

**REPORT FROM THE COMMISSION
ON THE IMPLEMENTATION OF DIRECTIVE 79/409/EEC
ON THE CONSERVATION OF WILD BIRDS**

Part I.

**EU Composite Report
in accordance with Article 12**

Period covered: 2005-2007

FINAL

PURPOSE OF THIS REPORT

Article 12 reporting requirements

The Birds Directive – Council Directive 79/409/EEC – on the conservation of wild birds was adopted on the 2nd April 1979. According to Article 12, Member States are required to submit a report to the Commission every three years on the implementation of the Directive in their territory. The Commission then produces a composite report (this document) on the basis of the national reports which summarises overall progress across the EU over the three year period.

Composite report structure

The present report covers the period 2005-2007. It is divided into two parts:

- Part I: provides an EU overview of progress.
- Part II: is a summary of the national reports submitted by Member States.

The report follows the same format as previous Article 12 composite reports, giving an overview of progress under each of the main provisions within the Directive.

Previous drafts were subject for consultation to the Member States, in accordance with Article 12(2) of the Birds Directive, during November-December 2010.

Data completeness and quality

All countries except Ireland have submitted reports for this period (2005-2007). Because Romania and Bulgaria joined the EU on 1st January 2007, the information provided by these countries covers only one year of implementation. Nevertheless, both countries have also provided some information of activities undertaken during 2005-2006 in the lead up to accession which has been included here, where relevant.

It should be noted that the quality and level of detail varies significantly between different national reports. As a result, it has not always been possible to draw conclusions, or provide a sufficient overview, in certain areas. Also, some countries have omitted to report on implementation in parts of their territory (e.g. Finland has not covered the Åland islands). Others (e.g. Austria, Belgium or Spain) only provide information per region with no national overview.

The European Commission is examining ways of improving the reporting process under Article 12 of the Birds Directive; to re-orientate it towards a more outcome-based report and to better streamline and harmonise the reporting procedure under the Birds and Habitats Directives.

INTRODUCTION

The Birds Directive 49/709/EC¹ is the EU's oldest piece of nature legislation and one of the most important, creating a comprehensive scheme of protection for all wild bird species naturally occurring in the Union. Its was adopted unanimously by the Member States in 1979

¹ On 30 November 2009, the Birds Directive was the subject of a codification exercise and has consequently been given a new reference: Directive 2009/147/EU. The 'new' version is only a consolidation of previous amendments.

as a response to increasing concern over the decline in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use.

Together with the Habitats Directive adopted in 1992, the Birds Directive forms the cornerstone of the EU's Biodiversity policy, enabling all 27 EU Member States to work together within a common legislative framework to conserve Europe's shared natural heritage.

Overall objective of the Directive (articles 1 & 2)

The overall objective of the Birds Directive is to maintain the population of all species of naturally occurring wild birds present in the EU at a level which '*corresponds in particular to their ecological, scientific and cultural requirements, or to adapt the population of these species to that level*'.

Habitat protection provisions (Article 3 & 4)

To achieve this, Member States must preserve, maintain or re-establish a sufficient diversity and area of habitats for these species. In addition to the general habitat provisions laid down in Article 3, Member States must also classify the most suitable territories in number and size as Special Protection Areas (SPA) for 194 particularly threatened species listed in Annex I of the Birds Directive as well as for regularly occurring migratory species, paying particular attention to wetlands of international importance. These SPAs form an integral part of the Natura 2000 Network.

Species Protection provisions (cf Article 5, 6, 7, 8, 9)

Member States are also required to take the requisite measures to establish a general system of protection for all wild bird species throughout their natural range within the EU (Article 5).

In particular they should prohibit the:

- deliberate killing or capture by any method;
- deliberate destruction of, or damage to, their nests and eggs or removal of their nests;
- taking their eggs in the wild and keeping of eggs;
- deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as this would have a significant negative effect on the birds;
- keeping the birds of species the hunting and capture of which is prohibited.

The sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognizable parts or derivatives of such birds is also prohibited (Article 6). Exceptions are given for species listed in Annex III under certain conditions.

Species listed in Annex II of the Birds Directive can be hunted under national legislation provided Member States ensure that their hunting does not jeopardize conservation efforts in their distribution area. The practice of hunting should also comply with the principles of wise use and ecologically balanced control of the species concerned (Article 7). In respect of the hunting, capture or killing, Member States shall prohibit the use all means or methods used for the large-scale or non-selective capture or killing of capable of causing the local disappearance of a species (Article 8, with special reference to methods and modes listed in Annex IV).

Derogations to the species protection provisions are possible under certain circumstances (e.g. to prevent serious damage to crops, livestock, forests, fisheries and water) provided that there is no other satisfactory solution and the consequences of these derogations are not incompatible with the overall aims of the Directives (Article 9).

Other provisions

Article 10 encourages Member States to carry out research and other work relevant to the protection of wild birds, paying particular attention to the subjects listed in Annex V of the Directive.

Article 11 requires Member States to ensure that any introduction of species of bird which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna. In this connection they shall consult the Commission.

Article 13 requires that the measures taken pursuant to the Directive must not lead to deterioration in the present situation as regards the conservation of naturally occurring bird species in wild state. Article 14 allows Member States to introduce stricter protective measures than this provided under the Directive.

Articles 15-19 set down the procedures for amending or adapting the annexes to technical and scientific progress and for transposing the Directive into national law.

SUMMARY OF MAIN FINDINGS OVER THE REPORTING PERIOD 2005-2007

Despite the very uneven quality and level of detail provided in the national reports, some general conclusions may nevertheless be drawn for this reporting period:

- Further progress was made towards the completion of the SPA network in the majority of countries, but more sites still need to be classified, especially in the marine environment.
- The majority of Member States have reported that they have used EU LIFE Funds to co-finance conservation measures aimed at SPAs and/or species listed in annex I. Several countries have also reported on the use of agri-environmental measures but the information provided is too general to allow any further analysis to be made of the potential benefits that these might have on bird species.
- With reference to the general system for protection of species, established under Articles 5, 6 and 7, most Member States reported only minor changes and adjustments to their national laws. However, some 'innovative' approaches were also reported, such as the possibility to temporarily stop potentially damaging activities for protected species outside protected areas (Hungary) and the formulation of Codes of Conduct for various sectors within the framework of Flora and Fauna Act (Netherlands).
- For some Member States, however, the information provided about species targeted for hunting etc was not entirely consistent with the species listed as huntable species with reference to Annex II of the Directive.
- With reference to non-native bird species, it appears that only limited action has been taken in most Member States to ensure that introduced species do not prejudice the local fauna and flora (ref. Article 11). It is recommended that Member States place greater emphasis on the implementation of this article in the future.
- Research and other work required for the protection, management and use of bird populations (ref. Article 10), has primarily included various monitoring schemes plus studies on threatened or rare species inside as well as outside the SPA network. Thus, points related to species in danger and population level of species, ref. Article 10(2) and Annex V, are covered by most Member States, while those related to e.g. to ecological methods to prevent damage by birds or effects of chemical pollution are overall more poorly covered.

SUMMARY OF PROGRESS ACCORDING TO MAIN AREA OF ACTIVITY

In the following, the numbering of headings and sub-headings relates to the format recommended for the national reports.

1. Species covered by the Directive

Legal requirements:

Member States shall take the requisite measures to maintain the populations of all naturally occurring bird species in the wild state on their territory, at a level which correspond in particular to ecological scientific and cultural requirements, while taking account of economic and recreational requirements, or to adopt the population of these species to that level (ref. Articles 1 and 2).

EU-27 summary:

As for the previous reporting period, it seems that some Member States have understood the reporting obligation as to include all naturally occurring species (ref. Article 2 of the Directive), while other Member States have reported about the number of species in the various annexes (and many countries only refer to Annex I). The primary information provided by the Member States is given in the national summaries (Part II), but due to inconsistency in the information provided, no further analyses were done.

2. Protection of habitats

2.1 State of progress for the classification of Special Protection Areas (SPAs)

Legal requirements:

The 194 species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution. For these species, Member States shall classify in particular the most suitable territories in number and size as Special Protection Areas (SPAs) for the conservation of these species, taking into account their protection requirements in the geographical sea and land area where this Directive applies.

Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.

EU-27 summary

Due to the incompleteness in the information provided by several Member States, it is not possible to get a full picture of the total number or surface area of SPAs classified in the EU during the period 2005-2007 from the national reports.

Therefore, in order to complete the overview, the Commission's own SPA database was consulted instead. Member States are obliged to officially transmit information on the classification of all new SPAs to the Commission. These are stored in a central database which the Commission uses, inter alia, to produce regular updates of its Natura Barometer.

Table 1 summarises the information that is available in the national reports. Figures 1 and 2 present the number of SPAs, and the terrestrial surface area covered by the SPAs per country on 30 June 2005 and on 30 December 2007. The original information provided by the Member States is given in the national summaries (Part II).

Despite the disparities, there are some general findings:

- Significant progress in SPA classification was made during the 3 year period in Germany, France, Spain, Italy, Cyprus, Lithuania and Poland.
- Belgium, Germany and Italy have made significant additions to their marine SPAs.
- Additions of and enlargements to single SPAs were done in Austria, Estonia, Belgium, Malta, Finland, Sweden and UK.
- No progress was made in the Czech Republic, Ireland, Greece, Portugal, Slovenia, Slovakia, Denmark, Netherlands and Luxemburg. For the latter three countries, the lack of progress is due to the fact that the network is already considered to have been completed.

Overall, there was a 15 % increase by number of SPAs and a 30 % by surface area during the reporting period.

Table 1. Overview table of the number, surface areas of SPAs, based on information from the EC Natura 2000 Barometers June 2005 and Dec 2007.

Member State	Number of sites			Surface area of sites		
	June 2005	December 2007	Change	June 2005	December 2007	Change
Austria	94	98	4	9,725 km ²	9,744 km ²	469 km ²
Belgium	229	234	5	2,964 km ²	3,282 km ²	318 km ²
Bulgaria	-	88	88	-	12,551 km ²	12,551 km ²
Cyprus	2	7	5	108 km ²	788 km ²	680 km ²
Czech Republic	38	38	0	6,936 km ²	6,936 km ²	0 km ²
Denmark	113	113	0 ^b	14,709 km ²	14,709 km ²	0 km ²
Estonia	67	67	0	12,063 km ²	15,592 km ²	3,529 km ²
Finland	452	467	15	28,373 km ²	30,836 km ²	2,463 km ²
France	193	371	178	16,546 km ²	46,194 km ²	29,648 km ²
Germany	497	568	71	32,080 km ²	48,102 km ²	16,022 km ²
Greece	151	151	0	13,704 km ²	13,704 km ²	13,704 km ²
Hungary	55	55	0	13,519 km ²	13,519 km ²	0 km ²
Ireland	131	131	0	2,815 km ²	2,815 km ²	2,815 km ²
Italy	503	589	86	24,865 km ²	43,798 km ²	18,933 km ²
Latvia	97	98	1	6,751 km ²	6,766 km ²	15 km ²
Lithuania	40	77	37	3,570 km ²	5,435 km ²	1,865 km ²
Luxembourg	12	12	0	139 km ²	139 km ²	0 km ²
Malta	6	12	6	8 km ²	14 km ²	6 km ²
Netherlands	77	77	0	10,109 km ²	10,125 km ²	16 km ²
Poland	72	124	52	33,156 km ²	50,407 km ²	17,251 km ²
Portugal	50	50	0	9,956 km ²	9,956 km ²	0 km ²
Romania	-	0 ^a	0	-	0 km ²	0 km ²
Slovakia	38	38	0	12,295 km ²	12,236 km ²	-59 km ²
Slovenia	27	27	0	4,656 km ²	4,656 km ²	0 km ²
Spain	502	563	61	86,537 km ²	97,123 km ²	10,586 km ²
Sweden	509	530	21	28,648 km ²	28,872 km ²	224 km ²
UK	257	265	8	14,909 km ²	15,988 km ²	1,079 km ²
TOTAL	4,212	4,850	638	386,547 km²	504,286 km²	117,739 km²

NOTES:

^a 108 sites (28,420 km² in total) were in the process of designation by end of 2007, ref. the national report.

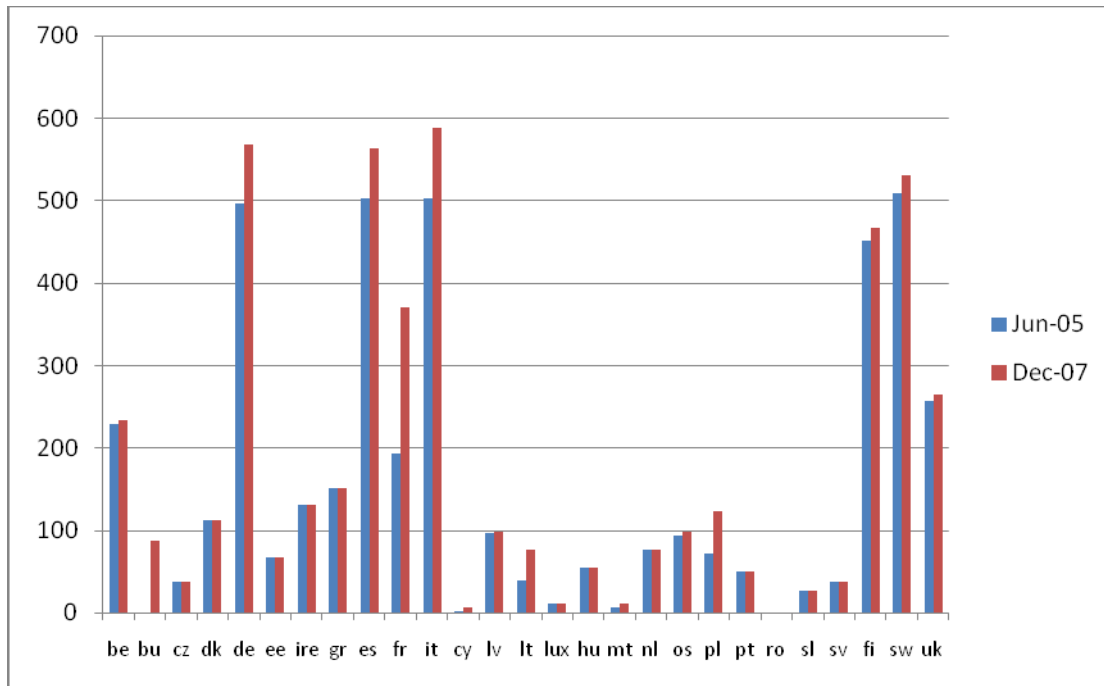


Figure 1. Number of SPAs in June 2005 and December 2007, based on information in the Commission's Natura Barometer. No sites were designated by end of 2004 for Bulgaria and Romania (that joined the EU only in January 2007).

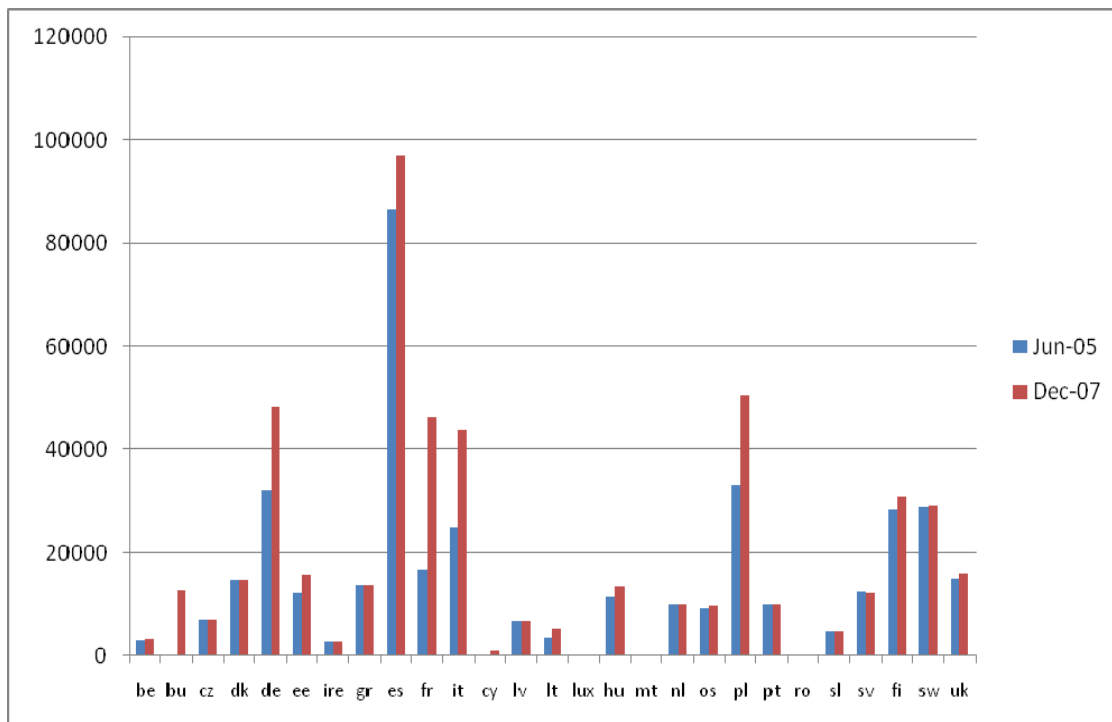


Figure 2. Surface area covers by SPAs in June 2005 and December 2007, based on information in the Commission's Natura Barometer. No sites were designated by end of 2004 for Bulgaria and Romania (that joined the EU only in January 2007).

2.2 Targeted measures drawn up per SPA

Legal requirements:

For the SPAs classified under the Birds Directive, Member States must take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of the SPA network (Article 4 (4) and Articles 6 (2)–(4) of Habitats Directive).

EU-27 summary

The information given in the national reports is of varying quality and completeness. Some Member States have provided quite detailed overviews of the various measures taken, while the information for others is very scarce. For a few countries, the information is primarily related to protected areas in general although it is explained that the measures taken also have been of benefit to SPAs that fully or partly overlap with the sites.

- Protection of sites from damage or deterioration: As a new Member State, Bulgaria summarises its new regulations as regards the evaluation of plans and projects affecting Natura 2000 sites.
- Management plans and similar: Activities related to the drafting of management plans, whether species-wise, site-wise or at strategic level, have been reported for several Member States. However, it is rarely specified whether these management plans are legally binding.

Finland makes specific reference to the drafting of restoration plans for SPAs. During the reporting period, these were being implemented on 38% of the sites considered to be in need of restoration. Lithuania comments that the drafting of some of its SPA management plans has been done with the support of EU Structural Funds whilst Poland has used PHARE money for development of some of its SPA management plans for some of its SPAs. Slovenia explains how it has drafted an Operational Plan (Natura 2000 Management Programme, 2007-2013) for the management of both SACs and SPAs which ensure that their conservation is integrated into other sectoral and spatial plans and that each is apportioned a share of the responsibility in implementing them.

- Practical measures 'in field':
 - Management and restoration of different types of bird habitats are reported for several countries; e.g. Belgium, Czech Republic, Estonia, Finland, Greece, Hungary, Italy, Lithuania, Netherlands, Portugal, Slovakia and Spain.
 - Nest watching; e.g. Czech Republic, Hungary and Slovakia.
 - Artificial nests; e.g. Czech Republic and Hungary.
 - Measures to prevent electrocution; e.g. Czech Republic, Hungary, Portugal and Spain

Whilst the information provided in the national reports represents a useful overview of the type of initiatives undertaken for the management of bird habitats in the SPA network, it does not allow for a more detailed analysis to be made.

Several Member States also report on projects supported by the LIFE programme, for instance:

- Restoration of habitats for *Anser brachyrhynchos*, *Anser albifrons* and *Limosa limosa* (Belgium).
- Restoration and management of habitats for e.g. *Anser albifrons*, *Grus grus*, *Crex crex*, *Botaurus stellaris* and *Larus minutus* (Estonia).
- Implementation of national action plans for *Ciconia nigra*, *Aquila pomarina* and *Aquila clanga* (Estonia).

- Rehabilitation of coastal lagoons and meadows, to the benefit for e.g. *Calidris alpina schinzii* and *Philomachus pugnax* (Estonia).
- Management plan and measures to the benefit for *Anser erythropus* (Finland).
- Management plan for *Aegypius monachus* in Dadia Forest reserve (Greece).
- Actions for the protection of *Falco eleonora* (Greece).
- Management plans for *Phalacrocorax aristotelis*, *Falco eleonora* and *Hieraeetus fasciatus* at Tiles Islands (Greece).
- Conservation and management of coastal habitats, to the benefit for e.g. *Milvus migrans*, *Haliaeetus albicilla*, *Lullula arborea* and *Anthus campestris* (Lithuania).
- Management plan for *Puffinus yelkouan* at one SPA (Malta).
- Five projects for the benefit for *Falco naumanni*, *Tetrax tetrax* and *Hieraeetus fasciatus* (mainland Portugal).
- Four projects in Madeira for the preservation of e.g. *Pterodroma faea* and *Pterodroma madeira* (endemics, Portugal).
- Protection of the endemic *Pyrrhula murina* in Azores (Portugal).
- Projects for the benefit for *Aquila heliaca*, *Falco cherrug* and *Otis tarda* (Slovakia).

Compensation measures, as a result of projects with significant impact on SPAs, have been reported for two harbour expansion projects in Belgium.

- Monitoring: This is explicitly mentioned for a few countries, e.g. Spain, Czech Republic, Netherlands and Sweden.
- Legal and financial framework: Aspects related to the legal framework and financing of measures inside SPAs are reported for several countries. For some Member States, it is explicitly explained that initiatives for the management of the SPAs have not yet been undertaken, e.g. Cyprus.

2.3 Actions undertaken outside SPAs

Legal requirements:

Member States should take the requisite measures to preserve, maintain or re-establish habitats for bird species outside protected areas (Article 3.2). Member States shall also strive to avoid pollution or deterioration of habitats outside SPAs (Article 4.4).

EU-27 summary

As for the previous section, the information given in the national reports is of a very different character and quality. Some Member States have quite detailed overviews of various measures taken, while the information is scanty for others. For a few countries, there is no clear distinction made between measures taken inside and outside the SPA network.

- Species Action plans: This is the main activity which is reported on in several Member States; e.g. Austria, Estonia, Finland, France, Greece, Italy, Lithuania, Poland, Sweden and UK. Altogether, action plans have been undertaken in at least one Member State for 45 species (Table 3), which corresponds to 83 % of the species for which measures outside SPAs have been explicitly reported and 23 % of the species listed in Annex I.

It is likely that many of the action plans also are fully or partly relevant for the management inside the SPAs. From Table 2 it can be concluded that management or actions plans have drafted for 49 species in total in at least one Member State, i.e. 25 % of the species listed in Annex I.

- Management and restoration outside SPAs: Several countries have reported on management and restoration initiatives for particular categories of habitats. Details with reference to species and Member States are summarised in Table 4. In addition some more general initiatives were reported on which could benefit birds in general, e.g.:
 - Wetland management and restoration; e.g. Czech Republic and Greece.
 - Management of semi-natural habitats (mowing etc); e.g. Czech Republic and Greece
 - Control on non-native invasive species; e.g. Czech Republic, Greece and Malta.
 - 25 Nature Development Projects for wetland restoration etc; e.g. Belgium.
 - Reconstruction of high-voltage lines in order to reduce risk for electrocution; e.g. Czech Republic and Spain.

Other initiatives reported under this section include:

- Monitoring for offshore wind farm projects; e.g. Belgium.
- Long-term planning of areas and regions with a complex planning structure; e.g. Belgium (Schelde River).
- Studies in population dynamics and genetics; e.g. Czech Republic and France (for vultures etc).
- Breeding centres etc; e.g. France (for *Tetrax tetrax*)
- Designation of RAMSAR sites; e.g. Italy and Spain.
- Establishment of micro-reserves; Latvia.
- Stakeholder groups for communication on raptor management; UK.

Some Member States have reported on the legal framework in place in their country for management and measures outside SPAs; e.g. Cyprus, Denmark, Malta and Netherland. In the UK, all local authorities and other public authorities have now a legal duty to have regard to the conservation of biodiversity when exercising their functions.

2.4 Targeted measures taken for bird conservation in wider countryside (e.g. agri-environment schemes)

Legal requirements:

Member States should take the requisite measures to preserve, maintain or re-establish habitats for bird species outside protected areas (Article 3.2). Member States shall also strive to avoid pollution or deterioration of habitats outside SPAs (Article 4.4).

EU-27 summary

Several countries have reported, in varying degrees of detail and primarily on the use of rural development measures under their Rural Development Programmes (RDP) that could directly or indirectly benefit bird conservation across the broader countryside.

Some of the measures reported on are summarised below:

- *Belgium (Wallonia)*: new agri-environment measures include incentives for the conservation of landscape and ecological network elements in the countryside (e.g. hedges ponds, individual trees..), and adjustments of buildings for nesting.
- *Czech Republic*: In addition to existing bird-related measures under agri-environmental funding for the current funding period (2000-2006), the report describes also the new measures that have been developed for the next funding period (2007-2013). They include 4 specific measures of direct benefit to birds: for grasslands (e.g. *Crex crex* and waders) permanently wet meadows and peat meadows, and for arable land (bio-belts).
- *France*: The Ministries of ecology and agriculture joined forces to formulate a series of habitat management guides ('cahiers d'habitats') which can be used to guide local Natura 2000 contracts (which are sometimes often through agri-environment measures). The management guide for Bird habitats was developed during the reporting period for 274 bird species.
- *Germany (Brandenburg)*: Agri-environmental measures have been developed for the management for chicks of *Otis tarda*, *Aquila pomarina* and *Falco peregrinus*.
- *Germany (Hesse)*: Landscape conservation programs contain agri-environment measures for e.g. *Crex crex* and contracts for the conservation of *Bubo bubo* and *Falco peregrinus*.
- *Germany (Rhineland/Palatinate)*: Programs for different land use forms and protection measures e.g. for *Ciconia ciconia* and *Ciconia nigra* as well as ground breeders.
- *Hungary*: some agri-environment measures have been targeting birds, for instance: the management of arable land and alfalfa fields for benefit of *Otis tarda*, *Burhinus oediconemus*, *Coracias garrulus* and raptors; bird-friendly arable land management for benefit of *Aquila heliaca*, *Coturnix coturnix*, *Perdix perdix*; grassland management including actions for *Crex crex*.
- *Lithuania*: Two schemes with bird-related measures under RDP attracted only a few land-owners (low compensation rate, bad information), while a more general scheme on 'Ecological farming' was more attractive.
- *Netherlands*: Several initiatives, including management of habitats for *Limosa limosa* compatible with modern agricultural techniques (Interreg) and using *Circus pygargus* as an ambassador for the birds of arable land. However, the overall area under meadow bird management contracts decreased from 51,660 ha by end of 2004 to 35,849 ha by end of 2007. In order to improve the control of damage on crop caused by overwintering geese and *Anas penelope*, ca 80.000 ha was designated in 2005 as foraging areas, partly in nature areas but mostly in agricultural land, where sufficient food and rest for the geese and wigeons will be guaranteed.
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- *Poland*: Agri-environment measures only started in Poland in March 2008, but various activities were undertaken to prepare for the implementation of the programme, including

many diverse examples of habitat restoration and improvement projects for species, traditional agricultural management, protection and re-naturation, keeping of nature values, restoration and maintenance of endangered species, development of integrated tourism system, protection and restoration of wetlands or extension of biotope suitable for particular species (list and short description provided).

- *Slovakia*: The RDP (2004-2006) supported measures that may benefit birds such as protection of semi-natural meadows, wetland habitats, and ecological agriculture. 5 pilot sites with wetlands important for birdlife were included in the SAPARD programme during 2000-2006.
- *Slovenia*: RDP subsidies granted on 29.921 ha of agricultural land inside SPAs in 2007.
- *UK (England)*: The Environmental stewardship scheme is the primary mechanism for delivering DEFRA's Public Service Agreement targets on reversing the long-term decline in farmland birds by 2020.
- *UK (Scotland)*: Habitat management for *Crex crex* and wardening of *Haliaeetus albicilla* within the 'Rural Priorities' program.

Only limited generalized information is provided by the following Member States as regards agri-environment measures of benefit for bird fauna: Austria, Belgium (Flanders), Estonia, Finland, Latvia, Malta, Romania, Spain (detailed for some regions), Sweden and UK.

No information was provided for the following Member States: Cyprus, Denmark, Greece, Ireland, Italy, Luxembourg and Portugal.

3. PROTECTION OF SPECIES

3.1 General system of protection (Article 5)

Legal requirements:

Article 5 establishes a general system of protection for all wild bird species. It prohibits the deliberate killing or capture of birds, the deliberate destruction of damage to nests and eggs, the deliberate disturbance of birds, particularly during the period of breeding and rearing (if significant in terms of the objectives of the Directive), and the keeping of birds of species which are not allowed to be hunted.

EU-27 summary

For most Member States the transposition of the species protection provisions of the Birds Directive into the national legal framework was already completed, but various modifications and revisions have been reported on for several countries, in some cases following the outcome of infringements cases.

For Bulgaria and Romania, which entered into the EU in January 2007, some details about the transposition into their national legal framework are provided. Cyprus and Malta also confirmed that the transposition of the provisions into their respective national laws was finalised during this reporting period.

The activities reported under this section can be summarised as follows:

Transposition into the national legislation:

- *Bulgaria and Romania:* Information on how the provisions following from the Birds Directive has been transposed was given in the national report.
- *Cyprus and Malta:* Transposition into the national legislation with reference to the Birds Directive was finalised during this period.

Revision and updates of existing legislation has been reported, as follows:

- *Austria:* Revisions reported for seven (of the nine) "Länder", including adjustments to the nature conservation law in order to comply with ECJ ruling (C-507/04) for Niederösterreich.
- *Denmark:* In July 2007, a new ordinance on the protection of certain animal and plant species was launched, where all previous rules of relevance for bird protection have been collected in a common legal framework. New rules on the control of damage caused by wild birds and mammals, with explicit reference to Article 9 of the Birds Directive were introduced.
- *France:* Some modifications, e.g. with reference to transporting, sale, purchase etc.
- *Germany:* Various updates in the federal legislation, with new legal texts annexed.
- *Hungary:* Various modifications, including a decree to restrict air traffic over selected areas. A new decree adopted in 2005, allows activities which otherwise do not need permission, but may potentially threaten strictly protected species in specific circumstances (e.g. during nesting), to be restricted temporarily, provided the land-owner is compensated. This solution is usually applied outside protected areas to prevent losses of *Otis tarda*, *Glareola pratinicola*, *Crex crex* etc.
- *Italy:* No changes on the national legislation, but various modifications in the legal framework for various regions (for some regions inconsistencies in the legal framework are currently under infringement procedure).
- *Netherlands:* Since 2005 the Flora and Fauna Act has initiated the use of Codes of Conduct for various sectors. These will be presented to the Ministry for approval.
- *Spain:* Several modifications and changes in the legal framework for the various regions.

- *UK*: Stricter domestic measures to the general system of protection have been introduced; including taking, damaging or destruction (at any time) of nests habitually used by *Aquila chrysaetos*, *Haliaeetus albicilla* and *Pandion haliaetus*; and extension of the protection afforded to wild birds to include birds bred in captivity and lawfully released into the wild as part of a re-population or re-introduction programme. - Initiatives taken during previous reporting periods to ensure effective enforcement of legislation against wildlife crime have continued, including partnerships between the Countryside Council for Wales (CCW) and the police.

Changes and updates in the national legislation were also reported for Estonia, Latvia, Luxembourg (web-links to legal texts given), Portugal, Slovakia (legal texts annexed) and Sweden.

No substantial changes were reported for the following Member States: Belgium (although preparation for new legislation initiated for Flanders), Czech Republic, Finland, Greece, Ireland, Lithuania, Poland and Slovenia.

No information was provided for the following Member States: Greece and Ireland.

3.2 Hunting and capture of bird species (Article 7)

Legal requirements:

Article 7 authorises the hunting of certain species listed in Annex II of the Directive. Member States shall ensure that the hunting of these species does not jeopardize conservation efforts on their distribution area. The hunting should be carried out in accordance with the national measures in force, and it shall comply with the principles of wise use and ecologically balanced control of the bird species concerned. In particular, species to which hunting laws apply are not to be hunted during the rearing season, or during the various stages of reproduction.

EU-27 summary

Most Member States only reported on minor changes, such as adjustments to the open period for shooting etc. Control of illegal activities was only reported on by Cyprus.

Revision and updates of existing legislation has been reported, as follows:

- *Belgium (Wallonia):* Regulations restricting the use of lead shots in the vicinity of wetlands etc has been introduced.
- *Bulgaria:* Various adjustments during 2005-07.
- *Denmark:* Revised legal framework, including changes in open shooting seasons (with explicit reference to Article 7).
- *Greece:* Revised legal framework, with explicit reference to Article 7.
- *Hungary:* Regulations of the use of lead shots in the vicinity of wetlands etc introduced.
- *Luxembourg:* Overall update of the national legislation, web-links to legal texts given.
- *Malta:* New regulations introduced in 2006, that allow for annual adjustments of shooting seasons etc.
- *Portugal:* New decree on hunting in 2005.
- *Romania:* Following accession in January 2007, some adjustments of the legal framework for hunting were done.
- *Spain:* Changes and updates reported for several regions.
- *Sweden:* Some changes with reference to means and methods for capture and killing.

No substantial changes were reported for the following Member States: Austria, Belgium (except Wallonia), Czech Republic, Estonia, Finland, France (except for adjustments of open shooting seasons), Germany, Italy, Latvia, Lithuania, Poland, Slovakia, Slovenia and UK.

Other activities:

- *Cyprus:* Controls of illegal poaching and other wildlife crime cases, including illegal trapping of wild birds.

3.3. Means and methods used for the large-scale or non-selective capture or killing of birds (Article 8)

Legal requirements:

Article 8 prohibits the use of all means of large-scale or non-selective capture or killing of birds, and specifically those listed in Annex IV of the Directive

EU-27 summary

Most Member States reported only about the legal framework in place.

Revision and updates of existing legislation has been reported, as follows:

- *Bulgaria*: Some information about the legal framework.
- *Denmark*: Revised legal framework, including changes in open shooting seasons (with explicit reference to Article 7).
- *Malta*: Various updates decided in 2006, including the capture of finches with clap-nets, for which Malta was guaranteed a transition period until 2008 after the accession.
- *Netherlands*: A complete prohibition of the use of non-selective traps (as mentioned in Annex IV) was decided in 2007.
- *Romania*: Updated legislation on hunting methods decided in 2006 and 2007.

No substantial changes were reported for the following Member States: Belgium, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Slovakia, Slovenia, Spain (except for a few regions), Sweden (but see under Section 3.2) and UK.

Other activities:

- *Cyprus*: Controls done by the Game Fund Service in areas where the trapping of wild birds takes place.

No information was provided for the following Member States: Austria, Greece and Ireland.

3.4. Synthesis of derogations from species protection provisions (Article 9)

Legal requirements:

Article 9 allows Member States to derogate from Articles 5, 6, 7 and 8, where there is no other satisfactory solution and if it is for one or more of the reasons listed in Article 9. Each year, the Member States shall send a report to the Commission on the implementation of Article 9 so that the Commission can check that the consequences of the derogations are not incompatible with the Directive.

EU-27 summary

The EC has published an annual composite report for the years 2005-2007 on the implementation of the derogation system under Article 9. These can be found on http://ec.europa.eu/environment/nature/knowledge/rep_birds/index_en.htm. They provide detailed information on the derogations issued and the reasons given for their use per country. The summary analysis is not therefore repeated again here.

3.5 Authorisation of sale of bird species referred to in Annex III/2 (Article 6)

Legal requirements:

Article 6 prohibits the sale, transport for sale and keeping for sale of all bird species naturally occurring in the EU, with the exception of species listed in Annex III/1. For species listed in Annex III/2, Member States may allow the sale etc within their territories under certain conditions, and after consulting the Commission.

EU-27 summary

Most Member States reported only about the legal framework in place, but a few countries (Hungary, Latvia, Lithuania and Portugal) also explicitly reported that no trade of species listed in Annex III/2 had taken place during the reporting period.

Information about existing legislation has been provided, as follows:

- *Bulgaria*: Species, subject to trade are listed in an annex of the Biodiversity Law.
- *Denmark*: Relevant aspects are covered under the new legal framework for species protection, launched in July 2007.
- *France*: Existing legislation was simplified 2005, still in consistency with Article 6 of the Directive.
- *Italy*: Some reinforcement of the national legislation, with reference to the CITES Convention etc.
- *Luxembourg*: Some reinforcement of the national legislation decided in 2007.
- *Malta*: Malta provides a special case. The national legislation distinguishes between specimens brought into Malta from other EU Member States and specimens that are imported from third countries. Import from 'third countries' is prohibited except for species listed in Annex III/1, and for Annex III/2 after authorisation. Furthermore, it also makes a distinction between species that have been brought into Malta prior to Malta's Accession to the EU. The sale of such species is allowed as long as the owner of the species can present when requested, the certificates or permits that accompany such a specimen.
- *Netherlands*: The sale of birds is only allowed when the species was killed for prevention or damage control and only for *Anser anser*, *Anser albifrons*, *Anas penelope* and *Fulica atra*; e.g. slightly stricter application than prescribed in Article 6.
- *Poland*: From 2004, the authorisation for the sale etc is regulated by the Regulation on protection of wild animal species.
- *Romania*: Stipulations following from Article 6 of the Directive was transposed into the national legislation in 2007.
- *Spain*: Trade etc is reported to be allowed for *Coturnix coturnix* and *Columba oenas*, which are not listed in Annex III of the Directive, in a few regions. Furthermore, the Murcia Community has not produced any legislation on the sale of birds.

No substantial changes were reported in the legal framework for the following Member States: Belgium (Wallonia), Cyprus, Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Portugal, Sweden and UK.

No information was provided for the following Member States: Austria, Belgium (except Wallonia), Greece and Ireland.

3.6 Introduction of species of birds which do not occur naturally in the wild state in the EU (Article 11).

Legal requirements:

Under Article 11, Member States shall ensure that any introduction of bird species which do not occur naturally in the wild state in the European territory of the Member States does not prejudice the local flora and fauna. In this connection, Member States shall consult the Commission.

EU-27 summary

Most Member States reported only about the legal framework in place, but some countries also provided information about monitoring and measures taken for the control of non-native species, primarily *Oxyra jamaicensis*.

Information about existing legislation has been provided, as follows:

- *Bulgaria*: Information about current legislation (from 2003 and 2005) is given.
- *Lithuania*. Amendments in the national legislation were done in 2005.
- *Malta*: Regulations about the monitoring and control of the introduction of bird species was put in place in 2006.
- *Netherlands*: A more strict policy in order to control the ecological and economic damage (both to the native species and ecosystems), as well as damage to public health and to limit safety hazards, was introduced in October 2007.
- *UK*: For England and Wales, new offenses were introduced with reference to the sale of certain invasive non-native species and powers, in line with similar legislative changes done in Scotland in 2004.

No new information or no changes in the legislation, compared to the previous reporting period: Belgium (Wallonia), Czech Republic, Finland, Luxembourg, Slovakia,

No information was provided for the following Member States: Austria, Belgium (except Wallonia), Denmark and Ireland.

Specific information on non-native species has been given, as follows:

- *Alopechen aegyptiacus*:
 - Netherlands: Numbers were reduced.
 - Sweden: There is a discussion on-going over whether to open up year round hunting (a few breeding attempts, so far).
- *Branta canadensis*:
 - Netherlands: Numbers were reduced.
- *Aix galericulata*:
 - Sweden: Discussion on-going whether to open up hunting all year around.
- *Oxyra jamaicensis*:
 - Estonia: Only bird species that is included in the national list of non-native species likely to disrupt natural balance, and for which live specimens shall not be brought into the country for the purposes of rearing or keeping.
 - France: In the framework of the eradication programme set up on a European level, 292 specimens were eliminated in 2005-07 by the services of ONCFS. During this period, the breeding population was estimated to be 50 pairs.
 - Netherlands: Numbers were planned to be reduced.
 - Spain: Continued successful control.
 - Sweden: Open for hunting all year, but no birds shot during 2005-07.
 - UK: Some detailed information about the eradication program given. Counts in winter 2007-08 resulted in an estimate of 400-500 individuals, compared to around 4,500 in winter 2004-05. But extensive culling is still necessary; e.g. a total of 1190 birds

during autumn-winter 2007-08. The eradication program will continue during forthcoming years. - A workshop on the control of this species was held in UK in September 2007, with representatives also from Spain and France.

- *Syrnaticus reevesii*: Reported to be released for hunting purposes in Czech Republic.
- *Numida meleagris*: Reported to be released for hunting purposes in Czech Republic.
- *Meleagris galopavo*: Reported to be released for hunting purposes in Czech Republic.
- *Colinus virginianus*: For Malta, reported to pose potential problems with reference to competition for resources.
- *Phasianus colchicus*: For Malta, reported to pose potential problems with reference to competition for resources.
- *Coturnix japonica*: Released in reserves to be hunted and captured in La Rioja and the Basque County of Spain.
- *Psittacula krameri*: Included in the bird monitoring in Brussels District of Belgium.

The following countries stated that no introductions have taken place during the reporting period: Cyprus, Finland, Greece, Hungary, Latvia, Lithuania, Romania, Slovakia and Slovenia (no clear overview was given for Germany).

Other measures:

- *Italy*: Monitoring of non-native species.
- *Spain (Andalusia)*: In 2005, a plan for the control of the 45 invasive species (birds) and specific action strategies for some of them (specifying also the ecological and economic impacts of those species) were presented.
- *UK*: Non-native species are included in the Wetland Survey and the Goose & Swan Monitoring Programme etc (web-links given, also to web-sites with the status of several species of non-native birds).

4. RESEARCH AND EDUCATION ACTIVITIES ON BIRD SPECIES

4.1 Research efforts, completed or on-going (Article 10).

Legal requirements:

According to Article 10, Member States shall encourage research and any other work required as a basis for the protection, management and use of bird populations. Particular attention shall be paid to research and work on subjects listed in Annex V of the Directive (see below).

EU-27 summary

The information given under this section in the national reports is of very diverse and disparate character. Some Member States have given detailed lists of monitoring schemes, research projects, publications etc; while others have just given brief descriptions. Partly this might be ascribed to the wealth of activities and their decentralisation in various public and private research bodies and NGOs.

The information presented in national reports has been summarised below according to the priorities listed in Annex V (although this structure was mostly not followed in the national reports):

(a) National lists of species in danger of extinction or particularly endangered species, taking into account their geographical distribution:

- Although 'red lists' of threatened and rare species have been prepared and are kept updated on a regular basis by all Member States, information about this work in the national reports is overall scarce. Updates, including the publication of national Red Data Books, have been reported from Lithuania and Portugal.
- The publication of bird atlases was reported for Belgium (Brussels District), Finland, Hungary, Italy, Lithuania, Luxembourg and Portugal.

(b) Listing and ecological description of areas of particularly important migratory species on their migratory routes and as wintering and nesting grounds:

- In Portugal, the LIFE project 'Marine IBAs' collected information about the distribution at sea of several migratory species, including *Procellaria diomedea*, *Bulweria bulwerii*, *Oceanodroma castro*, *Puffinus mauretanicus* etc.

(c) Listing of data on the population levels of migratory species as shown by ringing:

- One or more bird monitoring schemes are carried out in most Member States, mostly through collaboration between the responsible national authorities, universities and other research institutes, and NGOs (often the national BirdLife partner). National bird ringing schemes play an important role in this perspective (as they have done for decades in most countries).
- Some Member States have explicitly mentioned farmland bird monitoring; e.g. Malta, Slovenia and UK.
- Endemic bird species have been a particular focus for e.g. Cyprus and Portugal.

(d) Assessing the influence of methods of taking wild birds on population levels:

- Reports and research on huntable species was reported from several countries; with information in some detail for e.g. Czech Republic, France, Greece and Lithuania.
- Studies on the impact of beam trawling on marine ecosystems, including birds, have been done in Belgium.

(e) Developing or refining ecological methods for preventing the type of damage caused by birds: not elaborated in the national reports for any Member State.

(f) Determining the role of certain species as indicators of pollution: Although rarely mentioned explicitly, aspects related to this point are to an increasingly extent covered through the development of 'bird indices' for various kinds of landscapes and habitats in several countries (and elaborated in some details in the national report by UK).

(g) Studying the adverse effect of chemical pollution on population level of birds: Studies on anticoagulant rodenticides on raptors was reported by UK.

4.2 Education, information and communication in relation to bird protection.

Legal requirements:

None; although education, information and communication are not statutory activities with reference to the Birds Directive, they are nevertheless crucial activities for achieving its objectives.

EU-27 summary

The information in the national reports is again of a very diverse character, with no consistency with reference to contents and details of the reporting per Member State. Nevertheless, the information provided can be used as a list of examples that might be applied also elsewhere. The activities have been carried by various public and private research bodies, as well as NGOs.

The various activities can be summarised, with some non-exhaustive examples from various countries:

Education, information seminars etc to various stakeholder groups: Cyprus (hunters), Estonia (landowners), France, Italy (forestry administration for reintroduction of *Gyps fulvus* in Sardinia), Malta (management of protected areas), Romania (SPA designation), Slovakia (PHARE Twinning Project on the implementation of the two nature directives), Slovakia (agreement with electricity suppliers on measures to tackle electrocution) and Slovenia (SPA designation etc via seminars and local media).

Training and awareness-raising: Czech Republic (wildlife crime, Natura 2000 etc), Finland (restoration and management of wetlands for experts at public authorities, August 2007), Lithuania (protected areas staff, monitoring methodology), Poland (university-organised training to local authorities) and Slovakia (wetland restoration, partly in collaboration with German and Dutch expertise).

Events for children and youth: Hungary (arranged by the national park directorates), Luxembourg, Poland and Slovenia.

Press events: Malta (Natura 2000 proposal, 2006).

“Birds of the Year”:

- *Haliaeetus albicilla* (Czech Republic 2006)
- *Aquila heliaca* (Hungary 2005)
- *Lanius collurio* (Hungary 2006)
- *Passer montanus* (Hungary 2007)

Annual ‘bird events’: Hungary, Lithuania, Netherlands, Poland and Spain.

International events: Finland (seminar on *Phalacrocorax carbo*, April 2007).

Brochures, leaflets etc: Malta (Natura 2000, selected bird species etc).

Information etc in protected areas: Austria, Netherlands and Spain.

Various publications: Hungary (information on wind power) and Italy (on building in glass and light respecting the birds).

Control on invasive species: Sweden (*Mustela vison*, with some positive experiences).

5. NATIONAL LAWS ADOPTED IN THE FIELD GOVERNED BY THE DIRECTIVE

Legal requirements:

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the Directive, and they shall inform the Commission thereof. The texts of the main provisions of national law which they adopt in the field of the Directive shall be communicated with the Commission (ref. Art. 18)².

EU-27 summary

Most Member States provided relevant legal texts, annexed to the national report or with references to web-links:

Legal texts were provided for the following Member States:

- Cyprus (web-link)
- Czech Republic (minor changes with reference to Article 6 in the Directive)
- Estonia (translation, except for the Hunting Act)
- Finland (web-link)
- Germany (annexed to the national report)
- Greece (annexed to the national report)
- Hungary (annexed to the national report)
- Italy (web-links given to new or revised legislation)
- Latvia (extracts of main legal texts are given under various sections of the national report)
- Lithuania (web-links to main legal acts)
- Luxembourg (web-links)
- Malta (extracts but not full legal texts included in the national report)
- Netherlands (web-links)
- Poland (relevant parts of legal texts annexed to the national report)
- Portugal (web-link)
- Romania (annexed to the national report)
- Slovenia (web-link)

Incomplete information was given for the following Member States:

- Austria (Land Tirol, but most related to new or changed legislation in 2008).
- Bulgaria (extracts of relevant legal text in Sections 2.2 and 3.1).
- Slovakia (useful overview table on how the articles of the Directives link to the national legislation, but no texts or web-links given).
- Spain (various legal texts and decisions listed per region, but no full texts and web-links given only for a few regions).
- Sweden (relevant legislation is listed but no full texts or web-links).
- UK (information about new or changed legislation given under relevant sections, but no full texts although web-links given in some cases).

No information was provided for the following Member States: Belgium, France and Ireland.

² Article 17, ref. the Directive text of 30 November 2009 (2009/147/EC).

6. OTHER COMPLEMENTARY INFORMATION RELEVANT TO THE CONSERVATION OF WILD BIRDS

Legal requirements:

None.

EU-27 summary

Information was provided only for a few countries, as follows:

- Czech Republic: Information given on the occurrence of species listed in Annex I of the Birds Directive, and on the monitoring of these species in the SPAs (summarised under Section 1, 2.1 and 2.2).
- Finland: Information about the number of RAMSAR sites (49 sites, 785,780 ha in total).
- Lithuania: Information about the number of RAMSAR sites (5 sites, 65,723 ha in total).
- Romania: Information about 5 RAMSAR sites that are also included in the SPA network.
- Spain: Notes about promotion of studies of migratory species (Canary Island), and that no specific legislation applies for protection of wildlife and hunting for the Ceuta Community (but has to rely to national decrees from 1970 and 1989).

In addition, a few Member States (Italy and Lithuania) included information under this section that is more appropriate for Section 4.1 or 4.2 and thus reflected under these sections.