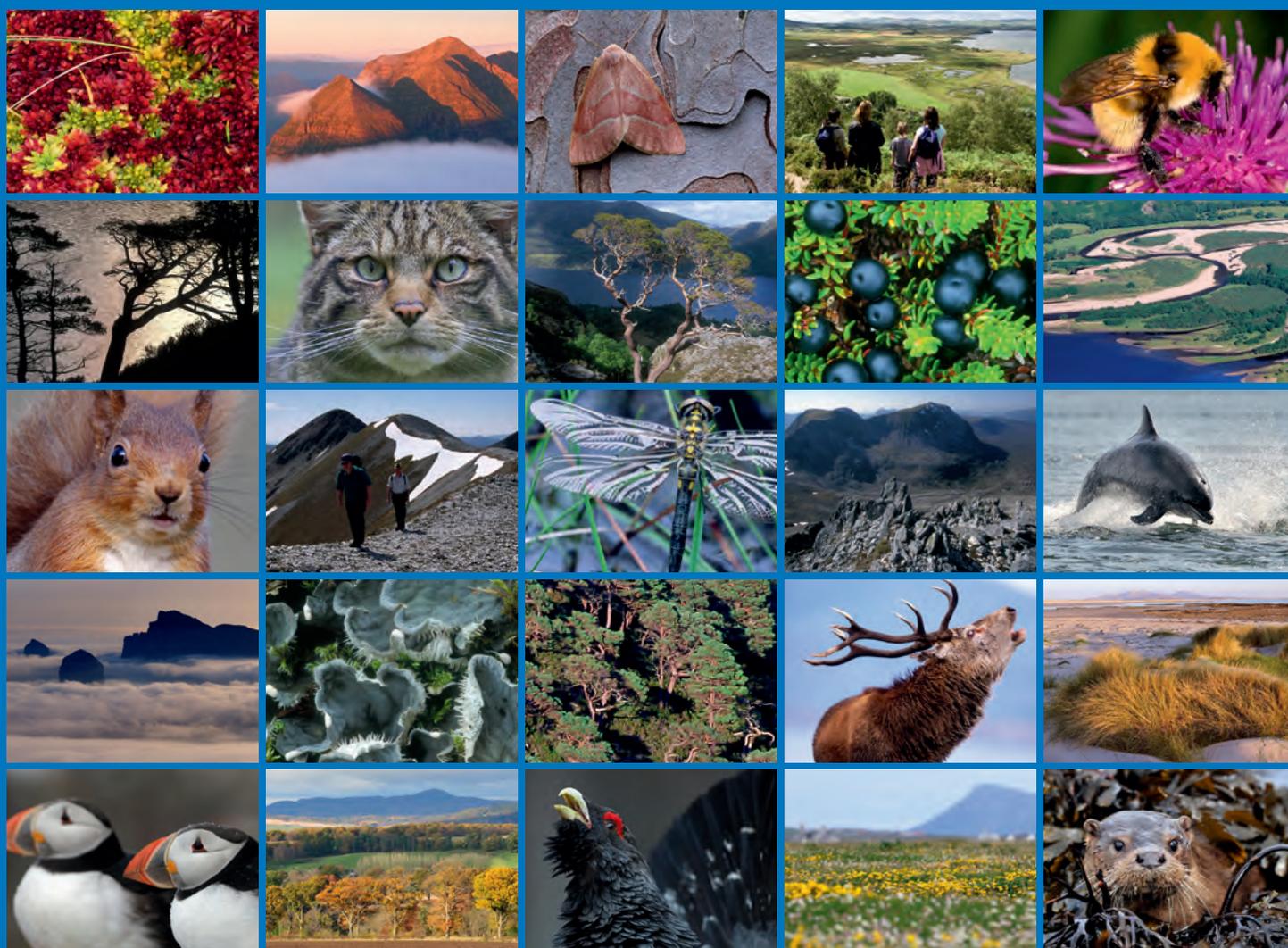


# A Review of Game Bird Law and Licensing in Selected European Countries





**Scottish Natural Heritage**  
**Dualchas Nàdair na h-Alba**

All of nature for all of Scotland  
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# COMMISSIONED REPORT

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**Commissioned Report No. 942**

## **A Review of Game Bird Law and Licensing in Selected European Countries**

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## COMMISSIONED REPORT

# Summary

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## A Review of Game Bird Law and Licensing in Selected European Countries

**Commissioned Report No. 942**

**Project No: 016447**

**Contractor: Dr A. Pillai and A. Turner**

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### **Keywords**

Birds Directive; hunting law; game bird conservation; sustainable hunting; hunting licence; illegal killing of birds.

### **Background**

During a [parliamentary session](#) in May 2014 Paul Wheelhouse, then the Minister for Environment and Climate Change, committed to the need for a comparative review of licensing and game bird legislation in other European countries. The commitment to this report was part of the Scottish Government initiatives to tackle wildlife crime and, particularly, the illegal killing of raptors. It also forms part of an ongoing, broader, political discussion about how land is owned and managed to deliver public benefits.

This report provides a comparative review of European regulatory approaches to game bird hunting in a number of European countries (as well as in non-EU Norway). It focuses specifically on the legal controls on game bird hunting, including licensing and permitting arrangements, as well as on the requirements for monitoring, protection and management of game birds. It outlines the law in fourteen countries and elaborates five of those countries as case studies: Germany, Sweden, Norway, France and Spain.

### **Review summary**

The fourteen countries reviewed were Germany, Norway, Sweden, Spain, France, Poland, Hungary, Latvia, Slovakia, Finland, Romania, Estonia, Bulgaria, and Denmark.

- All fourteen countries have a legislative framework for the regulation of hunting.
- All attempt to implement sustainable hunting and wise use of bird species.
- Ownership of land and wildlife is an important issue, but it does not predetermine the nature or stringency of the regulatory system established. A legislative framework is in place in all fourteen countries whether or not ownership of land and wildlife is predominantly public or private.
- All fourteen use a system of licensing of individual hunters.
- The strictest form of this requirement makes harvest quota and bag reporting a condition of the licence.

- In all fourteen countries, failure to comply with hunting law can result in revocation of the individual's licence.
- In most countries, any serious breach of hunting law may lead to other penalties.
- In some countries, however, the licence is merely an administrative tool providing evidence that the hunter has paid the annual hunting fee.
- Qualifying for a licence in most of the fourteen countries reviewed here involves a two-part examination (practical and theoretical) designed to ensure hunters have, amongst other things, an understanding of hunting law, game management and nature conservation.
- Of our five case studies, all have implemented a clear legislative framework for game bird hunting.
- In our case studies, countries either rely on developing an ethos of shared responsibility between the regulator, land managers and hunters or on weighty sanctions as an effective deterrent against any breaches of hunting regulations.

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## List of commonly used abbreviations

ACCA	French <i>Association Communale de Chasse Agréé</i> (French regional hunting associations)
DJV	German national hunting association, <i>Deutsche Jagdverbände</i>
ENPI	European Neighbourhood and Partnership Instrument
EPA	Swedish Environmental Protection Agency
FACE	European Federation of Associations for Hunting and Conservation
FHL	German Federal Hunting Law
NGO	Non-governmental organisation
ONCFS	French National Hunting and Wildlife Agency
SAHWM	Swedish Association for Hunting and Wildlife Management
SEO / Birdlife	Spanish Ornithological Society, <i>Sociedad Española de Ornitología</i>
SFS	Latvian State Forest Service
SEPRONA	Spanish Service of Nature Protection of the Civil Guard

## 1. INTRODUCTION

The aim of this report is to provide a comparative review of the legal frameworks for the regulation and licensing of game bird hunting in a selection of European countries. Fourteen countries were examined in overview: Germany; Norway; Sweden; Spain; France; Poland; Hungary; Latvia; Slovakia; Finland; Romania; Estonia; Bulgaria; and Denmark. From these, five case studies were selected to examine in greater detail: Germany; Norway; Sweden; Spain and France.

The Birds Directive (2009/147/EC) establishes a general system of protection for all wild birds in the EU (Articles 1 and 5). As an exception, species listed under Annex II may be hunted, providing that the hunting complies with certain rules, including closed seasons for breeding and migration and the prohibition of certain methods of hunting (Article 7). All Member States must submit reporting on the status and trends in bird populations (Article 12), as well as on derogations (Article 9). Hunting regimes must comply with the principles of “wise use” and “ecologically balanced control” (Article 7). The Directive does not define these principles, but the European Commission guidance on sustainable hunting under the Birds Directive equates these to the sustainable utilisation of natural resources (European Commission, 2004 (updated)).

Although the Birds Directive allows hunting of the species listed in Annex II, a report from Birdlife International suggested that certain huntable species were in unfavourable conservation status (Birdlife International, 2011). The illegal killing of raptors for the protection of game bird populations is also a common concern among many European countries, including in some of the countries examined here, to a greater or lesser degree. The Birdlife report found that, “the illegal killing and taking of birds is a widespread phenomenon... such activities occur on a regular basis in most European countries” and that “the conservation and sustainable use of bird populations is still under serious threat” (Birdlife International, 2011). It concluded that all the EU countries should contribute more resources to the systematic monitoring of bird populations, the levels of killing and to effective enforcement of the law.

In response, the European Commission’s *Roadmap towards eliminating the illegal killing, trapping and trade of birds* made a commitment to identify and improve understanding of national and regional hunting legislation (European Commission, 2016, Action point 10). Elsewhere the Commission has called for “well-regulated hunting” and stipulated that the essential characteristics of sustainable hunting include:

- hunting within the framework of a management plan;
- temporary or permanent ‘no take’ zones;
- full compliance with the law;
- awareness raising and training both of hunters and environmentalists;
- willingness to assess impacts of hunting and to adapt sustainable practices where problems are identified;
- collection of good quality data (bag and population); and
- knowledge and information transfer between hunters, environmentalists and regulatory bodies (European Commission, 2013).

This review describes, in outline, the regulatory frameworks of fourteen countries. Our main aim is to provide a factual, up-to-date account of a range of European approaches to the legal regulation of game bird hunting.

## 2. SCOPE, DEFINITIONS AND METHOD

This report is on the law regulating game bird hunting. At all times when we describe the regulatory frameworks, we do so as they apply to the hunting of game birds. Most hunting law regulates large and small game hunting, however, stricter controls are often in place for large game, such as deer, moose and elk.

The terms 'licence' and 'permit' have multiple meanings and uses and are often used interchangeably elsewhere. For clarity, we use 'hunting licence' to mean authorisation to hunt, granted to an individual by the state or by a delegated authority. The licence does not confer any right to hunt a particular piece of land, but merely authorises the holder, in a general sense, to operate as a hunter. Typically, a licence must be renewed annually, but may be granted for longer or shorter periods. A hunting licence is distinct from a firearms licence and we will not discuss the latter in any detail here. A 'permit' is defined for our purposes as permission to hunt on a particular land area, granted by the owner of the hunting rights, which, in most cases, will be the landowner.

This report is based on a desk-based review of European legal frameworks for game bird hunting. For the most part, it is based on the examination of national law and policy documents. The Europa website, Euro-lex, N-lex and Ecolex were useful, in addition to the websites of national governments and their agencies. Legal databases, including Westlaw, were also used to identify nature conservation and hunting legislation across European countries. This research was constrained by the availability of this information in English and this was influential in the choice of the fourteen countries initially selected to review in outline. These illustrate a range of approaches from central Europe, Scandinavia, the Mediterranean and Eastern Europe and they are described in overview in chapter 5 of this report.

From that review, five case studies were selected to examine in a little more detail. The factors considered for selection of case studies included the presence of similar game bird species and the types of hunting undertaken. It was also considered important to cover a spectrum of different approaches to the management of game bird hunting and to include some countries with predominantly privately owned land. The final selection of case studies, Germany, Sweden, Norway, France and Spain, reflect a range of different approaches. The particular reasons for choosing each of these countries are explained in the case studies in chapter 4. For the case study countries, a small number of telephone interviews were conducted with stakeholder groups including, where possible, regulatory bodies, hunting associations and non-governmental nature conservation or bird conservation bodies. The purpose of the interviews was to gain a better understanding of how the systems operate in practice, not to carry out a survey of perspectives on the effectiveness of the regulatory frameworks.<sup>1</sup>

Every regulatory system must be looked at in its broader historical, social and cultural context and any analysis of the effectiveness of these regulatory systems would require a much larger study than undertaken here. This report highlights some of the observable advantages and disadvantages of these approaches, but it was beyond the scope of the project to undertake a systematic evaluation. The primary purpose of this report is to provide a factual understanding of other European approaches. It is not the purpose of this work to make recommendations for the regulation of game bird hunting in Scotland.

A few earlier pieces of research on game bird hunting were informative, including: the hunting factsheets produced by the Federation of Associations for Hunting and Conservation of the EU (FACE); a Hutton Institute report on the management of game bird hunting in

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<sup>1</sup> A list of the bodies that provided an interview is found in Annex 5 of this report.

Europe and North America (Mustin, *et al.*, 2010); the Birdlife report on the illegal killing of birds (Birdlife International, 2011); the European Neighbourhood and Partnership Instrument (ENPI) analysis of hunting legislation and practice (Myronenko, 2015); and the Bio Intelligence Service stocktaking of illegal bird killing in Europe, commissioned by the European Commission (Bio Intelligence Service, 2011).

### **3. RESULTS OF REVIEW**

This research examined the legislative, institutional and policy frameworks and, to a limited extent, looked at the practical administrative arrangements at the local level.

What follows is a summary discussion of the regulatory approaches examined in relation to:

1. Ownership
2. Regulatory, policy and institutional frameworks for hunting
3. Specific features of the regulation of game bird hunting, including:
  - Licensing of individual hunters and restrictions inherent, including restricting the harvest or imposing bag limits
  - Seasons
  - Game management and conservation
  - Reporting bag data
  - Monitoring frameworks
4. Compliance and enforcement

#### **3.1 Ownership of land and wildlife**

Ownership has a significant impact on the way hunting practices have developed in European countries and is integral to the hunting traditions in each country. The countries examined here demonstrated variations in the distribution of ownership rights of both land and wildlife.

Governments, obviously, have greater freedom to impose conditions or regulate hunting on land that is state owned. Game bird hunting is regulated on state owned land in Sweden, Norway and Finland. The state has control of the management of the land and of wildlife, including game birds and specially protected species. It has unfettered access for monitoring purposes and hunting can be restricted accordingly. Permission to hunt can be subject to a bag limit, which is deemed appropriate for that particular hunting area and, even, for that day where permits to hunt state owned land are granted on a daily basis. Once the take has been reached for the season or where there is concern over the local population of a species, the authorities can close the area (or part of it) to hunting, permanently or temporarily. Hunters can be required to report bag data. Individual hunters who fail to meet these conditions can be, effectively, black-listed from hunting in that area or on any state owned land the next year (Sweden, and the same is true of hunting circles in Poland).

Where hunting land is not state owned, it does not preclude the operation of an effective regulatory system for hunting. In Spain land is predominately privately owned, but strict regulation is being developed with an emphasis on effective enforcement and education. The French system uses the overarching provision of the Environmental Code to create an encompassing regulatory structure.

## **3.2 Regulatory, policy and institutional frameworks**

### *3.2.1 Regulatory frameworks*

- All the EU countries studied, as one would expect, have wildlife or nature conservation law legislation implementing the protection for birds and animals and their habitats set out in the Birds and Habitats Directives.
- Norway, although not part of the EU, has strict protection for birds, their nests and habitats, going beyond the requirements of the Bern Convention. It is, therefore, broadly comparable with other EU countries.
- All of the fourteen countries examined here have hunting laws in place for all game species.

### *3.2.2 Policy frameworks*

- Most of the countries examined state expressly, either in their legislative frameworks or in policy documents, that they are committed to the sustainable use of natural resources, including animals, and are supportive of hunting for sport, food or recreational purposes where this is done in a sustainable way.
- They seek to ensure that hunting is sustainable through their regulatory frameworks.
  - For example, the purpose of the Norwegian Nature Diversity Act is “to protect biological, geological and landscape diversity and ecological processes through conservation and sustainable use” (s.1). Sustainable use includes maintaining species diversity (s.4), habitat (s.4) and genetic diversity for the long term to ensure species occur in viable populations in their natural range (s.5). Further, official decisions must be based on scientific knowledge and a precautionary approach (s.8,9).

### *3.2.3 Institutional frameworks*

#### *3.2.3.1 State governance*

- There is wide variety in the governance structures and legal frameworks in place in the countries examined. These structures and frameworks have a direct bearing on all of the issues discussed below.
  - For example, the federal system in Germany is a complex legal system with the law being created and delivered both centrally, by the federal government, and regionally, by the federal states (with regional institutional structures to support this).
  - Similarly, principle-driven central environmental governance in Norway is usefully combined with regional governance by the municipalities.
  - Regional laws are also significant in France and Spain. In Spain the regional authorities have the power to increase sanctions above the national level.
  - These structures provide a useful combination of top down and bottom up regulation.
- The governmental bodies, agencies, and regional and local authorities that regulate species protection and hunting are vital to the effective implementation of the law.
- The institutional structure, for most of the countries examined here, consist of the relevant governmental department delegating the powers and responsibilities for nature conservation to a nature conservation body. In many cases, hunting is administered by a department within that agency, illustrating, in many cases, that the regulation of hunting is considered as an integral part of nature conservation (Germany is a good example of this. See part 4.1 of this report).

- The alternative approach is where governments continue to manage nature conservation and hunting within their own department.

### 3.2.3.2 The role of hunting organisations in the regulatory framework

In several of the countries reviewed here, hunting associations, interestingly, play an active role in the administration of the law. It is simplistic to say that cooperation between hunting associations and regulatory bodies is helpful, but there are several good examples in the case studies, not only of cooperation, but also of legal provisions generating collective responsibility for game management and conservation. These place responsibilities on both the regulator and the regulated.

- For example, the hunting circles in Poland are bound to a model of cooperation by the legislation, as well as by cultural norms. The law confers management responsibilities on the hunting circles, whilst requiring active involvement in the delivery of the management plan. A hunters' licence can be revoked if they fail to comply.
- Amongst the countries reviewed here, a significant number have encouraged the hunters' role as conservationists to considerable effect (Sweden, Germany, Poland).
  - In Germany, the hunting associations are recognised in the hunting legislation as nature conservation bodies. Hunters have a legal responsibility to perform various land and game management functions in their hunting area. Well-managed hunting is considered absolutely vital. Hunters have the responsibility to control pests and predators, within the law, to prevent damage to property by wildlife and, ultimately, the responsibility to compensate landowners if they fail to do so. This responsibility has a legal basis in the Federal Hunting Act, but it is also part of a traditional hunting culture with a moral and ethical 'code of honour' amongst hunters.
  - Poland has included the ethical principles to be observed by hunters in its legislation:
    - "The hunter regards a thorough observation of hunting law and full subordination to the requirements of organisational discipline as his or her basic duty" (Principle 2 of the National Hunting Law).
    - The hunter also has a duty to be guided by the "good of the environment" and the "long-term balance to be achieved between man and the environment" (Principle 3).
    - The rest of the Polish system reflects this approach.
- Close working relationships between hunters and nature conservation bodies, backed up by strict regulation, offer a range of potential benefits, including habitat and species protection and species management and monitoring.
- It is clear from all the case studies that hunters are a useful human resource, giving their time, local on-the-ground knowledge and expertise, and contributing to a range of monitoring purposes, including reporting bag data (discussed further below and in each of the case studies).

### 3.2.4 *Specific measures regulating game bird hunting*

#### 3.2.4.1 Licensing individual hunters

- The fourteen countries reviewed here all require hunters to apply for a hunting licence, which gives the individual permission to hunt. In most countries it does not give them permission to hunt in a particular area, but it is required if they are to hunt at all.
- In Germany, a hunter cannot apply to lease hunting rights without proof that he currently holds a hunting licence and has done so for the last three years.

- The requirement of the hunting licence offers an opportunity to impose conditions on hunters and has a number of other benefits:
  - The application process enables authorities to gather information about hunters, which can be as simple or as detailed as required.
  - In most cases a register of hunters is maintained that, at least, includes contact details. This contact information can be used, for example, to update hunters about changes in the law (Sweden).
  - In most cases, the hunting licence must be carried at all times, must be produced on request from someone in authority (e.g. public game wardens in Germany or environmental police in France) and, in many cases, it can be confiscated where the hunter is in breach of the law.
- Although some countries do not attach any conditions to the grant of licences, several do. They may be conditional, for example, on a take or bag limit and may require the hunter to report his / her bag data.
  - In Poland and Slovakia, it is a condition of the licence that hunters must log their hunt before they go out and must report their take immediately upon return.
  - In France reporting is carried out via a national website.
- The licence document itself can be a means of communicating the law and their responsibilities to the hunter:
  - For example, the detailed game licences issued in Slovakia.
  - Slovakia also illustrates the use of the licence to control the region in which the hunter is entitled to hunt.
- Licensing hunters enables the state to know the number of (legal) hunters in the country each year, which provides a crude indication of the level of pressure on huntable species.
- All countries impose a licence fee. For some countries, mostly those where there are many hunters, funds generated in this way are considerable.
  - In France in 2011 hunting licensing generated more than 69 million EUR.<sup>2</sup> These funds form approximately 70% of the budget for the French national wildlife agency (the ONCFS), which employs 1700 individuals, including the specially trained environmental police.
  - In some other countries the funds generated by licensing are ring-fenced for wildlife protection or management purposes. In Sweden, Norway and Germany licence fees are paid into designated 'wildlife funds'.
  - In Sweden the national hunting association receives a considerable proportion of those funds back from the federal government and they perceive this as a significant benefit because "hunters' money comes back to hunters to reinvest in game management projects" (Swedish hunting association interviewee).
- Most countries allow tourists to hunt, provided they meet the requirements to hunt in their country of origin (firearms licence, hunting examination etc.). Most have rules to verify this, including, for example, registering with the police on entering the country. Some require tourists to pay the full, annual hunting licence fee. Others offer tourists a limited licence for their visit.

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<sup>2</sup> At 20 May 2016, this was almost £55 million. This report has covered the period preceding and the period immediately following the British vote to leave the European Union. As a result, currency will, in most cases, be cited in EUR due to the volatility of the British pound at the time of writing.

### 3.2.4.2 Training hunters

According to the European Commission,

*The notion of wise use of natural resources implies proper knowledge and skills. Hunters should be well informed about the need for correct species identification, good practices, hunting and the law, need for reporting etc. (European Commission, 2004).*

- In most of the countries reviewed here, a hunter cannot obtain a hunting licence until he / she has passed a hunting examination, with both practical and theoretical components. The theoretical component can be broad and demanding, requiring hunters to learn aspects of nature conservation law, as well as identification of species and species biology. This examination, and the training and learning it requires, is perceived by interviewees in our case study countries as a useful way to provide hunters with a minimum level of training to ensure that they are responsible hunters, both for the benefit of society and for the benefit of game populations.
  - Germany is a good example of a very broad curriculum (see case study in part 4.1).
  - Hunters' training takes one year in Poland and two years in Slovakia (see part 5.1).

### 3.2.4.3 Game management and bird conservation

According to the European Commission,

*Wise use can derive from game management measures to provide better habitat, nutrition, control of predation, disease and prevention of poaching, which benefit not only game species, but others... [however]... management aimed at raising artificially high yields of one species can be detrimental, particularly if it is linked to illegal persecution of birds of prey (European Commission, 2004).*

- All of our case study countries draw a link between the regulation of sustainable hunting and the conservation of game bird species.
- Hunting has a close connection with nature conservation and, in many cases, hunters and conservationists share a common purpose; the maintenance or restoration of huntable species at favourable conservation status.
- Maintenance of game species at favourable status can provide a driver for,
  - control of overgrazing of habitats (e.g. by deer);
  - control of invasive species;
  - control of pests; and
  - control of predators.
- In some countries, such as Germany and Sweden, the role of hunters as agents providing nature conservation services is well-established.
- Revenue raised through licensing can be invested in nature conservation, e.g. habitat management (Germany, Spain (Catalunia), France, Sweden and Norway).
- Habitat management can include the provision of food, water, disease and parasite control.
- Hunters can play an important role in assisting law enforcement, e.g. prevention of poaching (Germany).
- Over-hunting can threaten the conservation of game species.
- Most of our case study countries have local or regional management plans in place, which can limit the hunting pressure on game in general and, where necessary, on

particular species by reducing the length of the season or reducing the number of birds taken based on population monitoring.

- In France, the Departmental Federation of Hunters works with land owners, managers and hunters to develop game management plans. Most species, particularly upland species (hazel grouse, black grouse, capercaillie and ptarmigan), have bag limits imposed. The hens of black grouse and capercaillie are protected.
- In Sweden, restrictions on the taking of upland game birds are achieved on state owned land by a permitting system, although there is no state regulation of game bird management on privately owned land. However, the largest proportion of game bird hunting in Sweden is carried out on state owned land.
- Where these measures are not sufficient, the impacted species may be removed from the list of huntable species, temporarily or permanently.
  - At time of writing, in Norway, willow grouse and ptarmigan are in need of greater protection because their numbers are declining (Norwegian State of Nature Report, Norwegian Environment Agency, 2015 and Birdlife interviewee). The Norwegian government is currently reviewing the season for these species (as part of its five-yearly review) and Birdlife is making representations to the government on this issue.
- Problems also arise where land managers and hunters focus on protecting game birds at the expense of another species.
- According to Birdlife, the countries where the killing of predatory birds has been widespread and has had an impact on species conservation include, the UK, Germany, Sweden, Bulgaria, Slovakia, Hungary and Romania (Birdlife International, 2011).<sup>3</sup>
- The countries with the most significant problem with the illegal killing of predatory birds included the UK and Spain (Birdlife International, 2011).
- A moderate impact was felt in Germany and Sweden.
  - In Sweden the most significant impact is on golden eagles, which predate on young reindeer, although there are also impacts on goshawks (p.64). Most game bird shooting, however, is carried out on common ground where game birds are a shared resource and there is little incentive for hunters to control predators (Swedish Environmental Protection Agency interviewee and Mustin, *et al.*, 2010).
  - By contrast, in the UK,  
*[L]and hunting rights are often privately owned creating a situation where there is more personal incentive for owners to invest in management practices (habitat, disease and predator control) to increase game bird densities, if they will personally reap the rewards in terms of income, as well as practising a style of hunting that is in demand from a section of the shooting community. This can encourage significant private investment and long term interest in sustaining higher game bird populations and therefore bag. (Mustin, et al., 2010).*
- The most relevant comparator is Spain, where red-legged partridge and other game birds are managed on privately owned estates. There funds from the licensing system are reinvested into conservation work. However, this in itself was not sufficient to reduce the problem of raptor persecution (SEO/ Birdlife interviewee). The illegal killing of raptors in Spain is now decreasing following the success of the Life+ VENENO project to tackle the problem through effective enforcement and sanctions (see discussion below and in the Spanish case study

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<sup>3</sup> Of the countries studied here. The countries were categorised on a scale of 1-5, where 5 is of most concern and 1 is least.

in part 4.5 of this report).<sup>4</sup> SEO/ Birdlife, the non-governmental Spanish ornithological society, worked with the Spanish environmental police and regional authorities on the EU funded Life+ project to respond to the problem of raptor persecution. Investment was made to provide specifically trained officers in the police force to work with NGOs and to raise public awareness of the unacceptability of wildlife poisoning. The public were further engaged by the provision of a freephone reporting line and the development of legal precedents for attaching an individual monetary value to birds killed illegally, based on the public interest and the level of public investment in protecting the particular species.

- In France, the UK's closest neighbour, and the largest hunting population of any European country, the Birdlife report did not identify a problem with raptor persecution. It is not clear whether this is a direct result of the regulatory framework and high level of investment. However, there are seismic differences between the French system of regulation and the UK system, which are clear from the French case study in part 4.2 of this report.

#### 3.2.4.4 Monitoring

According to the European Commission,

*There is a need for sound, scientifically based monitoring mechanisms to ensure that any use is maintained at levels which can be sustained by the wild populations without adversely affecting the species' role in the ecosystem or the ecosystem itself. This should include information on bag statistics, which is at present lacking or poorly developed for most species throughout the European Union (European Commission, 2004).*

- Under Polish hunting regulations, hunters must record the details of every hunt in a personalised record book and in the form of a daily record, kept at the hunting territory. Both records must detail the number of species shot for every hunt. The Polish hunting authority attach a number to the permit. Poland is one of the few countries that has 100% reporting record in the ARTEMIS EU Monitoring project.<sup>5</sup>

Hunters can fulfil a monitoring role for hunted species (formally and informally), for example, through reporting bagging data and informally through volunteering to gather data.

- Sweden and Norway, for example, demonstrate good cooperation between hunters and nature conservation bodies in the collection of monitoring data. The Swedish nature conservation body trains and uses volunteer hunters to carry out survey work. The Swedish EPA Head of Assessment stated, "The best thing about our monitoring system is that we get a lot of data and we get it for free" (telephone interview, May 2016).
- There is also cross-border cooperation in monitoring of species between Norway, Sweden and Finland, with Norway and Finland using the same monitoring framework as Sweden.

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<sup>4</sup> 'VENENO NO' translates as 'Poison, No'. See LIFE+ VENENO Website, 2016. [http://www.venenono.org/wp-content/uploads/2012/01/Life\\_Summary.pdf](http://www.venenono.org/wp-content/uploads/2012/01/Life_Summary.pdf) [Accessed 4 August 2016].

<sup>5</sup> ARTEMIS is an EU Commission – FACE initiative for the reporting of bag data. Details can be found on the Europa website at [http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/index\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/index_en.htm) and on the ARTEMIS – FACE website at <http://www.artemis-face.eu/>. Accessed on 13 July 2016.

### 3.2.4.5 Compliance and enforcement

- Spain provides the most prominent example from the case studies of a country having taken significant steps to improve the national approach to compliance and enforcement.
  - Pursuant to identifying a problem with wildlife crime (including the raptor persecution mentioned above), Spain has responded with a multi-layered approach to tackling bird crime.
  - The Life+ VENENO project brought about the establishment of legal precedents on sanctions. It also developed good practice on cooperation between police and environmental bodies, training officers to gather evidence of poisoning,<sup>6</sup> and working together to carry this out on the ground, with the help of canine units.
  - More than thirty prosecutions were successfully brought under the project.
  - In 2007 the maximum fine for bird crime was increased to 2 million EUR.<sup>7</sup> The Criminal Code enacts sentences of imprisonment ranging from four months to two years, disqualification from a profession or occupation and disqualification from exercising the right to hunt or fish for period of two to four years. These sanctions are used concurrently and the Spanish bird conservation body consider this layering of sanctions as vital to the effectiveness of the approach (SEO/Birdlife interviewee and see Spanish case study at part 4.5 of this report).
  - France provides another example of extensive measures being taken to ensure the law is enforced. It has the largest environmental police force in Europe and this provides it with an advantage when it comes to gathering evidence for infringements of hunting regulations.

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<sup>6</sup> Five-hundred agents of the Spanish environmental police have been trained in combatting bird crime as a result of the project.

<sup>7</sup> More than £1.3 million at 20 May 2016.

**Table 1. Summary information for case study countries<sup>8</sup>**

<b>Country</b>	<b>France</b>	<b>Germany</b>	<b>Norway</b>	<b>Spain</b>	<b>Sweden</b>
<b>Population</b>	64.6 million	82 million	5 million	47 million	9.8 million
<b>No. of hunters</b>	1.3 million	361,557	479,000	1 million	300,000
<b>Hunters as % of population</b>	2.01	0.44	9.58	2.13	3.06
<b>Land area (km<sup>2</sup>)</b>	551,500	357,137	323,787	504,645	449,964
<b>Huntable land (%)</b>	-	90%	-	89%	-
<b>Protected land</b>	25.7%	38.5%	9.1%	10.2%	13.0%
<b>Licence required</b>	Yes	Yes	Yes	Yes	Yes
<b>Revocation of licence</b>	Yes	Yes	Yes	Yes	Yes
<b>Licence fee (EUR)</b>	43-221	60-96	34	44	32
<b>Total annual income from licences (EUR)</b>	68 million	22 million	9 million	-	9.6 million
<b>Two-part exam</b>	Yes	Yes	Yes	Yes	Yes
<b>Monitoring</b>	Yes	Yes	No*	Yes	No*
<b>Quota</b>	Yes	Yes	No*	-	No*
<b>Obligation to report bag</b>	Yes	Yes	No*	Yes	No*
<b>Management plans</b>	Yes	Yes	No*	Yes	No*

\*In Norway and Sweden monitoring, quota, reporting and management plans are implemented on state owned land only. Since state owned land makes up the largest proportion of huntable land in these countries, this means, in practice, most game bird hunting in these countries is regulated by the state. The situation is similar in Finland (see table 2 below).

Where information was not forthcoming during the course of this study it is marked thus ‘-’ in table 1 (above) and 2 (below).

<sup>8</sup> The sources for this table and table 2 are cited in the footnotes attached to the summary table for each country in chapters 5 and 6. The protected land area figures given here all come from the official UN Data website for the purposes of comparison. Figures given by other organisations may differ.

**Table 2. Summary information for non-case study countries**

<b>Country</b>	<b>Bulgaria</b>	<b>Denmark</b>	<b>Estonia</b>	<b>Finland</b>	<b>Hungary</b>	<b>Latvia</b>	<b>Poland</b>	<b>Romania</b>	<b>Slovakia</b>
<b>Population</b>	7.1 million	5.6 million	1.3 million	5.4 million	9.8 million	1.9 million	38.6 million	19.8 million	5.4 million
<b>No. of hunters</b>	110,000	163,000	15,000	300,000	55,000	25,000	106,000	-	55,540
<b>Hunters as % of population</b>	1.55	3.30	1.15	6.00	0.56	1.31	0.27	-	0.90
<b>Land area (km<sup>2</sup>)</b>	111,002	43,000	45,227	303,898	93,024	62,249	311,888	229,000	49,035
<b>Huntable land (%)</b>	-	90%	-	-	-	-	91.50%	-	-
<b>Protected land (%)</b>	31.5%	-	18%	15%	22.6%	-	29.3%	-	36.6%
<b>Licence required</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Revocation of licence</b>	Yes	-	Yes	Yes	-	Yes	Yes	Yes	Yes
<b>Licence fee (EUR)</b>	-	-	14	28	-	-	100-430	-	120 (5-year)
<b>Total annual income from licences (EUR)</b>	-	-	210,000	8.4 million	-	-	-	-	1.2 million
<b>Two-part exam</b>	Yes	Yes	Yes	No*	Yes	Yes	Yes	No	Yes
<b>Monitoring</b>	-	-	Yes	No*	Yes	Yes	Yes	Yes	-
<b>Quota</b>	-	-	No	No*	Yes	Yes	Yes	Yes	-
<b>Obligation to report bag</b>	-	-	-	No*	Yes	Yes	Yes	-	Yes
<b>Management plans</b>	-	-	Yes	No*	-	Yes	Yes	Yes	-

## 4. CASE STUDIES

### 4.1 Germany

**Table 3. Summary information for Germany<sup>9</sup>**

<b>Population</b>	<b>82,652,000</b>
<b>No. of hunters</b>	361,557 (0.44%)
<b>Land area</b>	357,137 km <sup>2</sup>
<b>Huntable land area</b>	320,900 km <sup>2</sup>
<b>Protected areas</b>	38.5%
<b>Licence required</b>	Yes
<b>Licence fee (varies between Länder)</b>	60-96 EUR
<b>Annual licence income</b>	22.4 million EUR (approx.)
<b>Two-part exam</b>	Yes

Given that Germany is a federal system, it differs significantly from Scotland in the regulatory and legal structures surrounding hunting and conservation. The relevant law on nature conservation and hunting can be found both in national legislation and at the level of the federal states (*Länder*), with the role of the latter being very important in providing detail and differentiation for regions.<sup>10</sup>

Germany is an interesting case study because it is a nation with a strong hunting culture, which, although tightly regulated, gives hunters not only a lot of freedom to manage the game species they hunt, but also the responsibility to perform a range of game management and nature conservation functions (including pest and predator control). As a result, it is often held up as a model of the effective integration of hunting and nature conservation. It is underpinned by a regulatory structure that seeks to ensure that use of the country's natural resources is sustainable.

German game bird species include grey partridge, pheasant, quail, capercaillie, black grouse, hazel grouse and ptarmigan (s.2(1)2 Federal Hunting Act).<sup>11</sup>

#### 4.1.1 Ownership and legal rights to hunt

- Huntable land is, to some extent, regulated by the state under the Federal Hunting Law (FHL) (see below) and it is administered by a regional hunting authority.
- Since a decision of the Court of Justice of the European Union in 2014, landowners can decide, for moral or ethical reasons, that their land should be excluded from the hunt. This must be approved by the regional authority, in consultation with the owners of adjacent areas.

#### 4.1.2 Federal legislative framework

- Federal Hunting Law of 1976 (*Bundesjagdgesetz*) (FHL)
- Federal Game Conservation Act of 23.04.2001 (*Bundeswildschutzverordnung*)

<sup>9</sup> Sources for this table are as follows: population, UN Data; hunters, DJV, 2016; land area, DJV, 2016; protected land area (terrestrial and marine), UN Data, 2016; huntable area, FACE, 2003; annual licence income is an approximation derived from multiplying the number of hunters and the average cost of the hunting licence across regions (62.72 EUR).

<sup>10</sup> The authors are grateful to Christiane Bayer-Barclay for research assistance, translation and clarification of the law in Germany.

<sup>11</sup> The species commonly discussed in this report are listed in Annex 5, including common and Latin names.

- Federal Nature Conservation Act 29 July 2009 (*Bundesnaturschutzgesetz*) is the overarching federal law implementing the Birds and Habitats Directives in Germany.
- Federal Species Protection Ordinance (*Bundesartenschutzverordnung*), sets out list of protected species including those under special and strict protection (Federal Species Protection Ordinance Annex 1, column 1 and 2).

#### 4.1.3 Institutional framework

- Hunting is regulated at national level and at the level of the federal states (*Länder*).
- At national level, the responsible body is the Federal Agency for Nature Conservation (*Bundesamt für Naturschutz* (BfN)).
- Each federal state or *Länder* also has its own nature conservation body.
- The hunting associations of the *Länder* also play a crucial role as quasi-governmental bodies, recognised in the FHL and in the German nature conservation law as combining the roles of hunting association and nature conservation body (§ 59 Federal Nature Conservation Law).
- Each *Länder* has its own hunting association.
- The German Hunting Association (*Deutsche Jagdverbände* (DJV)) groups together the associations of the sixteen *Länder* and is the official representative of the German hunters.

#### 4.1.4 Specific game bird hunting regulations

The Federal Hunting Law provides the national legal framework for hunting and is quite broad in scope.

##### 4.1.4.1 Huntable land

- Huntable land is regulated by the FHL and administered by a regional Hunting Authority.
- Land must exceed a statutory minimum of 75 ha (§7(1)). If landowners meet that requirement, they are entitled to hunt their land or to lease their shooting rights to others.
- Smaller landowners may enter a cooperative to meet the minimum land requirement for consolidated land holdings, which is 150 ha (§ 8(1)). The cooperative has collective rights and responsibilities for the land in their possession. They can do their own hunting, or lease it out to a third party.
- There is no national register of huntable land, although a DJV interviewee considered that this would be useful. It is left up to the individual *Länder* to decide whether they want to compile a register. Hunters in *Schleswig-Holstein* and *Niedersachsen Länder* took the initiative to compile a register, including maps to show boundaries of all of the all hunting areas.
- Although huntable land is regulated as above, there appears to be no mechanism within the hunting law to permanently close a hunting area (confirmed by DJV interviewee). The view of the DJV, which finds support in the German hunting legislation, is that hunting is an essential activity for the management of land and wildlife.

##### 4.1.4.2 Responsibility for game and wildlife management

- German hunting law is based on the values of *Hege* and *Weidgerechtigkeit* (FHL § 1). *Hege*, for which there is no English word, is a duty that goes hand-in-hand with the right to hunt. It is a collective term for all the measures taken to sustain the diversity and health of wildlife. Similarly, *Waidgerechtigkeit* has no literal English translation. *Waid* is an old term for 'the hunt' and *Gerechtigkeit* means justice. It is, perhaps, best understood

as a principle for the protection of wildlife, including, for example, the responsibility not to cause the animal more pain than is necessary.

- Hunters have, not only the right to hunt the land, but also the responsibility to manage game, control pests and predators and to prevent damage to forestry and agricultural land caused by game. Further, they must pay compensation for damage caused by wild animals (FHL § 29).
- On securing the hunting lease the hunter(s) must submit the lease and their game management plan to be approved by the district authority. These must ensure that a healthy wildlife population of all native species is preserved, in adequate numbers, including protected species.
- Capercaillie and black grouse may only be hunted in accordance with an approved management plan. The game management plans will specify the number of game animals to be harvested (FHL § 12(1)).
- Game management plans must also specify measures for the improvement of habitats as agreed between hunters and landowners. They cannot merely focus on the huntable game species. They must produce a balanced plan that will also benefit a large number of non-huntable animals, including those that might be under a year-round protection protocol (DJV interviewee).

#### 4.1.4.3 Hunting licence

- All hunters require a licence to hunt. They cannot acquire a hunting lease without a current hunting licence and proof that they have held a licence for the past 3 years (FHL §11(5)). The hunting licence fee varies between the *Länder*, ranging from 60 to 96 EUR.
- To get a licence they must pass the German hunting examination (§15(5)). The examination is comprehensive and includes a written, an oral and a practical shooting assessment. The aim is to ensure that all hunters have sufficient knowledge of wildlife species biology, wildlife management, game damage prevention, agriculture and silviculture, firearms legislation, weapons technology and the management of hunting weapons (including handguns), the use of hunting dogs, the hygienic treatment of hunted game, health and safety and animal welfare. It also, importantly, requires hunters to learn the key rules of nature conservation law. It varies between *Länder*, but typically takes hunters between six and twelve months to complete their training and they must bear the costs (FACE, 2003).
- The FHL sets out the circumstances in which an application for a hunting licence can be refused. They include: where the person lacks the necessary physical fitness (§ 17(1)); where he / she has gravely or repeatedly infringed the principles of *Hege* and *Weidgerechtigkeit* (above); persons who use weapons and ammunition carelessly; persons with a criminal conviction suggesting they are not fit persons to hold a hunting licence; and persons whose licence has been revoked (FHL § 17).
- Powers to revoke the licence are set out in § 18 and § 41. They include conviction for a criminal offence listed in the legislation, such as poaching or assault, and breaching the rules of the hunt, e.g. hunting out of season or killing breeding animals. The hunter may not seek renewal of his licence for a period between one and five years, determined by the court. In serious cases, the licence can be revoked permanently.
- Generally, foreign tourists are exempted from the requirements to take the hunting examination and the annual licence fee, although they must pay a visitors' fee. Foreign visitors may bring up to three firearms into Germany with a European Firearms Pass and they must produce evidence of an invitation to hunt (FACE, 2003).

#### 4.1.4.4 Restrictions on hunting methods, species management and seasons

- The law places limits on hunting, sets out the duties of hunters and determines what constitutes disturbance of wildlife.
- Restrictions and prohibitions on hunting methods are listed in Federal law and specific rules can be made by the federal states.
- Hunting seasons are set for game species. Where no season is defined, the species may not be hunted. The *Länder* may enact different hunting seasons for their region (within the parameters set by federal law), including shortening or cancelling a hunting season for their region (FHL, § 22).
- Some species, including black grouse and capercaillie, may only be hunted according to a management plan.
- No parent animal may be hunted during periods of reproduction or the raising of young. Hunting of a species in a certain area may be prohibited when its population falls below the number considered viable for that area (§ 21).

#### 4.1.4.5 Monitoring

- Birds are counted and reports compiled annually, both for Germany as a whole and for the individual *Länder*. Monitoring is carried out by state bird conservation centres (each *Länder* has its own), the Nature Conservation Association (*Naturschutzbund*) and hunters themselves.
- The bird conservation centres of the *Länder* work closely together and also form part of a National Working Committee, partnering with other nature and bird conservation organisations.
- The national bird conservation centre, the *Staatliche Vogelschutzwarten*, is responsible for compiling bird population statistics and maintaining the Red List for bird species. However, the Federal Office for Agriculture determines the list of huntable species.
- Hunters must notify bag data to their regional hunting authority. The regional hunting authority informs the Federal Authority and statistics are compiled nationally.
- Failure to provide accurate and reliable information or harvest data to the local hunting authority could result in punishment, fines or even losing your right to take a hunting lease.
- Hunters also voluntarily compile data for *Wildtier-Informationssystem der Länder Deutschlands* (WILD), a DJV national monitoring-programme on huntable wildlife populations, which is an important part of the DJV strategy for the sustainable use and conservation of species.

#### 4.1.4.6 Compliance

- There is a high level of compliance with hunting law.
- “Hunting has a long tradition in Germany with strong traditional values, such as giving game a fair chance for survival, finding enjoyment in nature and working to strike a balance between hunting and conservation. A code of honour exists between hunters, which is evident in their behaviour” (DJV interviewee).
- The code of honour is important in putting pressure on hunters, from their own peers, to look after their hunting area and to comply with the law (DJV interviewee).
- This code also motivates hunters to go beyond the requirements of the law. Examples are: not shooting early in the morning or late in the evening; not shooting during bad weather; only shooting pheasants while they are in flight; and not shooting rabbits while they are sitting in their burrows.
- The code also goes hand in hand with the principles of *Hege* and *Weidgerechtigkeit*.

#### 4.1.4.7 Enforcement

- Implementation and enforcement of nature conservation law take place at the federal state level, with each *Länder* maintaining its own agency responsible for nature conservation and its own police force.
- The German system of *Jagdschutz*, 'protection of the hunt', is set out in the FHL § 23. It includes protecting wildlife from poachers, food shortages, disease, stray dogs and cats, and "for the keeping of all regulations which have been put in place for protection of game and the hunt".
- *Jagdschutz* is carried out by the police and public gamekeepers, who are employed by the local authorities (§ 25). The public gamekeepers must be qualified hunters or foresters. Within the scope of protecting wildlife / protecting the hunt, the public gamekeepers have the same rights and responsibilities as a police officer or a procurator fiscal.
- The penalties for breach of the Federal Hunting Law include imprisonment for up to five years or a fine for anyone who violates the prohibition on hunting locally endangered wild species, who hunts out of season or who does not respect the prohibition on hunting animals occupied in raising young. In cases of negligence, the term may be imprisonment for up to one year or a fine (§ 21, 22 and 38).
- Local and state police and public prosecutors investigate, for example, incidents of illegal killing of birds.

#### 4.1.5 Pros and cons of German approach

- Hunters have an active nature conservation role in species monitoring, in reporting bag data and in undertaking wildlife improvement projects with landowners.
- Hunters acquire a minimum level of training in nature conservation through the national hunting examination.
- Hunters have legal duties to protect wildlife and their habitats under the FHL. They are constrained by the principles of *Hege* and *Weidgerechtigkeit*.
- Further, they are honour-bound by their traditional hunting code of honour.
- The hunting associations and other hunters can enforce these obligations formally through the FHL and, informally, by putting pressure on hunters who do not comply (DJV interviewee).
- Hunting authorities are made up of representatives from agriculture, forestry, hunting associations, hunters and nature conservation bodies (FHL § 37).
- The German approach enables different stake-holder groups to work together and provides checks and balances, while working towards a balance between the interests of different stakeholders.
- There appear to be few concerns that game species, especially birds, are over-hunted, however, the DJV interviewee expressed concern about the declining population of partridge and explained that most hunters refrain from shooting partridge voluntarily, so that there is an effective 'closed season' in place. Work is ongoing to remove the partridge from the list of huntable species in the FHL, although this is a lengthy process (DJV interviewee).

## 4.2 France

**Table 4. Summary information for France<sup>12</sup>**

<b>Population</b>	<b>64.6 million</b>
<b>No. of hunters</b>	1.31 million (2.01%)
<b>Land area</b>	551,500 km <sup>2</sup>
<b>Huntable land area</b>	Not available
<b>Protected areas</b>	25.7%
<b>Licence required</b>	Yes
<b>Licence fee</b>	221.43 EUR p.a.
<b>Annual licence income (2016)</b>	68 million EUR
<b>State subsidies for hunting</b>	36 million EUR
<b>Two-part exam</b>	Yes

With more than 1.3 million people now registered to hunt in France (approx. 2% of the population), France has the largest number of hunters in Europe.

The French approach to hunting is summarised in Article 420-1 of the French Environmental Code ([www.legifrance.gouv.fr](http://www.legifrance.gouv.fr)):

*The sustainable management of faunal heritage and its habitat is in the general public interest. Hunting, an environmental, cultural, social and economic activity, forms part of this management and thus contributes to the balance between game, the environment and human activities, ensuring a true agricultural-fishing-hunting balance.*

*The principle of rational thinning of sustainable natural resources is imperative to the way in which these resources are used and operated. By their action of management and regulation of species the hunting of which is authorised, and by their operations in favour of biotopes, hunters contribute to the balanced management of ecosystems. They thus participate in the development of economic and ecological activities in natural environments, notably in rural areas.*

Research commissioned by the French National Hunting Federation in 2014 found that 48% of hunters are involved in conservation volunteering and a hunter spends an average of 75 hours a year volunteering (which amounts to an annual contribution of 78 million hours per year). This was calculated to be equivalent to 1.6 billion EUR (gross) contribution to the economy and to represent the equivalent contribution of more than 50,000 full time jobs (BIPE, 2015). The same study concluded hunting contributes more than 3.6 billion EUR per annum to the French economy as a whole (BIPE, 2015).

Historical tensions have existed between hunting groups and conservationists in France. In the early 2000's, these were highlighted in conflicts over the implementation of hunting seasons in line with the Birds Directive. It seems, however, that the work of the French

<sup>12</sup> Sources for table: population, UN Data, 2016; no. of hunters, FACE, 2010; protected land area, UN Data, 2014; licence fee, licence income and details of hunting exam, ONCFS website 2016 [All accessed 13 July 2016].

Government through the French Wildlife Agency is bearing fruit in increasing cooperation and a balanced approach across many areas.

A very wide range of bird species are hunted in France and the details of species and seasons are included in Annex 1 to this report. The most common method of hunting game birds such as pheasants, red-legged partridge and grey partridge is driven shooting.

France was chosen as a case study because:

- It provides an example of a licensing system where revenue raised is reinvested immediately into services to prevent crime against nature, including, but not limited to, a dedicated environmental police force, co-ordinated public involvement in conservation work and anti-nature crime work, and a deliberate and expansive communication and education programme.
- Most huntable land in France is privately owned, but a comprehensive regulatory system has been developed.

#### *4.2.1 Ownership and legal rights to hunt*

- Across much of France hunters have the right to hunt on private land. If you live in a commune with an *Association Communale de Chasse Agréé* (ACCA) then, under the Law Verdeille, the local ACCA (hunters' association) has the right to hunt on all land regardless of who owns it.
- Where this happens (predominately in the south), most land (apart from 150m around homes) is part of the hunting zone. The zone is re-established every five years and is open to local hunters who are members of the ACCA. Hunters are permitted to hunt on any land in the zone unless it has been excluded (Article 422-10).
- In other parts of France, each proprietor owns the hunting rights on their land (which was the basic law before ACCAs were created). However, unless they explicitly ban hunting, they are deemed to have given tacit permission that hunting may take place. Landowners are advised to write to local hunting societies and to put up signs to exclude hunters if they do not wish hunting to take place on their land.

#### *4.2.2 Legislative framework and legal structure*

- The overarching national legislative provision is the Environmental Code. The provisions relating to hunting in general begin at Article 420-1. As well as implementing much of the Birds Directive, the Code sets out much of the practical regulation of hunting and the important enforcement provisions.
- The Code provides a clear and comprehensible overarching framework for the law.
- Below the level of the Code, French hunting law is found in a number of different statutory instruments, including the hunting laws of 26 July 2000, 30 July 2003, the law of 23 February 2005 on the development of rural territories, and the law on simplification and improvement of hunting laws of 30 December 2008.
- Further legislation is made at departmental level:
  - There are 101 departments in France, determined by geographical area.
  - Each department has a prefecture, which is the legal structure for that area.
  - The prefecture is an administration that belongs to the Ministry of the Interior and is in charge of the delivery of identity cards, driving licences, as well as hunting licences.

- The prefect represents the national government at the local level and, as such, exercises the powers that are constitutionally attributed to the national government. The prefect issues ordinances written for the application of local law.
  - Each department has a Departmental Hunting Federation (see below).
- By article L411-6 of the Environmental Code, the Government must draft a report, every three years, concerning the implementation of the Birds Directive and the derogations given.
- Sanctions for breaches of the Code depend on the level of the offence and may go from 38 EUR to 1500 EUR (3,000 EUR in case of a repeated offence) for an infraction to a year imprisonment and a 15,000 EUR fine (Art. L415-3).
- Derogations can be requested from the *Préfet* (regional authority) and a decision is taken after advice of the Council for the Protection of Nature (*Le Conseil National de la Protection de la Nature* (CNP)). The Council is an institution attached to the Ministry of Ecology, Energy, Sustainable Development and the Sea. It is responsible for studying and advising on legislative or regulatory projects and texts concerning the preservation of wildlife and natural areas.

#### 4.2.3 Institutional framework

- While the legislative system is multi-layered, the regulatory bodies overseeing it seem pragmatic in structure and cohesive.
- All hunting in France is overseen by the National Hunting and Wildlife Agency (ONCFS), a public body run by the state for administrative purposes (Article 421-1) under the dual supervision of the Ministries of Ecology and of Agriculture.
- Created in 1972, the Agency has a budget of 120 million EUR per annum and employs 1,700 individuals. Its primary source of revenue is from the hunting fee paid by hunters. It also receives public funding (from state subsidies or other public entities) for measures of general interest for the conservation and restoration of wildlife.
- The agency is concerned with the conservation, restoration and management of wildlife and its habitats and the enhancement of this process by the sustainable development of hunting. It is committed to encouraging respect for wildlife and monitoring wildlife, as well as compliance with the regulations relating to hunt policing (ONCFS website, 2016).
- It is responsible for the organisation of the hunting examination and grant of a hunting licence (see below).
- The ONCFS also works hand in hand with the National Hunting Federation and with the Departmental Hunting Federations at regional level.

Further information on the operation of the ONCFS is set out in Annex 2 to this report.

#### 4.2.4 Specific rules regulating game bird hunting

##### 4.2.4.1 Licence

- Under Article L423-1 no one can hunt without a valid hunting licence.
- To apply for a licence, a hunter must:
  - declare himself fit (a medical certificate may be required);
  - pay an application fee of 30 EUR;
  - register with a Departmental Hunting Federation of choice;
  - confirm that they have no convictions that would preclude them from being eligible;
  - pay an exam fee of 16 EUR;

- sit a two-part exam (practical and theoretical). The practical exam consists of four workshop exercises. The theoretical test focuses on mastering four themes:
  - wildlife and habitats (covering recognition of species - game and protected, species biology, the concept of 'harvest' and the impact of human activities on the natural environment);
  - hunting (technical, hunting methods, hunting vocabulary)
  - hunting and nature conservation law (including relevance of criminal law and the role of the police);
  - weapons and ammunition.
- on successful completion of the exam, the hunter must pay the hunting licence fee;
- obtain a validation of the hunting licence for the place and the current period (a further fee may apply); and,
- a hunter must also have valid insurance and carry proof of insurance with them, together with their licence and the validation for the area and time they are hunting in, on any hunt.

**Table 5. Cost of French Hunting Licence**<sup>13</sup>

First Year		(EUR)	
<b>National</b>	111.71 (p.a.)	66.86 (9 day)	33.37 (3 day)
<b>Departmental</b>	21.90 (p.a.)	13.26 (9 day)	8.64 (3 day)
<b>Renewal Years</b>			
<b>National</b>	221.64 (p.a.)	133.71 (9 day)	66.74 (3 day)
<b>Departmental</b>	43.79 (p.a.)	26.51 (9 day)	17.27 (3 day)

- The cost of a hunting licence is halved for the first year.
- The cost of obtaining a licence was estimated to amount to 18% of the annual cost of hunting 'expenses' for each individual hunter (BIPE, 2015).
- The 25 inspectors who run the hunting permit exams, pass around 30,000 candidates each year (ONCFS website, 2016).
- Temporary hunting licences are available to foreign nationals holding a foreign hunting permit for a period of nine consecutive days.<sup>14</sup> These may be renewed up to three times, subject to the payment of the provisional national or departmental hunting fee for nine day periods and a provisional Departmental Hunting Federation membership fee. An applicant must provide a copy of their own national hunting licence, an insurance certificate valid in France and a copy of their passport.

<sup>13</sup> Table of hunting fees for the 2015-2016 season, <http://www.oncfs.gouv.fr/Espace-Presses-Actualites-ru16/Montant-de-la-validation-du-permis-de-chasser-amp-nbsp-news1699> [Accessed 3 August 2016]

<sup>14</sup> <http://www.diplomatie.gouv.fr/en/the-ministry-of-foreign-affairs/protocol/protection-and-security/article/acquisition-possession-and> [Accessed 20 July 2016].

#### 4.2.4.2 Seasons

- Hunting seasons are set by the local prefecture and are varied by climate and ecology, hence the differences between those in the north and in the south.
- The seasons are different for each species and each department.
- The season generally opens in September and runs until the end of February.
- Waterfowl shooting opens in August, while the shooting of many species, including partridge and migratory birds, can be limited to a shorter period.

#### 4.2.4.3 Game Management

- The Departmental Federation of Hunters works with land owners, managers and hunters to develop game management plans.
- Most species, particularly upland species (hazel grouse, black grouse, capercaillie and ptarmigan), have bag limits imposed.
- Furthermore, where bag limits do not exist, all upland game bird hunting is regulated with limits placed on the number of days when hunting is allowed, season bag limits, closed areas, and by the protection of hens for black grouse and capercaillie.
- There is also a requirement that hunters declare the number of upland birds shot, however, there is no legal obligation to manage hunting bags of pheasant, quail and red-legged partridge, although there is increasing voluntary implementation of hunting plans for grey partridge (Mustin, *et al.*, 2010).

#### 4.2.4.4 Monitoring

- Log sheets, '*carnets*', are issued to record hunts.
- Failure to return a carnet can result in no further licences being issued to that hunter.
- Records are kept within each Departmental Hunting Federation of numbers of each species killed.
- There is also a public reporting website.<sup>15</sup>
- There are many channels by which monitoring of hunting territories takes place.

#### 4.2.4.5 Enforcement

- France has a specific police force for policing and enforcing hunting law and regulations (the *gardes des chasse*).
- The penalty for being in possession of game without a licence for that particular species can result in a severe fine, confiscation of the game, the firearm and, even, confiscation of the car the game is being transported in. In addition, there will be a loss of the general hunting licence. Further, the hunting examination will have to be retaken at the end of a suspension period.
- When hunting, the hunter must carry his hunting licence (original or duplicate), together with its validation for the place and time of hunting, as well as a valid hunting insurance certificate. An individual may not hunt if they are awaiting a duplicate licence and it has not been sent to them.
- Outside the home, hunters and accompanying persons are required to open their game bags, bags or pouches at the request of the officers and agents of the judicial police, environmental inspectors (referred to in Article L. 172 -1), agents (referred to in 2, 3 and 5 of Article L. 428-20) and the guards of the Departmental Hunting Federations, (Article L. 428-21).

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<sup>15</sup> Available at <http://www.carnetcpu.com/> [Accessed 13 July 2016].

- Sale of game is very restricted and movements are tracked back to the specific species permit.
- Hunting is extensively policed by the *gardes des chasse*.

#### 4.2.5 *Pros and cons of French approach*

- The licensing system generates a high level of income, which is redistributed within the system to assist with the costs of education, monitoring and enforcement.
- The level of personnel involved with the French system is unrivalled across Europe, although it should be noted that the environmental police are also concerned with other issues besides game bird hunting. Within the field of enforcing hunting law, a dominant pre-existing concern is with addressing poaching and with the deterring of poachers (ONCFS Activity Report, 2014).
- There is a very high standard of communication between the Office of Wildlife and the general public/hunting 'end users' (one example of this is its exemplary web presence which is maintained by 28 staff).
- Publicly available information suggests France does not have a significant problem with raptor persecution. In the Bio Intelligence Service report the inference from the French authorities was that any problems are presently well controlled (Bio Intelligence Service, 2011) and this is supported by the Birdlife report (Birdlife International, 2011). The Bio Intelligence Service report does caveat this, describing a possible difficulty with a lack of agreed information on any illegal activities going on (Bio Intelligence Service, 2011).
- It is difficult to assess objectively to what extent the apparent absence of a raptor persecution problem in France is as a result of the national approach to game bird law and licensing and the long term investment in the regulatory system (including policing) which has followed, or, because there is far less pressure on any individual species than there are in some of the other case study countries and, therefore, less appetite for illegal methods of predator control. It is likely that both factors are significant.
- From a legislator's perspective, the French Environmental Code is a helpful legislative instrument. It is coherent and overarching and clearly sets out a national approach to hunting.
- The level of sanctions available for infringement of hunting legislation in France appear relatively low (compared, for example, with Spain). However, the relatively low-level sanctions are counter-balanced by higher prospects of being apprehended for an offence in France (compared to the other case study countries), because there are more enforcement agents on the ground to monitor and deter infringements. ONCFS agents annually record 2,000 infringements concerning wildlife protection issues (including those related to illegal possession of wild animals) although data is not available as to how many of these 2,000 infringements relate to bird crime (Bio Intelligence Service, 2011).

### 4.3 Sweden

**Table 6. Summary information for Sweden<sup>16</sup>**

<b>Population</b>	<b>9.8 million</b>
<b>No. of hunters</b>	300,000 (3.06%)
<b>Land area</b>	407,310.64 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	13.0%
<b>Licence required</b>	Yes
<b>Licence fee</b>	32 EUR
<b>Annual licence income</b>	9.6 million EUR
<b>Two-part exam</b>	Yes

Hunting is popular in Sweden and there are approximately 300,000 hunters (*Svenska Jägareförbundet*, Swedish Association for Hunting and Wildlife Management for wildlife management projects (SAHWM) website, 2016). Hunting is described by the Swedish tourism agency as Sweden's national pass-time and there is widespread public support for it (Visit Sweden, 2016). Hunting tourism is also a significant contributor to the Swedish economy.

Approximately forty species of birds can be hunted in Sweden, during the hunting season (Bio Intelligence Service, 2011). This includes willow grouse, rock ptarmigan, black grouse and capercaillie, as well as many waders, ducks and geese.

#### 4.3.1 Ownership and legal rights to hunt

- Hunting rights attach to land ownership, but may be leased.
- Hunting takes place, to a greater or lesser extent on most land in Sweden where it is legally permitted. In southern Sweden, land is often privately owned, but in the central and northern parts of Sweden, forestry companies dominate. In the mountain region, the state is the biggest landowner, with state ownership and large companies accounting for about fifty percent of the land (Swedish Environmental Protection Agency (EPA), 2009).
- The largest proportion of protected surface area is on state land. Most of this land is leased out to individuals or hunting associations.
- Every landowner has the right to hunt his or her own land, irrespective of the size of the property, but can lease it out in whole or in part to individuals or hunting associations.
- Owners of hunting rights in areas where available land is limited often pool their rights to make larger, viable hunting areas, but there is no state requirement on the size of land hunted.
- Sweden's indigenous population, the Sami, also have the right to hunt on traditional Sami land in parts of northern Sweden. This includes the right to hunt on privately owned land.

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<sup>16</sup> Sources for these statistics are as follows: population, SCB Statistics Sweden; no. of hunters, *Svenska Jägareförbundet* (Swedish Association for Hunting and Wildlife Management for wildlife management projects (SAHWM)); land area, SCB Statistics Sweden; huntable area, FACE, 2005; protected areas, UN Data, 2016; annual licence income is an estimate based upon multiplication of the number of hunters and the annual licence fee.

#### 4.3.2 Legislative framework

- Environmental governance in Sweden is delivered centrally by government and regionally through delegated powers to eight municipalities or county administrative boards.
- While the general principles for species and habitat protection are set out in the Environmental Code of the Swedish Parliament, the detail is provided in the regulations of the municipalities.
- The overarching national legislative framework for the protection of species and habitats and the regulation of hunting is found in:
  - Environment Code 1 January 1999
    - This is a consolidation and rationalisation of fifteen earlier pieces of environmental legislation. It sets out the provisions for the protection of species and habitats (part 2, chapters 7 and 8).
    - Chapter 8 of the Code prohibits the killing, injury and capture of all wild animals, including wild birds, as well as prohibiting the collection of eggs or damage to eggs or nests, in line with the Birds Directive Article 5.
    - Anyone who infringes these rules is liable to a fine or a term of imprisonment, not exceeding 2 years.
  - Species Protection Ordinance (No 845/2007)
    - This ordinance contains provisions governing capture, killing, taking from the wild, trade and other actions involving specimens of animal and plant species in need of protection.
    - Articles 4 and 5 implement Articles 5 and 8 of the Birds Directive. Articles 16, 23 and 25 deal with trade and transport issues in conformity with Article 6 of the Birds Directive.
  - Hunting Act (No 259/1987) and Hunting Ordinance (No 905/1987)
    - Implementing Article 7 of the Birds Directive, these regulations set huntable species and hunting seasons (see specific hunting rules below).
    - Ordinance 940/1998 on fees for examination and supervision under the Environmental Code.

#### 4.3.3 Institutional framework

- The Ministry of Rural Affairs governs all land and water-based industries, including hunting and game management, agriculture and forestry. The objectives of the Ministry for Rural Affairs include to attain good long-term management of game species and sustainable utilisation of natural resources.
- The Swedish Environmental Protection Agency (*Naturvårdsverket* (the EPA)) is responsible for implementing environmental policy and deals with wildlife management (including protection of species and habitats) and hunting.
- The EPA works closely with county administrative boards on wildlife management, including in the implementation of Species Action Plans for protected species. 'Delegations' for Wildlife Management were established for each county administrative board in 2010.
- The Hunting Registry of the EPA is responsible for the administration of the hunting licensing system.
- Local municipalities administrate their own permit systems for hunting on state owned land.
- The Swedish Association for Hunting and Wildlife Management (*Svenska Jägareförbundet* ((SAHWM)) is a national voluntary body representing the interests of hunting and hunters. The Government has delegated responsibility to SAHWM to

provide expertise, information and advice on hunting and game management and to carry out some wildlife research. Their remit also includes responsibility for managing and developing the professional training of hunters.

#### 4.3.4 Policy framework

The overarching policy goal of the Swedish Environmental Code is the promotion of sustainable development which, for Sweden, means ensuring a healthy and sound environment for present and future generations, including the protection of biodiversity and good, long-term management of natural resources.

#### 4.3.5 Specific rules regulating game bird hunting

- There are three levels of hunting regulation in Sweden. National hunting statutes, *Jaktlagen*, are established by Parliament and set the overall legislative framework. The Hunting Regulations, *Jaktförordningen*, provide for delegated powers. The Swedish EPA uses the localised Hunting Administrative Provisions, *Jaktföreskriften*, to establish a comprehensive list of rules on hunting.
- The Hunting Act (No 259/1987) and Hunting ordinance (No. 905/1987) regulations determine which animals can be hunted and when.
- The county administrations are responsible for hunting and game management at county level, and are advised by County Game Committees, *Länsvilt nämnd*, which include representatives of forestry, agriculture, hunting, recreational and environmental protection interests (FACE, 2005).

##### 4.3.5.1 Licences

- Every hunter must have a hunting licence in order to hunt in Sweden.
- The licences are administered by the Hunting Registry, which is part of the Swedish EPA.
- The fee is 300 SEK (32 EUR) and is payable to the Wildlife Protection Fund, also administered by the EPA.<sup>17</sup>
- The Wildlife Protection Fund receives about 90 million SEK (9.5 million EUR) per year.<sup>18</sup>
- A proportion of that money goes towards the administration of the hunting registry and a proportion goes to the Swedish Association for Hunting and Wildlife Management for wildlife management projects (SAHWM interviewee).
- To get a hunting licence hunters must hold a hunting insurance policy, covering personal injury and third party liability, and they must pass the Swedish hunting exam, which is both theoretical and practical.
- The hunting licence can be revoked if the hunter has made a serious breach any of the rules relating to hunting or handling of firearms or if the hunter has been convicted for a criminal offence, e.g. drink driving.
- Foreign hunters are exempted from the requirement to pass the hunting examination and can obtain permission to hunt in Sweden with their own firearms (EPA website). All

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<sup>17</sup> At 15 June 2016 this equated to approximately £25, however, see footnote 1 on problem of converting to British pounds sterling in the period after the British referendum decision to exit from the EU.

<sup>18</sup> At 15 June 2016 over £7 million (see note above).

hunters, including foreign visitors must pay the annual licence fee, regardless of the length of their visit.<sup>19</sup>

#### 4.3.5.2 Seasons

- Seasons, within the national parameters, are set for game species in each local municipality, based on local population data, and overseen by the EPA.
- SAHWM maintain an up-to-date online database of hunting seasons for all game species.<sup>20</sup> It specifies seasons for each species for each municipality and includes any special rules in place for that species, e.g. restrictions on times of day when species can be hunted.

#### 4.3.5.3 Restrictions on harvest

- In general, an unlimited number of individual animals can be taken during the general hunting season.
- On state owned land, however, limits are imposed on hunters. (State owned land accounts for almost fifty percent of land, particularly in northern Sweden).
- On state owned land, hunting quotas are, in effect, set for species via the permit system. Hunting permits are based on an open access system where hunters can buy short term hunting permits to hunt on state land on a daily basis. Hunting on state owned land is subject to locally imposed conditions, which are based on monitoring data for game populations. As per Maria Hörnell-Willebrand, Head of Wildlife Assessment at the Swedish EPA:

*There is, in effect, a quota system for state owned land. We don't set a bag limit on the number of birds that can be shot, but we regulate hunting on effort. For example, for harvest management for rock ptarmigan and willow grouse on state owned land in Sweden, the use of bag size as an index of population change depends on the assumptions that hunter effort and catch per unit effort (CPUE) do not vary independently of abundance (CPUE = number of ptarmigans shot per hunter per day). The current management system for willow grouse harvest on state land in Sweden is based on a threshold for maximum harvest rate, and a crude relationship between effort and harvest rates. There is a daily bag limit of 8 grouse per hunter, but the limit is only reached by < 2% of the hunters. It is possible to close a management area when the effort has reached 3 accumulated hunting days per km<sup>2</sup>, but this has only been put into effect a few occasions. Most of the harvest and effort occurs in the first ten days of the season (that starts the 25th of August and continues to the end of February in the southern part of the mountain range and to 15th March in the northern part), and hunters usually hunt individually or in small groups, independent of other hunters in the area. CPUE declines throughout the open season, which is probably explained by brood break up and dispersal as well as declining weather conditions rather than a seasonal decline in abundance of grouse. (pers. comm. May 2016).*

- In addition, bag limits can be implemented “for ethical reasons” (EPA interviewee). Such restrictions are currently in place for black grouse, ptarmigan and capercaillie.
- On privately owned land, for each hunting area, hunting associations may set their own quota, but there is no state intervention.

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<sup>19</sup> While it was not possible to determine the number of hunting tourists visiting Sweden each year, it has been reported that there are 260 hunting tourism companies operating in Sweden, suggesting that the number of hunting tourists is not insignificant (Matilainen and Keskinarkaus, 2010).

<sup>20</sup> Available at <https://jagareforbundet.se/jakten/jakt/> [Accessed 13 July 2016].

#### 4.3.5.4 Monitoring of Game

- The EPA carries out rigorous, annual monitoring of wildlife on state owned land and there is cooperation between volunteer hunters and with the SAHWM.
- The EPA sees the hunters as a free human resource for data gathering and they believe that this monitoring data is the most important tool for the protection and management of species (EPA interviewee).
- Information collected is used locally to adapt hunting practices and at national level to capture changes in population, which can be used to alter the seasons or implement specific management measures.
- In addition, hunters on state owned land must report their bag data for each day. Failure to report will lead to the hunter being excluded from hunting on state land in the future. In general, most hunters comply with this requirement (EPA interviewee).
- SAHWM has an important role in game monitoring for all species, including ungulates, lynx, wolf, bear and bird species. Hunters voluntarily collect data from the hunt. SAHWM's department for hunting and fauna collate and analyse the data. SAHWM take the view that this monitoring is useful to hunters and is beneficial to wider national and local conservation objectives in the public interest. It aims "to continuously improve its monitoring procedures in order to gain a better knowledge of large carnivore populations and to ensure efficient management of ungulates and a good index of all other game species" (SAHWM website, 2016).
- SAHWM describes itself as "the oldest nature conservation organisation" and its aims include "good wildlife conservation, sustainable management and world leading wildlife monitoring" (SAHWM website, 2016).

#### 4.3.5.5 Compliance and enforcement

- The minimum sentence for serious instances of illegal hunting (e.g. hunting outside the hunting season or receiving illegally hunted animals) is six months imprisonment. The maximum sentence is four years imprisonment.
- Sweden has specialised Environmental Courts and a Supreme Environmental Court. In addition, there are about 20 specialised environmental law prosecutors in Sweden, working at the Unit for Environmental crime, established in 2009. Criminal enforcement is handled by the police, the public prosecutor and the general courts.
- 'Nature wardens' are mandated, under the Environment Code, to supervise compliance with the rules relating to species and habitat protection and hunting under the Environmental Code.
- Nature wardens may confiscate hunting and fishing tackle, means of transport and other objects that may be relevant to an investigation of an offence. The warden then informs the police, as quickly as possible, and the items confiscated are treated as if the police had collected it themselves (Bio Intelligence Service, 2011).

#### 4.3.6 *Pros and cons of Swedish approach*

- There is strong public support for hunting, particularly as a necessity for wildlife management and in providing food (Sandström, 2012).
- As is the case in other EU countries, in relation to the illegal killing of birds, it is difficult to enforce the law. The Swedish authorities, therefore, focus on effective monitoring and responsive regulation on state owned land (Swedish EPA interviewee).
- Although game bird hunting on privately owned land is not regulated or monitored, most upland game bird hunting takes place on state owned land and is, therefore, strictly regulated.

- Hunters are actively engaged in species monitoring, both from the hunt and from volunteering for survey work.
- Hunters are perceived as an asset by the EPA, providing a free resource for data collection (EPA interviewee).
- Hunting seasons are set nationally, but implemented differently in each area, dependent on local populations.
- Hunters are pleased that the funds raised through the hunting licence fee are “reinvested” in the management of game species via SAHWM projects (SAHWM interviewee). Approximately 55 million SEK (over 5.7 million EUR) was returned to SAHWM last year in this way (SAHWM interview).
- Hunting bodies also receive government funding to provide training and awareness-raising activities.
- The system of licensing hunters and maintenance of the register of hunters enables recent changes to the law to be communicated to the hunters.
- It is useful to maintain a record of the number of hunters as a record of the pressure of hunting on wildlife (EPA interviewee).
- The hunting exam ensures that hunters have a minimum amount of training on wildlife management and nature conservation.
- Although revocation of the licence can be used as a punishment for over-exploitation of species or for illegal killing of species, it is very rarely used in this way because it is too difficult to gather sufficient evidence (EPA interviewee).
- However, the specialised environmental law prosecutors and specialised environmental courts in Sweden have been identified as good practice at EU level in tackling the illegal killing of birds (Bio Intelligence Service, 2011).

#### 4.4 Norway

**Table 7. Summary information for Norway<sup>21</sup>**

<b>Population</b>	<b>5 million</b>
<b>No. of (active) hunters</b>	264,000
<b>No. on Register of Hunters</b>	479,000 (9.58%)
<b>Land area</b>	323,787 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	9.1%
<b>Licence required</b>	Yes
<b>Licence fee</b>	34 EUR (316 NOK)
<b>Annual licence income</b>	9 million EUR
<b>Two-part exam</b>	Yes

Although Norway is not part of the EU it is a signatory to the Bern Convention and, therefore, the legal frameworks for the protection of species and habitats and for hunting are broadly comparable to EU countries. Hunting is popular in Norway and there are about 479,000 registered hunters.

Bird species hunted include black grouse, hazel grouse, capercaillie, pheasant, willow grouse and ptarmigan.<sup>22</sup>

<sup>21</sup> Sources for this table are as follows: population, UN Data, 2016; number of hunters, Norwegian Hunting Register, 2016; land area, UN Data, 2016; protected land area, UN Data, 2014.

Norway is interesting because similar game birds are hunted to those in Scotland, with grouse hunting on state owned uplands being particularly popular. Although hunting on state owned land is strictly regulated, there are concerns about the impact of hunting on certain game species. Grouse, in particular, is the most popular game bird in Norway with 90% of hunters taking grouse on state owned land (Statskog website, 2016) and “several hundred thousand people hunting grouse every year” (Birdlife Norway interviewee).

#### 4.4.1 Ownership and hunting rights

- Hunting rights attach to land ownership.
- Hunting is therefore only allowed if you have permission from the landowner, which may mean the state, a local authority or an individual.
- On state owned land, Norwegians and those resident for at least one year are permitted to hunt.
- Public lands account for 59,000 km<sup>2</sup>, roughly 20% of the mainland.
- *Statskog*, Norway’s state owned enterprise body, is Norway’s largest landowner and the largest lessor of hunting rights, with many people choosing to hunt there (*Statskog* website, 2016).
- Anyone who has resided in Norway for the past year (and remains resident) can hunt small game and wild reindeer on common land (Mustin, *et al.*, 2010).

#### 4.4.2 Legislative framework

- Under Norwegian law, all wildlife species, including their eggs, nests and lairs, are protected unless the legislation explicitly states otherwise.
- Nature Diversity Act (No.100 of 19 June 2009, Relating to the Management of Biological, Geological and Landscape Diversity (as amended)) - The purpose of this Act is to protect biological, geological and landscape diversity and ecological processes through conservation and sustainable use, and in such a way that the environment provides a basis for human activity, culture, health and well-being, now and in the future, including a basis for Sami culture (s.1).
- The objectives relating to sustainable use include maintaining species and habitat diversity (s.4), to maintain species and their genetic diversity for the long term and to ensure that species occur in viable populations in their natural ranges (s.5).
- All persons have a general duty of care to take all reasonable steps to avoid causing damage to biological, geological and landscape diversity (s.6)
- The Act provides that “official decisions that affect biological, geological and landscape diversity shall, as far as is reasonable, be based on scientific knowledge of the population status of species, the range and ecological status of habitat types, and the impacts of environmental pressures”, with the knowledge required in reasonable proportion to the nature of the case and the risk of damage to biological, geological and landscape diversity (s.8).
- Other principles of the Act include the use of the precautionary principle and the ecosystem approach (s.9 & 10). In addition, quality norms can be set for biological, geological and landscape diversity (s.13).
- Chapter III sets out the rules for species management.
  - All wildlife is protected unless provisions for the harvesting of that species are explicitly stated in legislation.

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<sup>22</sup> A list of huntable species and seasons can be found at Norway - Go Norway website , n.d. Hunting. Available at: <http://www.gonorway.com/norway/articles/hunting/180/index.html> [Accessed 13 July 2016].

- Harvesting may only be permitted when the best available documentation indicates that the species produces a harvestable surplus.
- In making decisions regarding permission to harvest and regarding harvesting methods, decision-makers must attach importance to the function of the species in the ecosystem and the effect the harvesting may otherwise have on biological diversity and to the significance of the species for hunting for food or recreation, local harvesting traditions and any damage that the species causes (s.16).
- Priority species are protected under s.24-26 and protected areas under s. 34-40. They include a requirement on local administrative authorities to put management arrangements with landowners in place, if possible (s.47), and for compensating landowners in certain circumstances (s.50).
- The Act requires anyone contravening its rules to take positive action to remedy it (s.69).
- The Wildlife Act (No.38 of 29 May 1981) (as amended)) sets out the regulations for the hunting and trapping of wildlife.
- Decision-making under this Act is now governed by the general principles set out in the Nature Diversity Act, which also governs the considerations that should be taken into account in deciding when an animal should be harvested.
- The Wildlife Act provides for the organisation of hunting areas, the hunting proficiency test, hunting, felling tax and the Wildlife Fund.
- Section 37 gives the Norwegian Nature Inspectorate authority to routinely check whether the rules for hunting practice are complied with, including the power to check that the hunter is carrying all the necessary paperwork, including the licence and permit. There is no requirement for reasonable grounds for suspicion that a criminal offence has been committed before these can be confiscated.
- Any person who violates the rules set out in the Wildlife Act, is punishable, as a rule by fines or imprisonment. Violation of the law or regulations may also provide a basis for imposing environmental damages.

#### 4.4.3 Institutional framework

- The Norwegian Environmental Protection Agency (EPA), under the Environment Directorate of the Norwegian government, is Norway's primary environmental agency and employs about 700 people.
- The Norwegian Nature Inspectorate is part of that agency, with employees at more than sixty local offices.
- The Directorate for State Forests and Land is responsible for hunting on state owned land and for the administration of applications for licences.
- Norway is divided into eight management regions or municipalities.

#### 4.4.4 Specific rules regulating game bird hunting

Hunting is strictly regulated (Norwegian EPA).

##### 4.4.4.1 Licences

- Hunters must pay an annual hunting licence fee (NOK 316 / 34 EUR) and must pass the hunting examination (*Jegerprøve*).
- The fee is payable to the Wildlife Fund (*Viltfondet*).
- A register of licence holders is maintained in the Register of Hunters.
- Approximately 479 000 hunters are registered on the Norwegian Register of Hunters.

- Licensed hunting in Norway authorises hunters to “the use of lethal control to kill a specific number of individuals of a given wildlife species, motivated by the desire to reduce conflict or depredation” (Norwegian Hunting Register, Game Act, s.12).

#### 4.4.4.2 Game bird management and seasons

- The Norwegian Environment Agency lays down hunting seasons for game bird species, but municipalities oversee implementation.
- Landowners may shorten the season if they wish (Mustin, *et al.*, 2010).
- For big game, the local municipalities issue quotas to landowners for the relevant species in their area.
- For game birds, there is no systematic national game bird management, however, game bird hunting is restricted on state owned land.

#### 4.4.4.3 Game bird management Harvest Quota

Hunting quotas are set by local municipalities, with the quota for the bird reflecting status of the local population.

#### 4.4.4.4 Reporting and Monitoring

All shot animals must be reported to the local municipality.

#### 4.4.4.5 Enforcement

- Police, game wardens, and representatives from the Nature Inspectorate or local hunting inspectors all play a role in the enforcement of the law.
- Sanctions for breaches of the Nature Diversity Act include fines or imprisonment up to one year. It provides for direct implementation of remedies by the competent authority, with the power to recover expenses. Gross contraventions of the Act may lead to imprisonment for up to three years (Chapter IX).

#### 4.4.5 *Pros and cons of the Norwegian approach*

- Norway has a strict legal framework for the protection of all wildlife under the Nature Diversity Act including a general duty of care to take all reasonable steps to avoid causing damage to biological diversity (s.6).
- The methods of hunting are strictly regulated under the Wildlife Act, which sets out the regulations for the hunting and trapping of wildlife.
- The state does not interfere with game bird management on privately owned land, yet it is regulated on state owned hunting land, which is a significant proportion of huntable land in Norway.
- Certain game bird species are under significant pressure. Willow grouse and ptarmigan are in need of greater protection because their numbers are declining (Birdlife interviewee). The Norwegian government is currently reviewing the season for these species (as part of its five-yearly review) and Birdlife is making representations to the government on this issue.
- Most upland land in Norway is state owned and there is, therefore, little incentive for intensive game management (including predator control) (Birdlife interviewee and Mustin, *et al.*, 2010).

## 4.5 Spain

**Table 8. Summary information for Spain<sup>23</sup>**

<b>Population</b>	<b>47 million</b>
<b>No. of hunters</b>	1 million (2.13%)
<b>Land area</b>	504,645 km <sup>2</sup>
<b>Huntable land</b>	89%
<b>Protected areas</b>	10.2%
<b>Licence required</b>	Yes
<b>Licence fee</b>	44.41 EUR
<b>Annual licence income</b>	Not available
<b>Two-part hunting exam</b>	Yes

Hunting (*caza*) is one of the most popular pastimes in Spain, and one of cultural and social importance, with approximately 1 million hunters (at one stage it was 1.4 million, but numbers have decreased in recent years). Hunting land includes national parks, national hunting reserves, national preserves, and numerous private game reserves. There are more than 30,000 hunting grounds which cover around 89% of Spanish territory (Díaz-Fernández, 2012).

Red-legged partridge and quail are among the most popular prey and driven shooting is commonplace for partridge shooting in particular.

There are 17 regions (Autonomous Communities) in Spain and they each have their own hunting regulations. They operate under devolved powers from the central regulatory body – the Ministry for the Environment. Different seasons are implemented in each region, however, there is a sole protocol for hunting licences and permits, which is examined here together with national policies in relation to bird crime.

Spain was chosen as a case study because it regulates hunting across private land and there is pressure to increase yield in relation to preferred game species (red-legged partridge) on managed estates. Further, Spain has taken the most proactive approach to responding to the problem of raptor persecution of any European Member State. Earlier research has suggested a direct link between the pressure on species over yield and levels of illegal predator persecution (Mustin, *et al.*, 2010,). Spain has the highest level of sanctions for bird crime in Europe and has implemented one of the most progressive national policies against bird crime with a multi-faceted approach to tackling these issues. From 2010-2014 more than 30 significant cases of bird crime were successfully prosecuted under the Life+ VENENO project in Spain (Life+ VENENO, 2016).

### 4.5.1 Ownership and hunting rights

- Hunting rights belong to the landowner, although the game itself is '*res nullis*'.
- It is permissible for the owner of land to hunt the game on his/her land, but the game itself does not belong to the landowner. Rather, it is regarded as a natural resource belonging to the country as a whole (FP7 Hunting, 2010).

<sup>23</sup> Sources for this table are as follows: population, UN Data 2016; no. of active hunters, fp7factsheet, 2012; huntable land, Fernandez, 2012; protected areas (land and marine), UN Data, 2014; licence fee, [www.juntadeandalucia.es](http://www.juntadeandalucia.es), accessed 2.8.2016 (This figure is the annual licence fee for Andalusia, 14.76 EUR, plus the charge for hunting partridge, 29.65 EUR. Further charges apply for hunting waterfowl. The licence fee differs per region, so this is merely representative.)

- In some areas the hunting right attaches an associated obligation to manage the game on the land. As these arrangements are maintained under regional law, it has not been possible to explore them further for the purposes of this study.
- Hunting Estates are either managed by the government (13%) or privately (87%) (Díaz-Fernández, 2012).
- In practice, most hunting land is privately owned and is, either managed by the owner or leased to a third party.
- When the hunting rights are leased to another person or body (and this is the most common arrangement in Spain), the management obligations are also transferred to that party.

#### 4.5.2 Legislative framework

- The legislative framework for hunting in Spain is found in:
  - Ley de caza 1/1970, de 4 de Abril Hunting Law 1/1970, of April 4
  - Decreto 506/1971, de 25 de Marzo, por el que se aprueba el reglamento para la ejecución de la Ley de caza de 4 de Abril de 1970 Decree 506/1971, of 25 March, approving the regulations for the implementation of the Law of hunting 4 April 1970 approved.
- The Birds Directive is implemented by the Law on Natural Heritage and Biodiversity No. 42/2007 and the Organic Law of 23th November 1995 (No. 10/1995).
- It is further implemented and built upon by laws developed by the autonomous communities.
- Much Spanish hunting legislation is created and enforced at regional level. Under the Spanish legal system, regional laws can never contradict state law, but may only complement it.
- The two principle national laws are the Organic Law and Law 42/2007.
  - Law 42/2007 on Natural Heritage and Biodiversity
  - Organic Law 10/1995 of November 23 of the Criminal Code (Offences relating to the protection of flora and fauna).

##### 4.5.2.1 Law 42/2007 on Natural Heritage and Biodiversity

- In 2007, the Spanish Government repealed the law of 1989 on the Conservation of Natural Areas and Wild Flora and Fauna and replaced it with Law 42/2007 on Natural Heritage and Biodiversity. This law was passed to increase the level of sanctions available for activities contravening Articles 5 and 6 of the Birds Directive.
- The fines applied under this law are on a scale according to the gravity of the offence (Article 52 of Law 42/2007),
  - Minor offences attract fines of 500 to 5,000 EUR,
  - Serious offences attract fines of 5,001 to 200,000 EUR,
  - Very serious offences attract fines of 200,001 to 2 million EUR,
  - Further, the legislation gives the Autonomous Communities the power to increase this maximum amount at regional level.<sup>24</sup>

##### 4.5.2.2 Law 10/1995 Organic Law

- The Organic Law of 23 November 1995 (No 10/1995) of the Penal Code prohibits the hunting of endangered species as well as activities that prevent or hinder their reproduction or migration, or destroy or severely alter their habitat, contrary to law or general provisions protecting wildlife species.

<sup>24</sup> Available at: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2007-21490](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-21490) [Accessed 2 August 2016].

- This Act provides for sanctions of:
  - imprisonment ranging from four months to two years;
  - disqualification from a profession or occupation; and
  - disqualification from exercising the right to hunt or fish for a period of two to four years.
- These penalties are used together to greatest effect.
- The penalty must be in the top half of the sanctions range if it is a listed species or subspecies in danger of extinction.
- In addition, this law also punishes the use of poison or other means or instruments of non-selective damage to wildlife. The penalty for this is:
  - imprisonment for between four months to two years;
  - disqualification from a profession or occupation for eight to 24 months; and
  - disqualification from exercising the right to hunt or fish for a period of one to three years.
  - If damage (killing or injury) was evident, the sentencing guidelines necessitate a sentence in the upper half of this range.

#### 4.5.3 Regulatory framework

The overseeing regulatory department is the Ministry of Agriculture, Food and Environment.<sup>25</sup>

#### 4.5.4 Specific game bird hunting rules

##### 4.5.4.1 Licences

- Hunting licences are issued by each of Spain's 17 Autonomous Communities, which publish their own hunting season calendars showing the specific times, species and areas where hunting is permitted.
- Licences are issued by the provincial or regional office of the Ministry of the Environment (*Ministerio de Medio Ambiente*).
- Most regions require applicants to pass an exam before they can obtain their first licence.
- Full details of the requirements of each of the Autonomous Communities to licensing can be found through the *Fecaza* website.<sup>26</sup>
- Monies collected through hunting licence fees are generally reinvested in the management, conservation, reforestation and monitoring of hunting and habitat.<sup>27</sup>
- Hunters also require a medical certificate obtainable from special clinics (*Centros de Reconocimiento Médico para Conductores y Armas todas las Categorías*), a firearm permit (*permiso de armas*) and third party insurance.

<sup>25</sup> Available at: <http://www.magrama.gob.es/es/> [Accessed 13 July 2016].

<sup>26</sup> Available at: <http://www.fecaza.com/caza/permisos/licencia-autonomica-de-caza.html> [Accessed 13 July 2016].

<sup>27</sup> For example, for Catalonia see, <http://www.agricultura.gencat.cat> [Accessed 13 July 2016].

**Table 9. Licence costs<sup>28</sup>**

**HUNTING LICENCES**

		<b>1 year</b> (EUR)	<b>3 years</b> (EUR)	<b>5 years</b> (EUR)	
<b>Firearm and other authorized procedures (A)</b>	older 18	14.76	44.28	73.80	
	minor 18	7.34	22.02	36.70	
<b>No firearm (B)</b>	older 18	7.34	22.02	36.70	
	minor 18	3.69	11.07	18.45	
<b>Big game hunting, waterfowl, partridge ojeo</b>	Firearm (surcharge basic A)	older 18	7.38	22.14	36.90
		minor 18	3.64	10.92	18.20
	No firearm (surcharge basic B)	older 18	3.64	10.92	18.20
		minor 18	1.87	5.61	9.35
<b>Claim Partridge (C2)</b>		29.65	88.95	148.25	
<b>Falconry (C1)</b>		40.92	122.76	204.60	

- Those over 65 are exempt from paying licensing fees.
- Temporary hunting licence: EUR 14.60.
- Exam fee: EUR 28.17.
- Training course for exam through an eligible entity: EUR 56.36 (maximum).

<sup>28</sup> For Andalucia:

<http://www.juntadeandalucia.es/medioambiente/site/pcp/menuitem.9d966dbc2efbd8ac5f4619105510e1ca/%3Fvgnnextoid%3D1ed0827dde8e4310VgnVCM100001325e50aRCRD> [Accessed 2 August 2016]

#### 4.5.4.2 Seasons

- The hunting season for small game runs from mid-October to early February and includes grouse, quail, ring dove, turtle dove, red-legged partridge, pheasant, duck, geese, bustard, water fowl and pigeon.
- There are large fines for anyone found hunting out of season.
- The seasons vary according to species and region and are decided upon by the Autonomous Communities.

#### 4.5.4.3 Game management

- Hunting estates need to have a five-year Hunting Plan by law, where species hunted and maximum harvested annual numbers are specified (as well as management techniques to be implemented).
- Hunting societies or managers may implement self-imposed restrictions on hunting pressure, for example, during poor years, by reducing the number of hunting days, the number of animals harvested, and the number of hunting hours per day.
- However, the basis for this appears to be subjective (based on the opinion of gamekeepers) and not based on a quantitative evaluation of the shooting surplus (Mustin *et al.*, 2010).
- Numbers shot each year need to be declared to the regional government to compile annual statistics.

#### 4.5.4.4 Monitoring

- The Ministry of Environment is responsible for coordinating all the monitoring activities and has to collect and report data to international bodies.
- The Regional governments monitor the enforcement of the legislation for the protection of wildlife.
- Special units have been developed within the branches of the Environmental Police in Castilla la Mancha, Catalonia and Andalucia to monitor raptor persecution.

#### 4.5.4.5 Enforcement

- Two main services carry out the investigation and prosecuting of the illegal activities: at the national level, the Service of Nature Protection of the Civil Guard (SEPRONA) works in collaboration with the administrations and NGOs and directly report their findings to judicial bodies; and, at the regional level, the environmental agents have the same competence as Civil Guards in the investigation of the noncompliance with the law (Bio Intelligence Service, 2011).
- Once investigated, the prosecution of these cases can be carried out by SEPRONA as it is a police body.<sup>29</sup>
- In the Spanish legal system, all persons are innocent until proven guilty (the burden of proof has not been shifted as it has in some other countries), yet prosecutions have still been successfully brought. One explanation for this is that the law expresses well what is not allowed (for example, possession, selling, etc.) (Bio Intelligence Service, 2011).
- Local, regional and national police can also take care of these tasks. They can apply administrative economic sanctions. These are set out in full in the recent report *Illegal*

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<sup>29</sup> Initially many of the prosecutions relating to raptor poisoning were private prosecutions carried out under the Life+ VENENO project (see below) in order to secure the development of case law and the establishment of precedents in relation to bird crime sentencing and fines.

*Use of Poisoned Baits* (March 2016) where attention is drawn to the provisions in Castilla La Mancha and Andalucía.<sup>30</sup>

- In some regions there are also provisions within Spanish Law to hold tenants of land vicariously responsible for wildlife crime which takes place on their land.
  - In Castilla La Mancha, by article 22.2 of the Nature Conservation Law 9 of 26 May 1999, (*Ley de Conservación de la Naturaleza*) of Castilla La Mancha:

*It is the responsibility of the tenure holders of hunting grounds to establish necessary measures to prevent the existence or unauthorised placement therein of poisoned-baits in circumstances likely to damage wildlife. This obligation will fall on the leaseholder if there is document-based proof of the hunting ground being leased thereto.*

- This infringement is classed as serious in section 10 of Article 109 of the same law and Article 113.1 c) attaches penalties to the offence that range from 25,001 to 100,000 EUR plus the possibility of total or partial suspension of hunting on the land where the offence has taken place for a term ranging from six months to two years (SEO - Birdlife, 2016).<sup>31</sup>
- The land owners or tenants are also held legally liable, in effect, to find persecuted birds and communicate the find and the level of legal liability is proportionate to the level of control and supervision they have over the land.
- Punishments become lighter for any other people who might become cognisant of the acts (SEO/Birdlife, 2016).
- As well as having the important function of deterrence, this legal provision is also designed to provide the government and its agents with vital information for the prevention of the use of poisoned baits. It ensures rapid inspection of the territory in question, reinforcing the obligations on the occupiers of the territory, obliging them to notice the appearance of poison and, after having discovered poison use, immediately bring it to the attention of the competent authority.<sup>32</sup>

#### 4.5.5 *The role of Life+ VENENO project*

- The Life+ VENENO project is a collaboration between the Spanish Birdlife NGO and the Spanish government (through the environmental police at regional level) and is aimed at openly tackling the Spanish problem of high levels of raptor persecution. It states that

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<sup>30</sup> The 'manual' for addressing the illegal use of poisoned baits was produced by Birdlife in March 2016. It is vital reading for any organisation seeking to address a Bird Crime problem and it details at great length monitoring and enforcement initiatives.

<sup>31</sup> The concept of vicarious liability is embodied in other areas of Spanish Law and it is therefore normal to continue it in relation to Bird Crime. It does not include any assumption of actual perpetration nor attach an action to any individual. Instead it penalises a failure by the tenure holder of the hunting ground to adopt the necessary measures to prevent the placement of poisoned-baits likely to harm wildlife [SEO/Birdlife, 2016]

<sup>32</sup> In Andalucía, the obligation of notifying poisoning episodes is in Article 16.3 of Ley 8/2003: Local authorities, the tenure-holders of hunting grounds or any other persons are bound to notify instantly any symptoms of animal diseases or contagious illnesses and also the appearance of poisoned-baits or animals affected by same [SEO/Birdlife, 2016]. In Navarre, Article 20.1 e) of the Navarre Hunting and Fishing Law 17/2005 (*Ley Foral de Caza y Pesca*) lays down the duties of the tenure holder of the hunting ground: The provision provides, for example, for suspension of hunting grounds NA-10.013 and NA-10.231, by decisions of the Director General of the Environment (Director General de Medio Ambiente) of 13 and 15 March 2013, on the grounds precisely that it is not believable that licence holders would be unaware of the poisoning due to the sheer notoriety thereof in terms of the great number of species affected, the easy localisation thereof, the continuity of the infringement, sometimes committed in frequented areas criss-crossed by people involved in other rightful activities of the hunting ground.

*Those who carry out this practice take advantage of the lack of awareness of the people in their local area and of rural remoteness to set poisoned bait (Life+ VENENO, 2012)).*

- The dual application of the 2007 and 1995 Laws has been key to the success of the Life+ VENENO Project.
- The project has created a multi-layered approach to respond to raptor poisoning.
- The project followed five technical objectives:

1. Adoption of action plans and protocols against wildlife poisoning

*It has been demonstrated that in those regions where there is a legal document which provides the basis for an action plan against wildlife poisoning, the number of poisoning incident is reduced (Life+ VENENO, 2012).*

Draft action plans were developed by workshops in the individual autonomous communities alongside consideration of any plans already in existence.

2. Direct action against the illegal use of poisoned bait, including, most importantly, a patrol of forest rangers specialised in following the relevant scientific methods used by the police.
  3. Raising public awareness of unacceptability of wildlife poisoning – A national campaign was developed in order to educate people in rural areas, where many knew that raptor poisoning was ongoing (and knew the perpetrators), but did not report it because they were unaware that it was a crime. A freephone number, SOS Poisoning, was created for reporting.
  4. Limiting access to legal toxic products and improving their use.
  5. Taking legal action in all serious poisoning incidents because “publicising the fact that a wildlife poisoner is being prosecuted has a very important deterrent effect amongst the other offenders in the region” (Life+ VENENO, 2012).
- There were a number of positive outcomes from the project:
    - It has afforded educational opportunities for regulatory and enforcement agencies, with 500 agents of the Spanish Environmental Police having been trained in tackling these crimes.
    - Evidence gathering units have been established. Particularly important amongst these have been the canine units trained to detect poisoned baits, even some time after any poisoning has occurred and the baits have been removed.<sup>33</sup>
    - Once evidence has been gathered, the Justice System has been able to make use of the increased powers for financial sanctions for breaches of civil law (2007), in conjunction with sentencing powers available under Spanish criminal law and powers to revoke hunting licences (1995).

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<sup>33</sup> Full information relating to the establishment of the canine units and their importance is at p.65 [http://www.lawyersfornature.eu/wp-content/uploads/2016/05/ILLEGAL-USE-OF-POISONED-BAITS\\_SEO\\_BirdLife\\_March2016.pdf](http://www.lawyersfornature.eu/wp-content/uploads/2016/05/ILLEGAL-USE-OF-POISONED-BAITS_SEO_BirdLife_March2016.pdf). There are many other projects of note now employing canine units to assist against Bird Crime across Europe, for example, the LIFE Neophron Project in Greece targeting Vulture persecution in Central Greece and Thrace [www.lifeneophron.eu](http://www.lifeneophron.eu) [Accessed 3 August 2016].

- Birdlife Spain are clear that it is all of these measures in unison that have led to the success of the project and the improvement in the position in Spain regarding raptor persecution.
- A recent prosecution example, from October 2015, saw a farmer convicted of laying out nine poisoned baits, poisoning six Spanish Imperial eagles and a fox (SEO/Birdlife Newsroom, 2016). His crimes were uncovered with the assistance of canine units used to search his land. He was sentenced to 18 months' imprisonment, a three-year disqualification from hunting following release from prison and a fine of 360,000 EUR (then £259,800) to be paid to the regional government for the estimated value of the six eagles.<sup>34</sup>

#### 4.5.6 *Some pros and cons of the Spanish approach*

- The Spanish licensing system does not generate as much money as the French system, despite the relatively high numbers of users of the system.
- The Spanish licensing system has not yet been utilised as a compulsory tool to collect information on bird numbers at a national level. It was not possible to obtain confirmation from the authorities as to how much it is used to this effect at a regional level.
- Spain has taken the most proactive legislative approach in Europe to the issue of raptor persecution.
- The environmental police have time and resources dedicated to the pursuit of this issue.
- The parallel initiatives of ANTIDOTO and Life+ VENENO have, together with a forked approach to sanctions (criminal and civil) available for infringements of the law, the education of the police and the development of the canine units, changed the landscape in Spain in relation to raptor persecution.
- Good cooperation between NGOs as well as between NGOs and police.
- It has taken considerable time, effort and a number of private prosecutions to establish sentencing precedents for the application of the legislation.
- The 'price per bird' approach attached to sanctions for the illegal killing of birds attaches a public cost to the sentencing of wildlife crime. Each species is valued, at regional level, according to its rarity or species vulnerability and by reference to the extent of public investment in the species (SEO Birdlife interviewee).<sup>35</sup>
- This has driven up the higher levels of sanctions for illegal killing and attracted public recognition of the national value of wildlife (SEO Birdlife interviewee).
- The positive approach being taken to the issue of raptor persecution is also attracting positive media attention to Spanish hunting (SEO Birdlife interviewee).

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<sup>34</sup> A very useful summary of the plan together with detailed protocols developed under the project is available at [http://www.venenono.org/wp-content/uploads/2013/10/Action-Plan-to-eradicate-the-illegal-use-of-poison-in-the-countryside\\_SEO\\_BirdLife.pdf](http://www.venenono.org/wp-content/uploads/2013/10/Action-Plan-to-eradicate-the-illegal-use-of-poison-in-the-countryside_SEO_BirdLife.pdf). [Accessed 22 November 2016]. Birdlife encouraged the cross-jurisdictional use of these protocols.

<sup>35</sup> These values are enshrined in regional laws, having been determined through consultation with hunters and conservation bodies at a local level.

## 5. OTHER EUROPEAN COUNTRIES

### 5.1 Poland

**Table 10. Summary information for Poland**<sup>36</sup>

<b>Population</b>	<b>38.6 million</b>
<b>No. of hunters</b>	106,000 (0.27%)
<b>Land area</b>	311,888 km <sup>2</sup>
<b>Huntable land</b>	91%
<b>Protected areas</b>	29.3%
<b>Licence required</b>	Yes
<b>Licence fee</b>	100 – 430 EUR <sup>37</sup>
<b>Annual licence income</b>	Not available
<b>Two-part hunting exam</b>	Yes

Poland's approach to hunting, is described as a "a special branch of social life" in "a country of rich hunting traditions" where "[hunting] combines... the protection of the native environment with the hunt, cultural, social-conventional and recreational qualities with educational and economic values" (Collection of Hunter's Ethical Principles (CHEP), adopted by the Supreme Hunters' Council on 6.6.1992).

Although only 0.27 % of the population hold hunting licences, Poland also attracts a range of hunting tourists from across Europe.

#### 5.1.1 Land Ownership

There is a fragmented structure of land ownership for hunting territory in Poland, however, all game living in the wild belongs to the Polish State. The hunting right does not belong to the landowner and can only be exercised by members of the Polish Hunting Union, the only national hunters' organisation. The country is divided into 5,250 hunting territories with a minimum area of 3,000 ha each. Much hunting land is privately owned and then leased to legally constituted clubs known as hunting circles (sometimes called hunting clubs/hunting management units). Hunting rights can then be transferred to these circles.

4,814 territories are thus rented out, whilst the rest are managed by the authorities. Boundaries are usually defined by natural geographical features. In Poland approximately 91% of the land is rented to clubs (FACE, 1995).

#### 5.1.2 Hunting Circles

- Circles have existed in Poland for more than 100 years and are considered to be one of the most important features of the Polish hunting management model (Myronenko, 2015). As of March 31, 2012 there were 2,536 hunting circles (Myronenko, 2015).
- Hunting circles form the structural and organisational basis of the Polish Hunting Union (PHU). All hunters must belong to the PHU (and pay membership fees to the PHU) even if they do not belong to a circle (Myronenko, 2015).

<sup>36</sup> Sources for this table are as follows: population, UN Data 2016; no. of hunters, FACE 2012; land area, UN Data 2014; huntable land, ENPI 2015; protected areas, UN Data 2014; licence fee, ENPI 2015.

<sup>37</sup> Costs associate with joining the hunting circle and hunters' union and licence fee cannot be separated out.

- The PHU also has a conservationist role and runs 16 research institution centres working in collaboration with the hunting wardens and gamekeepers from the circles (Myronenko, 2015).
- Each circle has a hunting season plan (Myronenko, 2015).
- Each hunting circle nominates its own management board which, by law, must include a gamekeeper (FACE, 1995).
- Hunting circles have an assumed responsibility for managing the land and can be penalised by law for unsatisfactory hunting management and violation of the law on hunting by having the right to use hunting grounds withdrawn.
- Membership fees and taxes are paid from the circle to a local fund. Hunters pay taxes for the meat of shot animals (Myronenko, 2015). Hunters must be actively involved in helping with at least one circle (parent circle), even if they are members of more than one circle. Members of the PHU collectively work in the hunting grounds for over 3 million hours per annum (Myronenko, 2015).

### 5.1.3 Legislative Framework

- Hunting management is regulated by a number of legislative acts and regulations including Law on Forests, Hunting, Nature Protection and the Protection of Wild Game Bird Animals.
- The hunting industry operates on the basis of the Hunting Law (13/1/1995 (as amended)).
- The Hunting Law is composed of 11 sections including: Principles of Hunting Management, Polish Hunting Associations, Hunting Guard, Hunting Damages and Criminal Provisions.
- Poland has a clear legislative framework for both hunting and the licensing of hunting and there is also a clear understanding that individual hunters are under a legal and societal duty to observe that framework (principle 2 CHEP).
- Hunters are also required to be “guided by the good of the native environment, its retention for the generations to come” and to “demonstrate attention to the natural environment of man and environmental balance” (Principle 3). Principle 6 requires hunters to constantly broaden their knowledge of ecology and hunting management and to stay up to date by reading hunting periodicals.
- The Birds Directive is mainly implemented through the Act on Nature Conservation of 16 April 2004, together with the Law on Hunting (Act of 13 October 1995) and Regulation on species of wild animals under protection of 28 September 2004.

### 5.1.4 Specific Rules on Hunting

- The rights and obligations of the hunters are set by the Charter of the Hunting Association, Gaming Rules (Myronenko, 2015).
- The local government set annual bag limits, but long term hunting plans and bag limits (3-5 years) are set by the Regional Forest Directorates in cooperation with the Polish Hunting Union at national level (Mustin, *et al.*, 2010).

#### 5.1.4.1 Licences

- A prospective hunter must (Myronenko, 2015; FACE 1995):
  - submit an application for a licence;
  - undergo an apprenticeship (in a hunting circle, lasting at least one year and including a 2 - 3 month course of lectures (Myronenko, 2015));

- pass the hunting exam, which includes training in species identification and biology, hunting culture and traditions, hunting legislation and rules of conduct and hunting safety. (The exam can be taken twice, but, in the case of failure, a candidate must repeat his training).
- If candidates are successful in the exam they can gain their licence (known as a permit in Poland) and become a member of the PHU. Importantly, to hunt in Poland you require, not only require a hunting permit (licence), but also, a firearms permit and a 'Game Shooting Permit', the latter of which indicates the species it is permissible to shoot, the bag limit and the territory (these are valid for one month) (Myronenko, 2015). It is a formal reporting document with a unique number and is duplicated (and a copy stored in the office of the relevant hunting circle) (Myronenko, 2015).
- Hunters must make a record in their log book not less than 24 hours before starting their hunt and must record the detail of their hunt (species shot, number of each species shot, etc.) in the same log book immediately after their hunt. A copy of their daily record must also be left at the hunting territory (as set out in the Polish Hunting Regulations, Chapter 4).<sup>38</sup>

#### 5.1.4.2 Regulatory Bodies

- Ministry of the Environment and the Ministry of Agriculture
- State Council for Nature Conservation and the Polish Hunting Union (PHU)
- A local governor represents the state at local level.

#### 5.1.4.3 Hunting Bodies

- Polish Hunting Union

#### 5.1.4.4 Monitoring

- Monitoring is detailed and takes place via the hunting circles, season plans, log books.
- Poland also operates a State Hunting Guard (SHG). The SHG has more rights than the police and other law enforcement agencies. The SHG is authorised to carry out inspections, without any court order of any private or public institution, residential unit, vehicle or any other facility (Myronenko, 2015).
- Poland have a 100% reporting rate to the EU's unified system for collecting hunting bag statistics.<sup>39</sup>

#### 5.1.4.5 Enforcement

At national level there are specialised independent hunting courts. At a local level there are disciplinary observers who consider hunting disputes, hunting, gaming and other internal PHU issues. These measures are all funded from the PHU budget (Myronenko, 2015).

#### 5.1.4.6 Costs

The PHU entry fee is about 290 PLN (£50), annual membership of the PHU is about 290 PLN (£50) and Circle entry fee is not more than 2500 PLN (£430).

<sup>38</sup> See <http://www.pzlow.pl/palio/html.wmedia? Instance=www& Connector=palio& ID=6060& CheckSum=1950784850>. [Accessed 20 July 2016].

<sup>39</sup> ARTEMIS [www.artemis-face.eu/about-the-database](http://www.artemis-face.eu/about-the-database). [Accessed 20 July 2016].

#### 5.1.4.7 Pros and Cons

- Clear legislative framework
- Legal and societal duty to understand legislative framework
- Duty to understand this is also a precondition of obtaining licence
- Understanding of environmental issues woven into training
- Reporting of numbers of birds shot
- Combination of collective sense of responsibility to report and carry out practical measures
- Duties on hunters to have an awareness of and engagement with game management practices as part of licence
- Significant opportunities to educate hunters
- Fees for membership of PHU, which include the cost of licence are used to educate hunters and fund monitoring and enforcement activities

## 5.2 Slovakia

**Table 11. Summary information for Slovakia<sup>40</sup>**

<b>Population</b>	<b>5.4 million</b>
<b>No. of hunters</b>	55,540 (1.03%)
<b>Land area</b>	49,035 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	36.6%
<b>Licence required</b>	Yes
<b>Licence fee</b>	120 EUR (5-year licence)
<b>Annual licence income</b>	c. 1,2 million EUR
<b>Two-part hunting exam</b>	Yes
<b>Nos of hunting tourists</b>	Not available

Hunting is seen as part of Slovakia's cultural heritage (Myronenko, 2015). Slovakia features in some detail in the Bio Intelligence Service report (2011) for failures in relation to bird crime. Bird crimes were reported, by the Slovak government, to be driven by a range of activities.<sup>41</sup> Amongst them, the Slovakian government reported that Slovakia has significant problems with the persecution of birds thought to reduce game yields. At present it simply does not have a clear enough legislative framework, nor the means to employ enough personnel to increase reporting of incidents and enforcement of the (relatively high) sanctions available as penalties against these crimes (Bio Intelligence Service, 2011).

#### 5.2.1 Land Ownership

- Wild animals and the right to hunt them belong to the state, regardless of who owns the land (FACE, 1995).
- Hunting grounds are rented for use by hunting groups. The level of rent is determined by the numbers of different species of animal observed to be on the land. The rent is paid to the owner of the land. In order to be able to lease the hunting grounds, a group needs to

<sup>40</sup> Sources for this table are as follows: population, UN Data 2016; no. of hunters, FACE, 2012; land area, UN Data 2014; protected areas, UN Data 2014, licence fee, ENPI 2015; annual licence income, Myronenko, 2015.

<sup>41</sup> Reported under the Bern Convention as part of the National Report of the Slovakian Government, June 2011.

sign an agreement with the landowners where the boundaries of the hunting grounds are located, and then to register the organisation with the governmental forestry body (regional representatives of the General Directorate of Forests of Slovakia) (Myronenko, 2015).

- The law stipulates that landowners cannot refuse to allow a hunting society group to use their land. If the landowner does not want to permit hunting on his/her land, he/she must fence in his/ her territory (Myronenko, 2015).
- A professional gamekeeper must be hired if the area of the hunting ground is greater than 3,000 ha. If land area is greater than 10,000 ha the gamekeeper has to have a higher special education.
- There are two Hunting Associations: the Slovak Hunting Union (1940) and the Slovak Hunters Chambers (2009). Both are headed by the same person elected by the Congress in Bratislava once every 5 years (Myronenko, 2015).

## 5.2.2 *Legislative Framework*

### 5.2.2.1 Nature and Landscape Act (No 543/2002)112

Section 4 of this Act, dealing with “general plant and animal protection”, prohibits capture and killing of wild animals, according to article 5 of the Birds Directive. Section 35 transcribes, in their entirety, Articles 5 and 6 of the Birds Directive. Section 36 includes the list of all the prohibited methods and means of killing, attaching fines of up to 23,000 EUR. Finally, section 42 also transposes Article 6 as it makes it mandatory to prove the origin of the protected species. If the individual cannot give this proof, he risks a fine of up to 33,000 EUR (Bio Intelligence Service, 2011).

### 5.2.2.2 Hunting Act (No 274/2009)

This Act implements articles 5, 6, 7 and 8 of the Birds Directive for game birds. Disturbance attracts a maximum fine of 300 EUR. If injured or killed game is found and if the hunting ground manager/user fails to investigate the cause of the death/injury when it is proven it was caused by illegal means, and the hunting ground manager fails to notify the relevant authorities, the user/manager can be punished by a fine between 5,000 and 15,000 EUR (Bio Intelligence Service, 2011).

### 5.2.2.3 Criminal Code (No 300/2005)

Under Article 305, a person who kills, injures, catches or moves protected species, or destroys their habitat may be imprisoned for up to two years. The sentence may be up to five years if the act was committed on a larger scale and up to eight years if it was committed by a member of a dangerous and organised group.

Article 310 punishes a person with imprisonment of up to two years if they:

- engage in game hunting without a permit,
- engage in game hunting during the closed season,
- use unlawful hunting methods,
- conceal, have in their possession, or transfer the game to another person.

This article is applicable only to game birds. The scale of this crime is not important. The offender is liable to a term of imprisonment of four to ten years if he commits the offence on an extensive scale (Bio Intelligence, 2011).

### 5.2.3 *Specific Rules on Hunting*

- Every hunter must be a member of the Hunters Chamber while hunting. Hunters belong to groups (*Zdruzenie*) and each group pays a contribution to the Union and the Chamber.
- A prospective hunter must:
  - undergo candidate training (taking at least two years and including a year of practical training (firearms, species biology, hunting practice and technique etc.) and a year of theoretical learning (on weekends) with exams at the end of training);
  - pay the cost of this training, which is organised by the Chamber, with lesson costs varying per region (around £500 - £1,000 per individual); and,
  - candidates must pass the practical and theoretical training exams at the end of the training (evidencing their knowledge of the hunting rules, shooting, hunting techniques, animal biology, first aid, hunting ethics and culture).
- If the hunter passes the exams he qualifies for a five-year hunting licence which gives him the right to hunt (120 EUR payable to the Hunters Chamber) (Myronenko, 2015).

#### 5.2.3.1 Regulatory Bodies

- Ministry of Agriculture and the Ministry of the Environment
- Slovak Hunting Society (SHS)
- Regional Forest Authorities and District Forest Authorities

#### 5.2.3.2 Hunting Bodies

- Slovak Hunters Union
- Slovak Hunters Chambers

#### 5.2.3.3 Monitoring

Before and after hunting members should make a log of the hunt in the register at the Hunting Club office where all data on planned hunts is recorded. Lack of relevant records results in severe penalties and even criminal liability for the hunter (Myronenko, 2015).

#### 5.2.3.4 Enforcement

Hunting grounds are nominally protected by police and government forestry employees. The police have the right to inspect hunters for hunting rule observance (Myronenko, 2015). In some areas there are hunting security guards, but these roles are voluntary (Myronenko, 2015).

#### 5.2.3.5 Costs

Hunting society groups contribute about 700 EUR to the chamber per group per year, in addition to the hunting licence fee, payable direct to the Chamber. Fees are payable by hunters to their groups and the size of these fees depends on the region (Myronenko, 2015).

### 5.2.4 *Pros and Cons*

- Problems with legislative framework - legislation is split between a number of different statutory instruments and a clearer legislative framework has been recommended.
- The Slovakian training for hunters provides the opportunity to educate to a high level but its potential is presently frustrated by the problems with legislation and with enforcement, particularly a lack of enforcement officials at ground level.

- As the legislation is not backed up with enforcement, efforts to improve understanding of the legislation through the licensing exam are not proving successful.
- There is a lack of funds apportioned to improving adherence to/policing rules.
- Little focus on understanding of environmental issues woven into training.
- Relatively high level of sanctions, particularly when sanctioning a land owner/manager for not reporting a wildlife crime and in the Criminal Code. Unfortunately, at present, the means with which to enforce the law are not available/engaged.
- Activities such as dissemination of promotional and educational materials, presentations and meetings with land users help to raise their awareness (and that of the wider public) and thus prevent illegal activities.
- There is cooperation between all responsible state authorities and NGOs to increase the effectiveness of prevention.
- The Slovakian model illustrates that licensing in itself is not enough. It also demonstrates the importance of collecting a reasonable level of funds through any licensing system (or making those funds available by other means) and reinvesting those funds in conservation, as well as the importance of clear legislation and a clear legislative structure if any effort to educate on those measures through a licensing exam is to be effective.

### 5.3 Finland

**Table 12. Summary information for Finland<sup>42</sup>**

<b>Population</b>	5.49 million
<b>No. of hunters</b>	300,000 (6.00%)
<b>Land area</b>	303,898 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	50,000 km <sup>2</sup> (15%)
<b>Licence required</b>	Yes
<b>Licence fee</b>	28 EUR
<b>Annual licence income</b>	8.4 million EUR
<b>Two-part hunting exam</b>	No (large game only)
<b>Revocation of hunting licence</b>	Yes

#### 5.3.1 Huntable species

Huntable game birds are predominantly black grouse, capercaillie, hazel grouse, willow grouse.

#### 5.3.2 Landownership and hunting rights

- Hunting rights belong to landowners.
- Similar to Norway and Sweden, much hunting is done on state owned land.
- *Metsähallitus*, the Forest and Park Service, is the state owned enterprise body that administers state land (120,000 km<sup>2</sup>).

<sup>42</sup> Sources: population, Statistics Finland, 2016; no. of hunters, Finnish tourist board; land area, Nordic Cooperation Official Website; protected areas (inc. percentage), Protected Planet, accessed 07.07.2016; annual licence income estimated by multiplying no. of hunters by the licence fee.

### 5.3.3 Legislative framework

- Hunting is governed by the Hunting Act (615/1993 as amended).
- Chapter 5 of the Hunting Act sets out detailed rules for the protection of animals and game management, including the use of derogations.
- Game species that can be hunted are listed in s.5.
- The Finnish Wildlife Agency establishes seasons.

### 5.3.4 Policy framework

Hunting must be practiced in accordance with the principles of sustainable use, so that game populations are not endangered, the natural environment is not unnecessarily damaged and the game populations as a whole are not put at risk (s.20).

### 5.3.5 Licencing and specific regulations

- All hunters must pay a game management fee (28 EUR), giving the hunter a Finnish 'hunting card', which is a licence to hunt (Finnish Wildlife Agency, 2013).
- Hunters must also have permission to hunt or rights to hunt.
- On state owned land, hunters can buy hunting permits for small game from *Metsähallitus*. These permit hunting from 1 to 7 days and are subject to a hunting quota and to reporting of the quarry bag.
- Approx. 40,000 licences to hunt small game on state land were sold in 2008 (Matilainen and Keskinarkaus, 2010).

## 5.4 Denmark

**Table 13. Summary information for Denmark<sup>43</sup>**

<b>Population</b>	5.6 million
<b>No. of hunters</b>	163,000 (3.30%)
<b>Land area</b>	43,000 km <sup>2</sup>
<b>Huntable land</b>	90 %
<b>Protected areas</b>	Not available
<b>Licence required</b>	Yes
<b>Licence fee</b>	Not available
<b>Annual licence income</b>	Not available
<b>Two-part hunting exam</b>	Yes

### 5.4.1 Huntable species

Grey partridge and released pheasant are the only commonly hunted game birds.

### 5.4.2 Legislative framework

- Hunting law is delivered through national, regional and local legislation.
- The main legislation is the Hunting and Wildlife Management Act (No. 735 of 2013).

<sup>43</sup> Sources for this table are as follows: population, Denmark.dk, the Official Website of Denmark, accessed 13 July 2016; number of hunters, FACE, 2008; land area, Denmark.dk; protected areas, 252 sites according to the Danish Nature Agency, however, no land area is given; huntable land FACE, 2008.

### 5.4.3 Institutional framework

- The Ministry of Environment and Food of Denmark establishes and regulates hunting seasons (Art.3).
- The Danish Nature Agency, *Naturstyrelsen*, is responsible for nature conservation and is responsible for renting out many state owned areas for hunting.

### 5.4.4 Policy framework

- It is possible to apply for subsidies for projects which benefit game, nature and hunting.

### 5.4.5 Licensing and specific regulations

- A hunting licence is required to hunt and hunters have to report their game bag to the Nature Agency.
- The hunting licence is valid for five years.
- In order to get a licence, hunters must pass the hunting examination (with theory and practical components), get a character reference from their local police authority and take out hunting insurance.
- Visitors or foreign tourists can apply for a temporary Danish hunting licence.

## 5.5 Estonia

**Table 14. Summary information for Estonia<sup>44</sup>**

<b>Population</b>	1.3 million
<b>No. of hunters</b>	15,000 (1.15%)
<b>Land area</b>	45,227 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	7900 km <sup>2</sup> (18%)
<b>Licence required</b>	Yes
<b>Licence fee</b>	14 EUR
<b>Annual licence income</b>	210,000 EUR
<b>Two-part hunting exam</b>	Yes
<b>Revocation of hunting licence</b>	Yes

### 5.5.1 Landownership and hunting rights

The right to hunt attaches to land.

### 5.5.2 Legislative, policy and institutional framework

- Hunting policy and legislation is set by the Forestry Department of the Ministry of Environment.
- Hunting is regulated through the Hunting Act of 2013.
- Hunting boards were established for each county to undertake the management of hunting areas and to determine how many animals can be shot, and at which age and gender.

<sup>44</sup> Sources: population on 1 January 2016, Statistics Estonia, 2015; number of hunters, Estonia Hunting Society, 2015; land area, Gateway to Estonia Official Website protected areas, Statistics Estonia, 2015; annual income from licences is an estimate based on number of hunters, Estonia Hunting Society, multiplied by licence fee.

- The hunting boards are comprised of representatives of land owners, hunters and the state.
- Hunting districts must have an area of at least 5,000 ha (§ 5).

### 5.5.3 *Licensing and specific regulations*

- A system of licensing individual hunters is in place for hunters of large and small game. Hunters must pay an annual fee (although, a landowner is entitled to a licence free of charge for hunting small game on their own land) (§ 40(1), (2), (4)).
- Foreign visitors can apply for a temporary licence for visitors. The Estonian Hunting Society estimate that 3-4000 hunters visit Estonia each year.
- The licence will state the hunter's name and address, the land on which they are permitted to hunt and the game species they may hunt (§ 40(8)).
- A practical and theoretical hunting exam is a prerequisite. It is administered by the Estonian Hunters Association, which has been delegated a number of hunting responsibilities.
- Licences can be revoked in broadly defined circumstances (§9(3), §20(2)).
- Harvest quotas are not set for small game, except by the landowner or by the hunting district user.
- Monitoring and data collection must be carried out in hunting districts by the user (§ 21(2)).
- Monitoring data must be reported annually by the appointed state agency, and made publicly available (§ 21).
- The monitoring report shall contain a description of the condition of game populations, change in populations, forecast of game populations and risk factors, recommended harvest quota and structure (§ 21(4)).
- If the results of the monitoring report show that the favourable conservation status of the species is endangered, or if the increase in the population of the species has caused a significant negative impact to the environment or a danger to the health or property of humans, an action plan shall be prepared in accordance with § 49 of the Nature Conservation Act (§ 21(6)).

## 5.6 Latvia

**Table 15. Summary information for Latvia<sup>45</sup>**

<b>Population</b>	1.9 million
<b>No. of hunters</b>	25,000 (1.3%)
<b>Land area</b>	62,249 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	Not available
<b>Licence required</b>	Yes
<b>Licence fee</b>	Not available
<b>Annual licence income</b>	Not available
<b>Two-part hunting exam</b>	Yes
<b>Revocation of hunting licence</b>	Yes <sup>46</sup>

### 5.6.1 Landownership and hunting rights

- The hunting rights in Latvia belong to the landowners, but may be leased.
- It is permitted to hunt on your own land or on licensed hunting grounds organised into hunting units.
- Approximately half of forest land is owned by the state, and is rented out to hunting clubs or private individuals.

### 5.6.2 Huntable species

Huntable bird species include capercaillie, black and hazel grouse, wood pigeons, pheasant and a number of species of ducks and geese.

### 5.6.3 Legislative and institutional framework

- The Latvian Hunting Law (newly consolidated legislation) and related regulations make up the legal framework for hunting and game management. It is based on the principle of sustainable utilisation of natural resources, ensuring:

*management of the population and habitat of hunting animals and the natural resources related thereto in such a way as to protect the biological diversity and renewal ability of hunting resources, ensuring hunting resources for future generations, as well as promoting the protection of game animals, taking into account economic, social and environmental interests and without endangering the implementation of nature protection measures in the distribution territory of game animal species (Hunting Law, s.1(6)).*

*Hunting resources shall be used so as to ensure the protection and preservation of the population of game bird species... Resources of game bird species shall be used so as to ensure that bird hunting does not endanger the implementation of nature protection measures in the distribution territory of such species. The principles of reasonable use and ecologically balanced control of game animals, the size of*

<sup>45</sup> Sources: population, Central Statistical Bureau of Latvia; no. of hunters, Latvian Ministry of Agriculture, 2016; hunting tourists, Ministry of Agriculture, 2016.

<sup>46</sup> This point is not entirely clear from the Latvian Hunting Law. It appears that the hunter's licence and seasonal permitted can be confiscated on the spot for enforcement purposes and certainly can be withdrawn temporarily (s.27(2)). In addition, these "shall not be issued" if the bag reporting requirements are not met (s.22(5)) and this would, presumably, apply to the necessary annual renewal of these documents. Taken together these amount to effective revocation.

*population of game animals, including migrating birds shall be observed in hunting practice (State Forest Service, 2016).*

- The State Forest Service (SFS), under the Ministry of Agriculture, is the main hunting authority in Latvia. It comprises a central office and regional district offices.
- Hunts in Latvia only take place within a hunting sector, according to a hunting sector schedule or plan, approved by the SFS.
- The SFS is responsible for hunting licences and permits, observes compliance with the law, co-ordinates the activities of advisory bodies on game management, approves maximum cull limits and sums up cull data.
- The SFS Hunting Department and forest district offices issue around 25,000 hunters' licences per year (Latvian Ministry of Agriculture, 2016).

#### 5.6.4 *Licensing and specific rules*

- All hunters must have a hunting licence and a seasonal card in order to hunt.
- Fees raised in this way go into a Game Animal Management Development Fund
- All hunters must pass a practical and theoretical hunting proficiency test. The test covers aspects of hunting and game management (s.14).
- *Mednieki*, a database of hunters, is maintained, which is publicly accessible, comprising information on the hunter and his certificates issued, annulled, suspended or withdrawn.
- The Latvian authorities estimate the size of wildlife population and ensure the protection of game animals.
- The protection involves habitat conservation and setting bag limits for some species according to population estimation data (s.20). Bag limits are set for game species where the SFS determine that, according to population estimates, taking must be limited. Such limited species include black grouse and capercaillie.
- Taking limited game is only allowed with a permit from the SFS, in addition to the hunting licence, and after an animal is killed or wounded, the permit card must be marked accordingly and returned to the SFS.
- For unlimited game species, hunters must record their bag and submit it at the end of the hunting season (s.22(4)).<sup>47</sup>
- If these reporting requirements are not met, a new hunting licence, seasonal card and permits shall not be issued (s.22(5)).
- Game birds may also be hunted out of season, under a general derogation, including for prevention of damage to property, if there is no alternative solution (s.3(6)).
- Foreign visitors, around 1000 per year (Latvian Ministry of Agriculture, 2016), need the equivalent of a hunting licence from their country of origin and a visitors hunting permit for Latvia (s.16).

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<sup>47</sup> Latvian statistics on game taken are available at <http://www.csb.gov.lv/en/statistikas-temas/metodologija/number-game-animals-and-game-animals-bagged-during-hunting-season-38308.html>. Accessed 13 July 2016.

## 5.7 Romania

**Table 16. Summary information for Romania<sup>48</sup>**

<b>Population</b>	19.3 million
<b>No. of hunters</b>	Not available
<b>Land area</b>	238,391 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	Not available
<b>Licence required</b>	Yes
<b>Licence fee</b>	Not available
<b>Annual licence income</b>	Not available
<b>Two-part hunting exam</b>	No
<b>Revocation of hunting licence</b>	Yes

### 5.7.1 Huntable Species

Upland game birds include pheasant, grey partridge, common quail and hazel grouse.

### 5.7.2 Legislative framework

- The Law on Hunting 407/2006 (updated 2011) and associated regulations (including the Government Emergency Ordinance no. 57/2007 on the regime of protected natural areas, conservation of natural habitats, wild flora and fauna) set out the Romanian framework for sustainable hunting.
  - Schedule 1 lists huntable game species.
  - Schedule 2 lists birds and mammals of hunting interest whose taking or killing are prohibited.
- In principle, resources are to be managed with a view to conserving biodiversity, maintaining ecological balance, regulating hunting and satisfying other social and economic needs.

### 5.7.3 Institutional framework

- Hunting is divided into hunting units of not less than 5,000 ha in lowland areas and 7.5 - 10,000 ha in upland areas. These are managed by hunting organisations affiliated to the General Association of Sporting Fishermen and Hunters of Romania, the National Self-Managed Forest Company (NSFC), and scientific research units (Romanian National Association of Sporting Fisherman and Hunters, n.d.).
- The central forestry authority has a broad list of duties, including setting the national hunting strategy, establishing criteria for the assignment of management contracts and relative fees, setting annual harvest quotas, establishing open and closed seasons, supervision and the organisation of poaching control.
- The National Hunting Council is an advisory body whose duties include making legislative proposals regarding hunting, as well as transmitting information to the public at large.
- Game management plans for a ten-year period are drawn up for each hunting area (Article 17).
- These will include no-take zones (Art.20).

<sup>48</sup> Sources: population, land area, UN Data, 2016.

#### 5.7.4 Licencing and specific regulations

- There is a hunting licence system (Art.28). Hunters must: be 18 or over; have completed a one-year hunting internship or training; have attended at least one lesson at a shooting range; have passed the hunting exam; and must not be ineligible due to conviction for a criminal offence listed under the Hunting Law.
- The hunting licence can be revoked if the holder commits a criminal offence and this fact will be made public in the Official Gazette of Romania (Art.30).

## 5.8 Hungary

**Table 17. Information for Hungary<sup>49</sup>**

<b>Population</b>	9.8 million
<b>No. of hunters</b>	55,000 (0.56%)
<b>Land area</b>	93,024 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	22.6%
<b>Licence required</b>	Yes
<b>Licence fee</b>	Not available
<b>Annual licence income</b>	Not available
<b>Two-part hunting exam</b>	Yes

Hungary has a particular reputation as a provider of large game trophies but more than 500,000 pheasants are also harvested annually (Myronenko, 2015). Hungary approves 25,000 foreign permit applications annually (Myronenko, 2015) although there is no data available as to how many of these are solely for game bird hunting or how much income derives from them annually. The figure is significant because there are half as many hunting tourists visiting Hungary each year as there are resident hunters, which is not a situation which appears in any of the other countries studied.

#### 5.8.1 Land Ownership and General Background

- Wild animals and the right to hunt them belong to the state, regardless of who owns the land (FACE, 1995).
- Hunting grounds are rented for use by hunting clubs and the minimum area for hunting management purposes is 3,000 ha.
- A professional gamekeeper must be hired if the area of the hunting ground is greater than 3,000 ha (or 500 ha for forested land).
- In Hungary ten-year game management plans are coordinated by the “*Komitatsbehorden*” within the Agricultural ministry, and their implementation is monitored by the hunting authorities (FACE, 2004a).
- There are 715 Hunting Organizations (clubs) with their own land and 400 without land.
- Hunting rights may be assigned to hunting clubs that rent ground by the state for different periods. 83% of hunting clubs have grounds provided by the state and 17% hunt under state supervision (Myronenko, 2015).

<sup>49</sup> Sources for this table are as follows: population, UN Data 2016; no of hunters, FACE 2010; land area, UN Data 2014; protected areas, UN Data 2014.

### 5.8.2 *Legislative Framework*

Act on Nature Conservation (ANC) (No 53/1996) implements Article 5 of the Birds Directive. Governmental Order No 33/1997 provides the list of the sanctions for the activities prohibited in the ANC and Act No 159/1997 deals with more specific issues on the Hungarian ranger service.

Governmental Order on Trading, Keeping, Utilising or Exhibiting Protected Species of Animals No 348/2006 implements Article 6 of the Birds Directive.

Act No 55/1996 on the Protection of Game, Game Management and Hunting implements Article 5 and Article 8.

Act No 4/1978 of the Criminal Code identifies crime against nature and the environment and details some sanctions. Under Article 281, it is a crime to illegally acquire, possess, trade with, bring into the country, take out of the country, transit through the country, damage or destroy any specimen of a strictly protected species. Punishment is by imprisonment up to three years and in qualified cases (destruction of large number of specimens, whose monetary value reaches 7,300 EUR) up to five years.

### 5.8.3 *Specific Rules on Hunting*

A prospective hunter must (Myronenko, 2015):

- take a training course; and
- sit an exam, with theory and practical components, organised by the State Examination Board.

### 5.8.4 *Regulatory Bodies*

- Ministry of Agriculture
- Ministry of the Environment and Water Resources
- Ministry for Rural Development (Park Directorates)
- Regional Authorities and Hunting Inspectorates

### 5.8.5 *Enforcement*

All gamekeepers have a police ranger status and are registered. They have identifiable badges and have the right to stop and inspect vehicles for illegally harvested game (Myronenko, 2015).

### 5.8.6 *Pros and Cons*

- Hungary has some means by which to enforce its legislation (police ranger service), regional authorities and hunting inspectorates, but at present the level of sanctions within their legislation is low.
- Hungary has an admitted, but presently unaddressed, problem with raptor persecution (Bio Intelligence Service, 2011).

## 5.9 Bulgaria

**Table 18. Summary information for Bulgaria<sup>50</sup>**

<b>Population</b>	7.1 million
<b>No. of hunters</b>	110,000 (1.55% population)
<b>Land area</b>	111,002 km <sup>2</sup>
<b>Huntable land</b>	Not available
<b>Protected areas</b>	31.5%
<b>Licence required</b>	Yes
<b>Licence fee</b>	Not available
<b>Annual licence income</b>	Not available
<b>Two-part hunting exam</b>	Yes

### 5.9.1 Land Ownership and Hunting Rights

There are 30 state owned territories for hunting in Bulgaria (listed in the National Law) and more than 2,000 territories owned or leased by hunting clubs and private hunting grounds.

### 5.9.2 Regulatory framework

Hunting in Bulgaria is regulated by the Law for Hunting and Protection of Game.

### 5.9.3 Licences

A licence is required to hunt. Applicants must undergo a number of tests (theoretical and practical) before obtaining a permit for possession of a weapon and a permit to hunt. It is illegal to hunt without a valid licence. Weapons licences must be renewed every three years and hunting licences must be renewed each year.

There are two types of hunting licence in Bulgaria:

- hunting licence for general hunting; and,
- hunting licence for selective hunting (for shooting big game or shooting in breeding farms). A licence for general hunting is required before obtaining a licence for selective hunting.

Applicants for a hunting licence in Bulgaria must be at least 18 years old, hold an invitation from a local hunting club and pass the required theory and practical exams.

The process for obtaining a hunting licence in Bulgaria is:

- obtain an invitation from a local hunting club;
- register for a course in hunting;
- on completion of the course, successfully pass the theoretical and practical exams;
- once the exams are successfully completed, receive two documents - a membership card from the local hunting club and a permit to hunt in Bulgaria by the local office of the State Forestry Agency; and, finally,
- file an application at the Control of Hazardous Weapons Department of the local police station for two permits - a permit for purchasing a hunting weapon and a permit for possession of a hunting weapon.

<sup>50</sup> Sources for this table are as follows: population, UN Data 2016; no of hunters, FACE 2010; land area, UN Data 2014, protected areas, UN Data, 2014.

#### 5.9.4 *Hunting examination*

The general hunting exam includes a theoretical section which tests: the hunter's knowledge of wildlife (species biology, protected species and their way of life etc.), knowledge of laws and legal regulations, knowledge of game breeding, knowledge of hunting (techniques, group hunting, vocabulary, etc.), knowledge of weapons and munitions, knowledge of hunting dogs and proper use of dogs, knowledge of game diseases and knowledge of first aid techniques. The practical exam is a test of shooting skills.

#### 5.9.5 *Foreign hunters*

There is a different licensing system in place in respect of foreign hunters. The State Forestry Agency issues and renews licences to foreign applicants who hold a long-stay visa. The following documentation is required:

- a completed application form;
- identification documents;
- a hunting licence issued in Bulgaria or the applicant's country of origin (if applicable);
- a photograph of the applicant;
- a receipt for paid fees.

Foreigners, who have come to Bulgaria for individual or group hunting of small game, are allowed to stay from three to seven consecutive days on a particular hunting area. Each group of foreign tourists hunting in Bulgaria must be registered in the hunting area. The information is then recorded in current protocols.

#### 5.9.6 *Game birds*

- A fee is paid for each bird shot (for example: coots, corvids and starlings: 1 EUR; ducks: 6 EUR; geese: 25 EUR; quail and turtle dove: 5 EUR and woodcock: 25 EUR).
- Local rules allow hunters to kill up to 15 quails and up to 10 woodpigeons, doves, collared dove, woodcocks and snipes.
- Some species can be hunted throughout the year, regardless of the type of licence held; these include predators such as: wolves, foxes, jackals, stone martens and polecat. In general, most game birds can be hunted from the beginning of October until the end of January.

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## ANNEXES

### ANNEX 1: FRENCH HUNTABLE SPECIES AND SEASONS<sup>51</sup>

Open Hunting Season	Legally huntable species	Notes
<b>September until 28 February</b>	Sedentary game species: northern bobwhite, rook, carrion crow, common starling, common pheasant, Eurasian jay, hazel grouse, rock ptarmigan, rock partridge, red-legged partridge, grey partridge, black-billed magpie, black grouse (adult male) and western capercaillie (adult male)	Exact dates are annually fixed at the departmental level  Pheasant and partridge species have a reduced period in several departments (from the legal opening to November/December)
<b>Beginning of August/September-until 31 January/20 February</b>	<b>Migratory game species</b>	Exact dates for each species are fixed by Ministry decrees
	<b>Waterbird species:</b>	
	black-tailed godwit, bar-tailed godwit, red knot, common snipe, jack snipe, gadwall, mallard, northern pintail, Eurasian wigeon, northern shoveler, common greenshank, spotted redshank, ruff, common redshank, Eurasian curlew, whimbrel, common eider, common coot, common pochard, greater scaup, tufted duck, common goldeneye, long-tailed duck, Eurasian oystercatcher, common scoter, velvet scoter, red-crested pochard, greylag goose, bean goose, greater white-fronted goose, grey plover, European golden plover, common moorhen, water rail, garganey, common teal and northern lapwing	A Ministry decree fixed a maximum authorized harvest of woodcock (30 individuals per season and per hunter)
	<b>Migratory landbird game species:</b>	
	Eurasian skylark, Eurasian woodcock, common quail, mistle thrush, fieldfare, redwing, song thrush, common blackbird, rock pigeon, stock dove, common woodpigeon, European turtledove and Eurasian collared dove	

<sup>51</sup> Source: Birdlife, 2014. *Summary of National Hunting Legislation*. Available at: [http://www.birdlife.org/datazone/userfiles/file/hunting/HuntingRegulations\\_France.pdf](http://www.birdlife.org/datazone/userfiles/file/hunting/HuntingRegulations_France.pdf) [Accessed 20 July 2016].

## **ANNEX 2: STRUCTURE OF THE FRENCH ONCFS**

Under the Chief Executive Officer are the 10 regional delegations and a number of inter-regional delegations which co-ordinate the activities of ONCFS's local departments with the help of a technical cell appointed to manage development issues in those regions. Each regional/interregional delegation includes a delegate, his deputy, an administrative unit, a technical unit in charge mainly of development activities and a Mobile Intervention Brigade conducting police actions or specific technical actions.

Below the regional delegations the ONCFS has 90 '*départemental* services' (DS). These are notably in charge of the hunting and nature-protection police, and participate in development and nature conservation actions. They also give information to the public. Administration and legal advice are provided by a staff of 18 executive and administrative agents in each DS. The DS organise the hunting licence examination and updating of the national hunting-licence file. The DS participate in wildlife commissions.

The ONCFS also rely on 12 specialised networks' of around 3,000 volunteers who help to monitor the populations of hunted or protected species and their habitats, including waterfowl, woodcock, migratory birds, partridges, and also the epidemiological surveillance of wildlife diseases and poisoning.

The ONCFS has a very clear web presence and has 28 staff dedicated to maintaining its central domain name and updating the regional information. Information for each region and DS is clearly available online in an accessible format.<sup>52</sup>

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<sup>52</sup> ONCFS Website, 2016. Available at: <http://www.oncfs.gouv.fr/> [Accessed 3 August 2016].

**ANNEX 3: ONCFS CONSOLIDATED BUDGETS 2012 – 2014<sup>53</sup>**

<b>Expenses (1000s of EUR)</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Personnel expenses	€93,252.84	€93,005.13	€92,541.26
Purchases/Shopping	€4,705.36	€4,186.19	€5,162.79
Outside services	€4,884.28	€4,858.92	€5,146.25
Other external services	€9,355.41	€8,640.82	€8,567.88
Dues and taxes	€131.21	€126.99	€149.37
Depreciation and amortization	€3,300.35	€3,501.83	€3,825.35
specific charges	€2,722.32	€2,951.92	€3,712.78
Financial expenses	€0.30	€0.17	€0.80
Extraordinary charges	€724.92	€152.21	€129.04
<b>Total Charges</b>	<b>€119,076.99</b>	<b>€117,424.18</b>	<b>€119,235.50</b>
<b>Receipts (1000s of EUR)</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Hunting charges	€69,351.45	€68,938.19	€68,113.43
Stamp duty for validation	€5,755.08	€5,643.84	€5,515.11
Examination of a hunting licence	€573.66	€568.82	€953.04
<i>Redevance délivrance titre permanent</i>	€917.81	€886.20	€584.88
State subsidy	€38,452.59	€33,786.06	€36,729.29
Products affected resources	€4,136.67	€4,353.00	€4,954.67
Sale of goods	€90,915.00	€1,038.71	€1,023.44
employment aid	€428.72	€469.62	€513.42
Others products	€710.08	€492.73	€736.48
Financial products	€80.01	€1.39	€1.09
Exceptional products	€985.46	€601.40	€381.53
<b>Total of products</b>	<b>€122,300.68</b>	<b>€116,779.96</b>	<b>€119,506.38</b>
<b>Net Results</b>	<b>€3,223.69</b>	<b>-€644.22</b>	<b>€270.88</b>
<b>Investments (1,000s of EUR)</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Software	€36.92	€51.13	€24.16
Other intangible assets	€25.26		
Land and buildings	€6.51	€26.21	€110.21
general and specific installations	€96.22	€96.67	€36.72
Hardware (IT)	€304.13	€375.32	€348.17
Other equipment, furniture and collections	€393.36	€359.26	€838.58
Transport Equipment	€1,684.30	€1,568.90	€1,745.38
Construction in progress	€1,438.47	€723.26	€1,007.48
Investments and other financial assets	€22.64	€400.65	€4.57
<b>Totals</b>	<b>€4,007.80</b>	<b>€3,601.40</b>	<b>€4,115.26</b>

<sup>53</sup> ONCFS Activity Report, 2016, p58. Available at <http://www.oncfs.gouv.fr> [Accessed 3 August 2016]

<b>Allocation of Budget Spend</b>		<b>2014</b>
<b>Axis 1:</b> To contribute to the preservation of biodiversity		€45,028,000
<b>Axis 2:</b> Improving the knowledge for a solid expertise for wildlife		€16,255,000
<b>Axis 3:</b> Strengthen hunting as essential management element durable nature and territories		€38,711,000
<b>Axis 4:</b> Continue building a public service ecology and modern and effective sustainable development		€14,493,000
<b>Activities by numbers</b>		<b>2014</b>
Number of hunting permits controlled		66,478
Number of licensed trappers controlled		461
Number of nights implemented monitoring and control ops		6,483
Number of against poaching operations performed		956
Number of migratory bird population records catalogued by ONCFS under the IPNS		45
Number of species of fauna monitored annually nationally		122
<b>Understanding populations in relation to their environments to develop appropriate management tools (wading birds, fauna)</b>		
Number of scientific and technical publications produced		122
Number of management tools developed		2
<b>Safety</b>		
Number of accidents on the hunting season		90
Number of sessions organized for theoretical tests and practical tests		6,447
Number of candidates to take theoretical tests and practical tests		32,426
Number of permits issued to hunt together (accompanied)		3,406
Delay between enrolment hunting permit and licensing		30 days
<b>ONCFS Staffing</b>		
Number of appointed agents and promoted internally		113
Number of staff trained		2,952

#### **ANNEX 4. BIRD SPECIES**

The list of bird species commonly discussed in this report (common and Latin names) is as follows:

Grey partridge	<i>Perdix perdix L.</i>
Pheasant	<i>Phasianus colchicus L.</i>
Common quail	<i>Coturnix coturnix L.</i>
Capercaillie	<i>Tetrao urogallus L.</i>
Black grouse	<i>Tetrao tetrix L.</i>
Hazel grouse	<i>Bonasa bonasia L.</i>
Willow grouse	<i>Lagopus lagopus</i>
Ptarmigan	<i>Lagopus mutus</i>

## **ANNEX 5. LIST OF INTERVIEWS**

**Telephone interviews were conducted with representatives of the following organisations:**

German Hunting Association (*Deutscher Jagdverband (DJV)*). Interviewed 25 May 2016.

German Federal Ministry for Food and Agriculture, (*Bundesministerium für Ernährung und Landwirtschaft (BMEL)*). Interviewed 24 May 2016.

Spain SEO and European Network Against Environmental Crime. Interviewed 24 May 2016.

Swedish Environmental Protection Agency (*Naturvardsverket (EPA)*). Interviewed 25 May 2016.

Swedish Association for Hunting and Wildlife Management (SWAHM). Interviewed 25 May 2016.

French LPO (*Ligue pour la Protection des Oiseaux/Birdlife*)/ Birdlife. Interviewed 24 May 2016.

Birdlife Norway. Interviewed 25 May 2016.

**Email answers (in addition) were received from:**

French LPO (*Ligue pour la Protection des Oiseaux/Birdlife*). 6 June 2016.

German Federal Ministry for Food and Agriculture, (*Bundesministerium für Ernährung und Landwirtschaft (BMEL)*). 25 May 2016.

Swedish Environmental Protection Agency (*Naturvardsverket (EPA)*). 26 May 2016.

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