/education/awareness raising to Member States where such schemes do not already apply*

8. INCREASE UNDERSTANDING ABOUT THE IMPLEMENTATION OF HUNTING LEGISLATION BY THE RELEVANT COMPETENT AUTHORITIES IN THE MEMBER STATES

The species listed in Annex II of the Birds Directive may be hunted under national legislation. Within the context of this initiative there would be value in having an overview of the present situation regarding hunting legislation in the different Member States including the provisions and mechanisms for licensing and law enforcement⁸. Such a review, which could be based on a questionnaire survey, should also include understanding how systems of licensing and derogations are operated in the different countries by the competent authorities.

⁸ An overview of the situation for 10 Member States was provided in a report 'Documentation on Bird Hunting and the conservation status of the species involved. Situation in 1986 prepared by J. Bertelsen & N.H. Simonsen for the Danish Ministry of the Environment under a contract for the Commission (Contract No. 6610-44-88). There appears to be no more recent similar overview of the hunting legislation in the Member States although information is provided in the triennial reports on implementation of the Birds Directive.

Targets: *A) Overview of mechanisms of operating hunting legislation in the Member States including the granting of licences and derogations and, law enforcement systems of public authorities*

9. RAISING AWARENESS ABOUT THE IMPORTANCE AND BENEFITS OF THE BIRDS DIRECTIVE AND THE NATURA 2000 NETWORK

The Birds Directive is the most important legal instrument for the conservation of wild birds in the EU and provides a comprehensive scheme for the conservation of birds and their habitats. It fully recognises hunting as a legitimate activity. It also emphasises the need for habitat protection, especially in NATURA 2000, which is in the long-term interests of hunters and others concerned with maintenance of bird populations. The Commission has openly declared that hunting is not *a priori* to be excluded from NATURA 2000 sites. The designation of sites is not intended as a block on human activities. Rather the emphasis is on ensuring that human activities are sustainable with a view to the sites' conservation objectives. This is reflected in the recent Commission Communication on a Biodiversity Action Plan for the conservation of natural resources, which aims at ensuring that human use of biodiversity, including that within NATURA 2000, is sustainable. Negative polemics are therefore not helpful to the aims of this constructive dialogue and therefore need to be avoided.

Targets: *A) For FACE and BirdLife to actively and positively raise awareness within their membership and the wider public about the importance and benefits of the Birds Directive, especially of the NATURA 2000 network.*
B) Launch campaigns aimed at demonstrating 'win-win' scenarios, including provision for sustainable hunting as a management issue, as appropriate

10. DEVELOPMENT OF A CHARTER OF SUSTAINABLE HUNTING IN THE CONTEXT OF IMPLEMENTATION OF BIRDS DIRECTIVE

It would be in the interests of all concerned to develop such a Charter in accordance with the objectives and principles of the Birds Directive, including the principle of 'wise use'. The timing as well as the form and content of any proposed Charter would need to be carefully thought out but should include a fundamental set of principles in relation to sustainable hunting and the Birds Directive.

Targets: *A) Agree on the contents and terms of reference of Charter*
B) Develop an associated work programme linked to objectives and principles of Charter
C)- FACE and BirdLife to sign up to charter and work programme
D) Set up task force(s) to oversee implementation of work programme

ANNEX: TOWARDS A WORK PLAN FOR THE SUSTAINABLE HUNTING INITIATIVE

MEASURE	ACTIONS	PRIORITY	HOW/LEAD
1. WORKING WITH EXISTING TEXT OF THE BIRDS DIRECTIVE	<i>A) prepare a guidance document on the legal and technical aspects of the directive's provisions relating to hunting</i>	A	COM (B2/D2) with MS, FACE, BL
2. MONITORING AND ASSESSMENT OF THE CONSERVATION STATUS OF HUNTABLE BIRD SPECIES	<i>A) review existing programmes of monitoring to establish their relevance to the objectives of this initiative and identify gaps</i>	A	
	<i>B) Where there is a need for improvement agree on common methodologies for monitoring of Annex II species</i>		
	<i>C) Support studies to understand the pressures, including impacts of hunting, on species with an unfavourable conservation status, at population or flyway levels</i>		
3. COLLECTION AND REPORTING ON QUALITATIVE AND QUANTITATIVE DATA ON HARVESTS WITHIN ALL MEMBER STATES	<i>A) Review existing schemes for collecting/reporting on bag statistics with a view to their wider application</i>	A	
	<i>B) Develop pilot schemes for the collection/reporting on bag statistics to be extended in due course to all huntable species</i>		
4. MINIMISING THE DISTURBANCE EFFECTS OF HUNTING IN PROTECTED AREAS	<i>A) Review the literature on disturbance and its effects on hunted and non-hunted species as a basis for developing good practice</i>	A	
	<i>B) Assess the feasibility of using the Danish and other models for dialogue and consensus seeking at EU level</i>	A	
	<i>C) Create undisturbed areas in Y major protected areas where there is regulated hunting within the next Z years and monitoring the effects</i>		
5. ACTIVELY PROMOTE POSITIVE MEASURES FOR CONSERVATION OF HABITATS THROUGHOUT THE WIDER COUNTRYSIDE	<i>A) Promote the need for positive habitat management using practical examples from different Member States and consider developing best practice guidelines on the subject</i>	A	
	<i>B) Develop/promote model farms where 'win-win' scenarios can be demonstrated for all farmland birds and other wildlife, hunters and farmers, together with appropriate monitoring</i>		
	<i>C) Propose measures for further improvements within framework of implementation of existing Rural Development policy and with regard to future reform of the CAP</i>		
6. SUPPORT THE COMPLETION AND IMPLEMENTATION OF COMMUNITY MANAGEMENT PLANS FOR ANNEX II SPECIES WITH AN UNFAVOURABLE CONSERVATION STATUS.	<i>A) Support completion of the plans for x species</i>	A	

MEASURE	ACTIONS	PRIORITY	HOW/LEAD
	<i>B) Actively promote their full implementation among FACE and BirdLife members</i>		
7. ENCOURAGE TRAINING AND EDUCATION CAMPAIGNS FOR HUNTERS AS WELL AS INITIATIVES TO CONTROL ILLEGAL HUNTING ACTIVITIES	<i>A) Review of training, education and information schemes for hunters in different Member States with a view to developing model of good sustainable hunting practices</i>	A	
	<i>B) Develop clear guidance for hunters on the legal aspects and objectives of the Birds Directive, including their rights and responsibilities under the directive</i>		
	<i>C) Using the principle of sharing of good practice extend training/education/awareness raising to Member States where such schemes do not already apply</i>		
8. INCREASE UNDERSTANDING ABOUT THE IMPLEMENTATION OF HUNTING LEGISLATION BY COMPETENT AUTHORITIES	<i>A) Overview of mechanisms of operating hunting legislation in the Member States including granting licences and derogations and law enforcement systems of public authorities</i>	A	
9. RAISING AWARENESS ABOUT THE IMPORTANCE AND BENEFITS OF THE BIRDS DIRECTIVE AND THE NATURA 2000 NETWORK	<i>A) For FACE and BirdLife to actively and positively raise awareness within their membership and the wider public about the importance and benefits of the Birds Directive, especially of the NATURA 2000 network.</i>	A	
	<i>B) Launch campaigns aimed at demonstrating ‘win-win’ scenarios, including provision for sustainable hunting as a management issue, as appropriate</i>		
10. DEVELOPMENT OF A CHARTER OF SUSTAINABLE HUNTING IN THE CONTEXT OF IMPLEMENTATION OF BIRDS DIRECTIVE	<i>A) Agree on the contents and terms of reference of Charter</i>	B	
	<i>B) Develop an associated work programme linked to objectives and principles of Charter</i>		
	<i>C) FACE and BirdLife to sign up to charter and work programme</i>		
	<i>D) Set up task force(s) to oversee implementation of work programme</i>		

A= priority action for first year ; B= will depend on feedback from A ; C= more medium term priority