

Intergroup
SUSTAINABLE HUNTING, BIODIVERSITY & COUNTRYSIDE ACTIVITIES
Intergroupe
CHASSE DURABLE, BIODIVERSITÉ & ACTIVITÉS RURALES
Intergruppe
NACHHALTIGE JAGD, BIODIVERSITÄT & LÄNDLICHE AKTIVITÄTEN
Intergruppo
CACCIA SOSTENIBILE, BIODIVERSITÀ & ATTIVITÀ RURALI
Intergupo
CAZA SOSTENIBLE, BIODIVERSIDAD & ACTIVIDADES RURALES

Meeting of 28.09.2005
“Birds” Directive and Guidance document on hunting

MEPs

BACO, Peter (NA, Sk)	GOUDIN, Hélène (IND/DEM, Sw)
BERLATO, Sergio (UEN, It)	HELMER, Roger (NA, UK)
BÖGE, Reimer (EPP-ED, De)	LEHTINEN, Lasse (PES, Fin)
BUSK, Niels (EPP-ED, Dk)	MATHIEU, Véronique (EPP-ED, Fr)
BUSUTTIL, Simon (EPP-ED, Mt)	MUSCAT, Joseph (PES, Mt)
CASA, David (EPP-ED, Mt)	PIEPER, Markus (EPP-ED, De)
DESS, Albert (EPP-ED, De)	PURVIS, John (EPP-ED, UK)
DÍAZ de MERA, Agustín (EPP-ED, Es)	SCHIERHUBER, Agnes (EPP-ED, At)
EBNER, Michl (EPP-ED, It)	STURDY, Robert (EPP-ED, UK)
EK, Lena (ALDE, Sw)	

Represented:

NAVARRO, Robert (PES, Fr)	PEK, Bodgan (IND/DEM, Pl)
---------------------------	---------------------------

Apologized:

AYUSO GLEZ, M. Pilar (EPP-ED, Es)	De GRANDES PASCUAL, Luis (EPP-ED, Es)
BOWIS, John (EPP-ED, UK)	KONRAD, Christoph (EPP-ED, De)
FERBER, Markus (EPP-ED, De)	LULLING, Astrid (EPP-ED, Lux)
FLORENZ, Karl-Heinz (EPP-ED, DE)	

Assistants

CORDINA, Elaine (S. BUSTTIL)	MICH, Paola (M. EBNER)
MATYSIAK, Marcin (B. PEK)	MORSELLI, Lorenzo (R. NAVARRO)

Experts/Observers

BANA, Giovanni (FACE It)	LAMMEL, Richard (BMVEL De)
BOMBERGER, A. (Press, MEP J. DAUL)	LEBERSORGER, Peter (FACE At)
BOSTEELS, Jean-Louis (FACE Be)	MARRACCI, Massimo (FACE It / AECT)
CAMPENET, Jacky (ONF)	PERICI CALASCIONE, Joe (FACE Mt)
CARETTA, Maria Christina (CONFAVI)	de TURCKHEIM, Gilbert (FACE)
FANTON, Italo (FACE It)	von WÜLFING, Goddert (DJV)
FUZIES, Pierre (FACE Fr / FNC)	JENSSEN NISSEN, Peter (Schleswig-Holstein)
GIRARD, Ronan (ELO)	

Secretariat

ESPÁRRAGO, Manuel (FACE)	von STEYNITZ, Max (FACE)
LECOCQ, Yves (FACE)	

1. Opening remarks and introduction

M. EBNER, President-Coordinator of the Intergroup, opens the meeting and welcomes all MEPs present or represented, as well as the invited speakers, experts and guests.

2. Resolution “*Landownership rights and hunting rights in the EU*”

The Draft Resolution “*Landownership rights and hunting rights in the EU*”, circulated with the minutes of the previous meeting, is adopted by unanimity.

3. “Birds” Directive and *Guidance document on hunting*

S. BERLATO, to which M. EBNER has handed over the chair of the meeting, stresses the importance of this *Guidance document* as a fundamental tool for the interpretation of the “Birds” Directive. He regrets that the *Written declaration* tabled in the previous EP term by several Intergroup Members to amend the “Birds” Directive failed to get enough support by a small margin, but he thinks that this and other efforts of the Intergroup set the conditions for the preparation of the *Guidance document*, which he regards as a very positive result. S. BERLATO considers that the document has a particular importance to clarify some subjective concepts, such as “small quantities” in Article 9 “Derogations” of the Directive. He also welcomes that the *Guidance document* explicitly recognises the legitimacy of hunting under the Directive and the contribution that hunters can make to the conservation of the environment. He hopes that the *Guidance document* will put an end to some restrictive interpretations, as it makes it clear (contrary to some claims) that hunting inside the *Special Protection Areas* (SPAs) is not prohibited

M. MARRACCI, on behalf of FACE Italia and also as Secretary-General of AECT (*Association européenne des chasses traditionnelles*), shares the view of S. BERLATO that the *Guidance document* on hunting is an important step forward for the correct interpretation of the “Birds” Directive. It has also contributed to reduce conflicts between hunters and conservationists, at least at European level. This is clearly illustrated by the *Agreement* signed in October 2004, in the context of the Commission’s *Sustainable Hunting Initiative*, between FACE and *BirdLife International*, in which both organisations consider that the priority is to make the “Birds” Directive work along the lines indicated in the *Guidance document*.

The *Guidance document* is mainly based on interpretations given by the EC Court in its various rulings, so it is likely that later judgements will bring new elements to be taken into account in revised editions.

One of the main conclusions in the *Guidance document* is that hunting inside the *NATURA 2000 Network* is perfectly well possible, unless there are clear indications, on a case-by case basis, that it is incompatible with the conservation objectives of the site in question. Furthermore, there is no need for one single opening and closing date for the hunting season in the EU or even in one Member State; thus, *staggered* dates for the hunting season are perfectly possible.

The *Guidance document* also acknowledges that hunting is an important tool for wildlife conservation and for the improvement of habitats (e.g. wetlands).

On the definition of “*small numbers*” in Article 9.1(c), a Court ruling is expected in the near future (in a Case concerning Finland) that will address this topic. The *Guidance document* considers that 1% of the total annual mortality is by definition to be considered as “*small numbers*”, but admits this can even be as high as 5% in case it can be scientifically justified that it concerns species in a favourable conservation status.

FACE and AECT consider that the *Guidance document* should be given more legal weight. This can be achieved by including an explicit reference to the *Guidance document* in Annex V of the Directive, an important step which is under discussion at the ORNIS Committee and which has the support of the Commission and most Member States.

(The full text of this speech is available in French upon request at the Secretariat)

G. von WÜLFING, Director General of DJV (*Deutscher Jagdschutz-Verband e.V.*), gives an overview of the situation in Germany, mainly with regard to the control of specific *destructive species*, such as geese, under Article 9 “Derogations” of the Directive.

He underlines that control of these species through hunting is possible under this Article to *prevent* serious damage to crops, i.e. even if the actual damage has not been caused yet. Such control is not necessarily limited to the huntable species listed in Annex II of the Directive, but can also apply to Annex I species (for which the Member States have to apply *special conservation measures* concerning their habitats). However, some regional or national authorities in Germany argue the Annex I species are strictly protected under Article 4 of the Directive and that therefore Article 9 should only apply to them under exceptional circumstances. As an example, Annex I species Barnacle goose *Branta leucopsis* cause enormous damages in Schleswig-Holstein, but its regional authorities consider that regulation through hunting is not possible in the SPAs, which are since 1992 part of the NATURA 2000 Network.

DJV and FACE disagree with this position, as Article 4 indeed lays down the obligation to protect the habitats, but it has no influence on the protection of the species itself. This is reinforced by the fact that at least 12 bird species listed in Annex I are also listed in Annex II, as huntable species. Furthermore, the conservation status of each Annex I species should be assessed to decide whether it can be regulated through hunting.

Quoting the *BirdLife* report “*Birds in the European Union, a status assessment*” from 2004, G. von WÜLFING states that the conservation status of the *Branta leucopsis* can be seen as clearly “*favourable*” as there has been a “*large increase*” of the breeding and wintering population during the periods from 1979 to 1990 and from 1990 to 2000. Under these conditions, regulation through hunting should be possible, also in the SPAs if necessary, to reduce the risk of substantial damage. Consequently, he asks the Intergroup to urge the Commission to analyse if this species meets the criteria to be in Annex I and to eventually delete it from the list, like it was done with Cormorant *Phalacrocorax carbo* in 1997. Such an amendment to Annex I is possible under a simplified procedure within the *ORNIS Committee*.

(The full text of this speech is available in German upon request at the Secretariat)

J. PURVIS raises the issue of the conflict between birds of prey and pigeon racing. He points out that as a consequence of implementing the “Birds” Directive the number of raptors has increased considerably in Scotland, with the current estimation of 7.000 breeding pairs of Sparrow hawks *Accipiter nisus* (20% of the UK population) and 600 of Peregrine falcons *Falco peregrinus* (half of the UK population). This increase has not only resulted in a decline in pheasant and grouse populations (commonly regarded as species for “rich people’s sports”), but also in attacks on pigeons used in industrial and urban areas for pigeon racing.

According to a study carried by the *Royal Society for the Protection of Birds* (RSPB), birds of prey would only kill 1-2% of pigeons. However, J. PURVIS questions the validity of the methodology used in this study by the RSPB (which he deems the richest organisation and one of the biggest landowners in the UK). He considers that killing of pigeons, although a localised problem, it is a real one that needs to be addressed. He therefore pleads for keeping populations of birds of prey at reasonable and sustainable levels, using the derogations of the “Birds” Directive to trap, for instance, rogue Sparrow hawks. He hopes that the *Scottish Executive* will make use of this possibility.

G. BANA (FACE It) would like to know how in the EU Member States, the *Agreement* between *BirdLife* and FACE has been perceived. He also seeks clarification about the points in common and the disparities between both organisations.

A. SCHIERHUBER thanks the speakers for their representations and points out that hunters conserve wildlife. Even if on some occasions there may be controversy about the need to control some species, the example of *Cormorant* shows that sometimes this must be done.

V. MATHIEU welcomes the *Agreement* between FACE and *BirdLife International*, which she considers a big step forward for the correct interpretation of the “Birds” Directive. With regard to the possibility of continuing hunting inside NATURA 2000 sites, she wonders if an assessment for each one of them is necessary and what are the guidelines for doing so.

M. MARRACCI is of the impression that the reaction to the signing of the *Agreement* has been fairly positive in most Member States and there have been few explicit negative reactions. Some national Partners of *BirdLife International* in the Mediterranean countries, in particular LIPU (Italy) and LPO (France), were quite critical of the *Agreement* at the moment of its signing. However, one year after the signing, LIPU has presented a note on the *Guidance document* that is quite in line with the position of FACE-Italia.

M. MARRACCI also thinks that some invasive or damaging species may have been in the past in the verge of extinction or at least in an Unfavourable Conservation Status, but once that they have recovered to safe levels, they must be properly controlled.

He also reminds participants that the Commission has repeatedly stated (and confirmed in its *Guidance Document*) that hunting inside the NATURA 2000 Network is not prohibited. Member States must simply ensure that hunting is compatible with the conservation objectives of each site.

G. von WÜLFING declares that the *Agreement* was received with scepticism in Germany, not only by the *Birdlife* Partner and other similar organisations but also by some local hunting associations. Nevertheless, G. von WÜLFING is of the opinion that the *Agreement* represents an important first step for the rapprochement between hunters and conservationist. It has not always been easy for both parties to come together, but he thinks that they share many points in common and that it will be possible to cooperate in the future.

M. EBNER thinks that the question of harm caused by birds of prey raised by J. PURVIS is worth another discussion on a broader basis. For this reason, he will propose the Intergroup *Bureau* that this issue is addressed again next year.

As President-Coordinator, M. EBNER announces the Jubilee meeting of 16th November to mark the 20th anniversary of the Intergroup. He proposes to prepare for this occasion a formal Declaration emphasizing the importance of the Agreement, as the “Birds” Directive has been the dominant theme of the Intergroup during all these years.

J. PURVIS thanks M. EBNER for his suggestion and wonders if it would be possible to classify birds in three categories according to their conservation status: (1) in danger, (2) approaching danger and (3) recovered to a sustainable level. When this latter status is attained, it should be possible to control birds of prey if necessary.

Y. LECOCQ, in his capacity as Secretary-General of FACE, points out that conflict between birds of prey (which are highly symbolic species) and pigeon racing is not related to hunting and that a wrong approach could lead to polarisation between hunters and bird protectionist. Nevertheless, falconers could be part of the solution as they would be willing to take such “problematic” specimen and to make use of them, so that this way or regulating these birds of prey would be a non-lethal one. FACE is in contact with the *International Association for Falconry* and will look into this topic in the near future.

R. BÖGE asks for a comparative example in Germany or somewhere in the EU to support the interpretation of the “Birds” Directive mentioned by G. von WÜLFING to allow the hunting of Barnacle goose in his constituency, Schleswig-Holstein.

Y. LECOCQ replies that other examples of species listed in Annex I being hunted indeed exist in the EU and that he will provide them to the Intergroup. He underlines that Barnacle goose is one the most spectacular cases in Europe as very few other species have at the same time recovered so strongly over the last twenty years and caused so much damage.

G. von WÜLFING also commits himself to provide some examples to R. BÖGE.

4. Situation of the Proposal for a Directive “*Humane trapping standards*”

Y. LECOCQ informs MEPs that a number of amendments to the Proposal for a Directive on humane trapping standards have been tabled and will soon be voted at the *Environment Committee*. These amendments can be classified in three categories: (1) amendments that make the Proposal more restrictive; (2) amendments to remain close to the *Agreement on International Humane Trapping Standards* (AIHTS) that the Proposal seeks to implement; and (3) amendments to reject the Proposal. He points out that the “rejection” amendments are based on two very different grounds: while the *Rapporteur* considers that the Proposal should be much more stringent, other MEPs challenge the validity of the legal basis. Y. LECOCQ insists that this latter justification (the choice of the legal basis) is the right one. He also announces that FACE has prepared a voting recommendation that will be distributed to the Members of the Environment Committee.

M. PIEPER, although not a Member of the *Environment Committee*, declares having tabled an amendment to change the legal basis of the Proposal.

R. STURDY, as Member of the *Environment Committee*, states that he will monitor this issue and will support the point of view of the Intergroup.

5. Any other business

No issues are raised under this agenda item.

6. Next meeting

The next meeting, scheduled for **16th November** (17:30 – 18:30, room R.3.1), will be a “jubilee” session to mark the 20th anniversary of the Intergroup (constituted in 1985).

Manuel ESPARRAGO
Max von STEYNITZ