Strasbourg, 3 February 2016 **T-PVS/Inf (2016) 3**

[Inf03e\_2016.docx]

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE

AND NATURAL HABITATS

###### 3rd Meeting of the Special Focal Points for Illegal killing, trapping and trade of wild birds

**/**

**3e Réunion des Correspondants spéciaux pour la mise à mort, la capture et le commerce illégaux des oiseaux**

Albania (14-15 April 2016)

/

Albanie (14-15 avril 2016)

\_\_\_\_\_\_\_\_\_\_

**Mid-Term Review of the Implementation by Parties of the Tunis Action Plan 2020**

**‑ QUESTIONNAIRE FOR THE REPORTING OF PARTIES ‑**

*Document prepared by*

*the Directorate of Democratic Governance*

**Questionnaire for the reporting of Parties**

**Mid -Term Review of the Implementation by Parties**

**of the Tunis Action Plan 2020**

[**Recommendation No. 164 (2013)**]

**CONTACT DETAILS:**

|  |  |
| --- | --- |
| **Country:**  | **Netherlands** |
| Organisation: | Ministry of Economic Affairs |
| Name and position of responsible person: | Mr. Frank Tillie, senior policy officerMs. Wilmar Remmelts, senior policy officer |
| E-mail: | f.h.s.tillie@minez.nlw.j.remmelts@minez.nl |
| Phone: | +31-6-38825338 |
| Date of completing the form: | -01-06-2016 |

**DEFINITIONS USED IN THE QUESTIONNAIRE**

"Illegal killing, trapping and trade of birds" is defined for the purpose of this questionnaire as: Activities which are illegal under national, regional or international law, and which are aimed at marketing birds, or deliberately killing or catching them alive, thus not covering indirect or side effects (like for example accidental bird poisoning due to the use of pesticides). Such activities include *inter alia*: shooting/trapping in closed period, shooting/trapping in areas with shooting prohibition, shooting/trapping by unauthorized persons, killing of protected species, use of prohibited means, non-respect of bag limits, voluntary poisoning. This list is not exhaustive.

**LIST OF REFERENCE TEXTS**

* [Recommendation No. 164 (2013)](https://wcd.coe.int/ViewDoc.jsp?id=2138467&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679) and the “Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds”
* [Recommendation No. 171 (2014)](https://wcd.coe.int/ViewDoc.jsp?id=2272995&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679) of the Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
* [Recommendation N° 177 (2015)](https://wcd.coe.int/ViewDoc.jsp?id=2397713&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds

|  |
| --- |
| 1. **ENFORCEMENT AND LEGAL ASPECTS**
 |

**A. Identification of National Priorities**

1. Please provide the list of policing/investigation priorities identified to tackle wild-bird crimes in your country [following [Recommendation No. 171 (2014)](https://wcd.coe.int/ViewDoc.jsp?id=2272995&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679)], as well as the bodies in charge of their enforcement and monitoring **\***:

**\****In case the list of priorities is not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *In the Netherlands, the possession and trade of protected species under the EU Wildlife Trade Regulation (Appendix A)  has the highest priority on a national level. Police, justice, the Netherlands Food and Consumer Product Safety Authority (NVWA), the National Inspection for Animal Protection (LID) and provincial enforcement have capacity available to carry out inspections and large scale criminal investigations. These organisations discuss large scale investigations within the so-called Environmental Chamber (Milieukamer), which discusses and coordinates all large scale environmental investigations.* |

***1.1 Complementary information where appropriate (OPTIONAL)***

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Rank** | **Priority** | **Type of offence/****Crime targeted** | **Species affected** | **Level of threat on the species** | **Ongoing actions** | **Actions to be put in place** | **Body(ies) in charge of enforcement** | **Body(ies) in charge of monitoring** |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |

1. By which administrative or legal means have the national priorities been established in your country?

|  |
| --- |
| *Ten priorities have been established at national level, among which fighting environmental crimes. The national priorities concerning nature crimes are adjusted in regular consultation between the ministries concerned, the Public Prosecution Service (Openbaar Ministerie; OM), the police and the* NVWA *.The OM has prosecution guidelines. (see also the answer under A1).*  |

1. Which bodies and stakeholders where involved in the priority-setting process?

|  |
| --- |
| *The Ministries of Safety and Justice, provinces, the NVWA, police and the OM (FP/Functioneel Parket - National Public Prosecutor's Office). These regularly hold strategic, tactical and operational consultations.*  |

1. What are the bodies in charge of their enforcement?

|  |
| --- |
| *These are the police, Special Investigation Officers (BOA), the Netherlands Food and Consumer Product Safety Authority (NVWA), the National Inspection for Animal Protection (LID) and the Netherlands Enterprise Agency (RVO).*  |

1. What are the control mechanisms put in place to ensure that the identified priorities are applied as such?

|  |
| --- |
| *The executing organisations run year plan cycles, for which they give account to the ministry concerned. The annual report of the NVWA is offered to the national parliament.* *The annual report of the National Inspection for Animal Protection (LID) is published on the website. https://www.dierenbescherming.nl/inspectiedienst.**The provinces have enforcement plans and execution programs for control and enforcement of the Flora and Fauna Act.*  |

1. What is your evaluation of the benefits and challenges linked to the implementation of national priorities?

|  |
| --- |
| *An integral consideration of all interests takes place at all levels concerned.* |

1. To which extent your authorities refer to the national priorities for the reporting obligations of Article 12 of the EU Birds Directive?

|  |
| --- |
| *The threats per qualifying species are under the reporting obligations of Article 12 of the EU Birds Directive. Pressure factors recorded are among others poisoning, shooting, trapping, hunting and poaching (taking from nests). (source: Van Kleunen, André et al., 2013. Toelichting op de geleverde vogelinformatie voor de Vogelrichtlijn rapportage 2008-2012 van Nederland. Sovon-notitie 2013-110.)* |

**B. Mechanisms to improve the availability and accessibility of relevant knowledge for investigation, prevention and prosecution**

1.a. What are the national mechanisms put in place for recording reports of wildlife cases/prosecution?

1.b and to what extent these are also used to provide statistical evidence of the areas of offending (e.g. through adding categories of wildlife crime to those crimes already recorded nationally°?)

*In case such mechanisms are not in place, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *Most organisations register their data in an own system. These systems are not connected due to financial, juridical and IT-reasons. This complicates statistical analysis. The organisations concerned overcome this constraint with top-down and bottom-up consultations.*  |

2. Has your country appointed national focal points to assist investigators and prosecutors in accessing/locating expert knowledge providers, or at least established a compilation of a national contact list of expert providers (including scientists, specialist law firms, expert witnesses, and independent specialists)?

*If not, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *Specialised inspectors deal with wildlife crime at the National Public Prosecutor's Office (Functioneel Parket/FP).*  |

3. Are there any dedicated infrastructures enabling for the national exchange of information and coordination of actions at identified black-spots of illegal activities?

*If not, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *The Netherlands police has, under responsibility of the Environmental Chamber (Milieukamer), organised a regular consultation between information inspectors of the different departments. This working group continuously exchanges information concerning wildlife crimes.* |

4. Are there any national platforms, for instance in the form of web portals, to provide information and resources for the professionals involved in fighting against illegal killing of birds?

*If not, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *BOA professionals and the national police have their own registration systems, which allows them to extract information*  |

**C. Identification and standardisation of gravity factors and sentencing guidelines**

1. By which mean have your authorities brought the sentencing guidelines and gravity factors adopted by the Standing Committee through [Recommendation N° 177 (2015)](https://wcd.coe.int/ViewDoc.jsp?id=2397713&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679) to the attention of the judiciary? And what feedback – if any- was received authorities?

*If the sentencing guidelines and gravity factors have not yet been forwarded to the judiciary, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *The Recommendation was presented to the FP/Functioneel Parket - National Public Prosecutor's Office prior to the meeting of the Standing Committee. The feedback was that in the Netherlands the judiciary already works according to these principles.* |

|  |
| --- |
| 1. **BIOLOGICAL AND INSTITUTIONAL ASPECTS**
 |

1. What are the mechanisms in place for analysing existing data on illegal activities affecting birds? Is there any standardised protocol for data collection, namely to identify black-spots for illegal killing of birds?

*If no mechanism or protocol is in place, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *Specialised officials with the police and the NVWA deal with the analysis of data in the field of environment and nature crimes. A broad research on illegal trade of birds has yet not been commissioned by the national government, apart from an MBA thesis at the police academy in 2015.* *The Birds of Prey Working Group (Werkgroep Roofvogels Nederland, WRN) collects data concerning birds of prey persecution in a standardised way. Based on these data a number of black spots could be identified in the Netherlands.*  |

2. Has your country established statistics on mortality within bird populations due to legal harvest? If yes, through which mechanism? *If not, please explain why*

|  |
| --- |
| *Yes. All provinces have fauna and wildlife management units. These units have licenses to legally disturb and kill a certain number of birds to prevent to prevent serious damage to crops, forests, protected animals and plants, and in the interests of public safety. The data on legal disturbance and killing per province are collected and reported to the European Commission (Bird Directive art artikel 9.2) and to the Bern Convention Secretariat. The licences are assigned based on a fauna management plan.*  |

3. What are the estimates of mortality due to illegal killing trapping and trade and illegal activities in your country (according to the definition given by the Bern Convention Recommendations)?

|  |
| --- |
| * *The national number of birds of prey illegally killed in 2014 was 49 (source NGO Birds of Prey Working Group; Werkgroep Roofvogels Nederland, WRN). This number includes only those cases where the WRN observes that birds of prey nests with ringed chicks, have failed due to persecution.*

*Main causes of death are deliberate disturbance of nests, poisoning (occasionally with parathion) and shooting. Trapping only incidentally occurs. 40% of the cases takes place in the province of Friesland. Marsh Harrier (Circus aeruginosus), Goshawk (Accipiter gentilis) and Buzzard (Bute buteo) were the most usual victims, but also a Peregrine falcon (Falco peregrinus) was shot. Based on the sample of 2915 nests of 12 species of raptors, and the relative frequency of species-specific nest destruction, it is calculated that at least 206 birds of prey nests must have been intentionally destroyed in 2014. (Source: Bijlsma R.G. & Tulden P.W. 2015. Raptor persecution in The Netherlands in 2014. De Takkeling 23: 52-60.)** *The NGO WRN estimated in 2007 that some 5600 birds of prey were persecuted in ten years of time. Whether this is the tip of the ice-berg is not clear. The Frisian Environment Federation estimated in a pilot in 2010-2011 (source Roofvogels in Beeld), that the number of birds of prey persecuted in Friesland was three times higher compared to the WRN-numbers.*
* *The number of illegal trades seized is only an estimated 10-15% of total illegal trade in the Netherlands (Van Uhm 2012). Illustrative are the monthly fairs on amphibians, reptiles and birds in which the Netherlands play a substantial role (Van Uhm 2009).*

*Uhm, D.P. van (2009) Illegale dierenhandel en de rol van Nederland. Masterscriptie Criminologie. Universiteit Utrecht: Willem Pompe Instituut voor strafrechtswetenschappen.* *Uhm, D.P., van (2012) Illegale handel in beschermde diersoorten. Justitiele verkenningen, jrg. 38, nr. 2, 2012. Groene criminologie: p91-100.*  |

|  |
| --- |
| 1. **AWARENESS ASPECTS**
 |

1. Is there any official study on the key drivers and benefits of wild-bird crimes in your country?

|  |
| --- |
| No |

2. Is there any operational platform put in place to raise awareness of the wider public on the consequences and biological impact of illegal killing of birds?

|  |
| --- |
| *The Netherlands Society for the Protection of Birds implements substantial awareness raising activities. Besides there is the campaign website* [*www.wildlifecrime.nl*](http://www.wildlifecrime.nl/) *or* [*www.wildlifecrime.eu*](http://www.wildlifecrime.eu) |

3. Is there any communication strategy adopted by the government, or guidance distributed to policy makers on how to react publicly against illegal killing of birds?

|  |
| --- |
| *No there is no such a communication strategy or protocol. Reacting in public occurs in an opportunistic way, if the situation requires. Like recent media attention regarding the illegal catching of Mute Swans* [*https://nl.wikipedia.org/wiki/Zwanendrift*](https://nl.wikipedia.org/wiki/Zwanendrift)*and the number of illegal captured and traded wild birds:* [*http://binnenland.eenvandaag.nl/tv-items/67081/inspectie\_nl\_se\_vogels\_massaal\_uit\_natuur\_geroofd*](http://binnenland.eenvandaag.nl/tv-items/67081/inspectie_nl_se_vogels_massaal_uit_natuur_geroofd) |

4. Has your country implemented any kind of campaign, including school campaigns, to raise awareness on this matter?

|  |
| --- |
| *Several awareness raising actions have been implemented:** *Twelve organisations on nature and environment have set-up the Wildlife Crime Campaign about crimes in general against wild animals in the Netherlands.*
* *The Parrot Foundation (Stichting Papegaai) started a campaign in 2014 aiming to stop (illegal) trading of birds on bird markets.*
* *The Netherlands Society for the Protection of Birds is lobbying to put birds of prey and owls on the ‘negative list’, which makes it illegal to keep these species as pets.*
* *The Netherlands Society for the Protection of Birds occasionally informs the public with news items on wildlife crime, like at the site Nature Today of 18 May 2016:* [*https://www.naturetoday.com/intl/nl/nature-reports/message/?utm\_source=newsletter&utm\_medium=e-mail&utm\_campaign=user-mailing&msg=22722*](https://www.naturetoday.com/intl/nl/nature-reports/message/?utm_source=newsletter&utm_medium=e-mail&utm_campaign=user-mailing&msg=22722)
* *The Netherlands Society for Animal Protection (Dierenbescherming) informs the public with news items on wildlife crime*
 |

|  |
| --- |
| 1. **COORDINATION, SYNERGIES AND MAINSTREAMING**
 |

1. Are there any protocols, procedures or mechanisms to ensure knowledge-sharing between the Special Focal Point for Illegal Killing of Birds under the Bern Convention, the National representative at the EU Ornis Committee, the CITES enforcement officers, and the (future) designated member to the CMS Pan-Mediterranean Task-Force?

*If coordination is not foreseen, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *Coordination is not foreseen as it currently has no priority.* |

2. How would you evaluate the cooperation of your main enforcement agency(ies) with the relevant INTERPOL National Central Bureau?

|  |
| --- |
| *The relation with INTERPOL is good and intensive on all fronts concerning environmental crimes.*  |

3. Has your country put in place the necessary mechanisms for facilitating contacts, cooperation and exchanges of information between the investigators and the advisers/prosecutors?

*If not, please list the reasons/challenges that prevented your authorities from action in this respect*

|  |
| --- |
| *Public prosecutors lead the investigations and are familiar with the problems concerned.*  |

4. Has your country exchanged experiences (bilateral meetings, mutual traineeship programme, training visits to another country, etc.) with one or more parties to the Bern Convention?

|  |
| --- |
| *Yes, like the European Workshop on Environmental Crime: Illegal Poisoning of Wildlife**6th November 2015, Barcelona, which was attended a.o. by The Netherlands Society for the Protection of Birds and the Frisian Environment Federation.* *The Ministry of Economic Affairs of the Netherlands hosted the international conference on wildlife crime from 1 to 3 March 2016 in The Hague. This was on wildlife crime in general, among which on birds.* |

5. Overall by which means and with which results is your country addressing the need to enhance inter-sector cooperation involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education?

|  |
| --- |
| *Currently this has no priority. It might have if a scientifically sound study would confirm that illegal killing, trapping and trade of birds is a problem for national wild bird populations. Currently, studies like these do not exist and as such this inter-sector cooperation is not enhanced.*  |