



WHITE PAPER

“Hunting & Conservation of Wild Birds in the EU”

Prepared and adopted by the *European Association for Regional Hunting Traditions* (AECT) – in close cooperation with FACE, the *Federation of Associations for Hunting and Conservation of the EU* – as a guidance document for European and national policy makers on the issue of the implementation and interpretation of **Directive 2009/147/EC** (initially 79/409/EEC) of the European Parliament and of the Council on the conservation of wild birds, in relation to hunting



Preface

Traditional hunting methods, regional hunting systems, hunting as cultural heritage... it doesn't matter which expression is used to designate such practices, most of the time rooted in ancient eras but nowadays still very much present throughout Europe, from north to south, from east to west. Their origins may sometimes be traced back to prehistorical times, or at least to medieval days, but they evolved through many centuries without major changes or merely adopting some improvements to the initial techniques. It goes without saying therefore that these hunting traditions are very much part of the cultural and even ethnological heritage of the countries and regions where they continue to be practiced and transmitted from one generation to the next, traveling through time as witnesses of past history in the minds and memories of the people living there in the countryside.

Most, if not all, of these regional hunting traditions are covered by the provisions of the "Birds" Directive, adopted back in 1979 by the European Union (then E.E.C.), and they continue to be practiced "under derogation". Nevertheless, the bird populations concerned are generally considered to be in a favourable conservation status, or increasing. Their practitioners succeeded in becoming less "careless predators" and much more "wildlife managers", demonstrating so their commitment to preserve a biological resource without which their passion would cease to exist. Should then these methods, as is the wish of anti-hunting militants, be banned or further restricted?

At a time when agitated nationalists tend to take the lead, is it wise to offer them additional ammunition by turning Europe into a destructive machine of local cultures, traditions and heritages? These hunting methods are living witnesses of the cultural diversity in the (still) 28 Member States constituting the EU, a diversity which is very much part of Europe's wealth and prosperity. Without that, the EU becomes a steam-roller destroying national and regional cultures, something which the people will be unable and unwilling to accept. It is precisely by embracing and promoting this rich diversity that the EU will become stronger and succeed in crushing euro-scepticism.

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Summary

This *White Paper* first assesses of the impact of the “Birds” Directive 2009/147/EC (initially 79/409/EEC) on sustainable bird hunting practices in Europe, and in particular on the traditional hunting methods, practiced at regional level and resulting in the taking “*and other judicious use*” – “*under strictly supervised conditions and on a selective basis*” – of certain birds “*in small numbers*”.

The document then analyses the opportunities and constraints for these regional hunting traditions, as a consequence of the implementation and, more importantly, the legal and political interpretation of the relevant provisions of this legal instrument.

Finally, it formulates a set of recommendations for European, national and regional policy makers, with a view to improving the Directive’s efficiency and performance for the conservation of wild birds (including the huntable species) and their habitats, taking into account the social, cultural and recreational requirements.

Background

There can be no doubt about the fact that in the 1970's, the initiators of the "Birds" Directive (in particular at the level of the European Parliament and of certain bird protection NGO's – with an active role for Northern European countries) wanted mainly to restrict or even ban hunting practices, bird capturing and other methods of bird taking considered at the time as being unsustainable, because of their "massive and non-selective character", and this in particular in the Mediterranean region.

It is a fact that this legal instrument has caused a number of serious problems for bird hunting in Europe (in relation to species which may be hunted, to hunting periods and to hunting methods) and that many hunters' organisations saw, and / or still see, it as unhelpful and counterproductive.

An unbiased analysis of the text of the Directive however can only come to the conclusion than that it is – at least in principle – not against hunting, including regional or so-called "traditional" hunting methods.

From where then do these conflicts with the hunting community come? In most instances the problems for hunting practices stem from an excessively restrictive or even erroneous interpretation of certain relevant provisions of the Directive, and this equally at the level of the EU Court of Justice and of other courts, as that of European and national authorities.

The most flagrant example is the Ruling of the Court of 19/01/1994 in Case C-435/92 (Request for a *Prejudicial ruling* by the *Tribunal administratif* of Nantes, France, following a procedure launched by ASPAS, an association for the protection of wild animals), introducing the concept of "complete protection", which is unworkable and illogic, both from a legal and biological point of view.

But there have been many more cases illustrating how the application, implementation and / or interpretation of the Directive has resulted in unjustified restrictions on hunting practices, in particular at regional level and on those having considerable socio-cultural and traditional value. It needs to be recognised that at least a number of these restrictions were mainly politically inspired and not based on conservation imperatives but clearly ignored "*the cultural...economic and recreational requirements*", and even the "*scientific*" ones, as defined in the Directive's Article 2.

When it was adopted some 40 years ago, the Directive was certainly innovative in its approach to wild bird conservation, *inter alia* by its focus on habitat protection, by its explicit reference to "*cultural...economic and recreational requirements*" and by its use of a system of "positive listing" (meaning that only the species mentioned are not benefiting from full protection – unlike the more classical annexes which simply list those that are protected). But the wording of certain concepts and ideas in the Directive's text indicate that it was also a product of its time and expressed the "ecological culture" in those days, namely the absence of the notion of *biodiversity* (which has a much wider scope than merely "nature") and of knowledge about certain essential technical aspects of hunting practices.

The reference in its Annex IV to “mirrors” (for luring skylarks *Alauda arvensis*) – in analogy with the Bern Convention, adopted in that same year 1979, which erroneously defines these as “dazzling devices” – as one of means “used for the large-scale or non-selective capture or killing” illustrates this lack of know-how. Such mirrors are indeed not “dazzling” skylarks at all but only stimulate, through their irregular rotating movement, their interest. And it is precisely because of this that only skylarks may be attracted, which increases in fact the selectivity of this technique. This applies anyway also to “limes” and “nets” listed in the same Annex, methods for which the scale of selectivity is above all the result of *how* these are used.

Finally, it is important to underline – at a time when the negative impact of an extreme European unification is felt by more and more citizens as harming their cultural identity – the “democratic deficit” of a legal instrument, conceived and drafted almost forty years ago by, and for, 9 Member States, but applicable today to 28 countries, covering a considerably larger and much more diverse bio-geographical area, but all this without having had over this period the slightest adaptation of its text “to technical and scientific progress” – precisely the wording used in Article 15 of the Directive.

The purpose of this *White Paper* is therefore to analyse these issues of interpretation and implementation, to identify the priorities for bird conservation, to examine the Directive’s provisions that are specifically relevant for sustainable regional hunting practices and traditions and finally to formulate a set of proposals to make the Directive work in harmony with these practices and traditions.

Facts and figures about hunting in Europe

Hunting is a legitimate, democratic and popular form of nature recreation, an activity enjoyed nowadays by some seven million people, men and women of all ages, origins and backgrounds, across Europe. It is one of the most ancient forms of sustainable use of renewable natural resources and provides significant social, cultural, economic and environmental benefits throughout Europe. European hunters are motivated by recreational, consumptive and social aspects, with regionally varying emphasis on these elements.

Conservation

Sustainable hunting represents a strong incentive to support the maintenance of habitats and species. Many of the most important wildlife sites in Europe have survived the pressures of development and destruction as a result of game management interests. Hunters frequently contribute to the conservation of game and other species through, for example, habitat provision and the control of mammalian/avian predators. The beneficial consequences of hunting and game management are most evident with sedentary species. However, it is also the case in many wetlands which have been actively managed for migratory waterfowl. In this context, allowing the hunting of a species can provide a strong incentive to manage its habitats and address other factors contributing to a decline of its population, therefore contributing to the objective of restoring populations to favourable conservation status. Furthermore, steps taken to improve the condition for target species can not only enhance a sustainable hunting yield, but also benefit a range of other animals and plants that have similar ecological requirements.

In order to provide an overview of hunters' contribution to conservation, the *FACE Biodiversity Manifesto Report* (2015) assessed almost 200 European case studies of various conservation projects undertaken by hunters and also demonstrates the link between such conservation actions by hunters to four of the six targets of the *EU Biodiversity Strategy 2020*.

Socio-economics

From an economic perspective, recreational hunting is widely considered to have a noticeable significance for rural areas in Europe. For example:

- In 2008, it was estimated that hunting is worth about €16 billion annually within the EU.
- In 2015, the economic value of hunting in France was €3.6 billion euros, supporting 25,800 jobs.
- A study in Ireland shows that hunters contributed €111.6 million to the Irish economy in 2007 of which 80-90 percent of this figure was spent within rural areas.
- In Italy, the annual total expenditure incurred by 850,000 hunters is estimated at €3.26 billion and hunting and shooting further create almost 43,000 jobs in total.
- In UK a recent study demonstrated that game shooting contributes £2.5 billion (€3.2 billion) to the UK economy. A further £250 million (€295 million circa) is spent on conservation activities by shooting providers each year.

Such activities are labour-intensive accounting around 3.9 million conservation work days, equivalent to 16,000 FTE jobs.

- Through their national confederation, Greek hunters finance the activities of 400 Game Guards in environmental management and the tackling of illegal activities estimated at €7 million annually.

The socio-economic role of hunting has become particularly relevant as European policies are increasingly focused on creating more diverse economic development approaches in rural areas. In this sense, European rural development policy aims to produce not only food but also sustain rural landscapes, protect biodiversity, generate employment and improve the viability of rural areas – without exception aspects to which hunting can make a real contribution.

Culture

Throughout Europe, there exists a variety of different hunting methods, traditions and cultures. These often have significant national or regional importance for hunting and bring richness to the diversity of the countryside in Europe. This diversity in hunting culture can also have practical applications in retaining local knowledge and continuing to provide recreational benefits and rural employment.

The diversity of these methods, traditions and cultures gives rise to the need for wildlife management and hunting regulation having varied application through Europe, with sufficient flexibility to allow the fundamental EU principle of *subsidiarity* to function. In this context, the notion of solidarity is also essential when considering the legal hunting methods, traditions and cultures in Europe.

With regard to “cultural requirements” to which the “Birds” Directive explicitly refers, it is useful to point out the EU commitments to promoting cultural diversity. For example, the EU is Party to the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005) which highlighted:

- *Conscious that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,*
- *Recalling that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,*
- *Recognizing the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,*

Considering all these elements, any unbiased observer will wonder why it would then make sense to restrict or banning such sustainable hunting practices.

The myth of the “bird slaughter” resulting from regional hunting traditions

In order to get an idea of the real impact of hunting on a bird population, one only needs to look at a species such as the Chaffinch *Fringilla coelebs* (not listed in the Directive’s Annex II and which therefore cannot be considered as “game” but only taken under derogation) of which there are between 130 and 240 million breeding pairs in Europe – stable or increasing (Source: *Birdlife international* “Birds in Europe” 2004). This population produces each year ± 500 million young (4 to 6 young per brood, less the juvenile mortality) so that each autumn some $\frac{3}{4}$ billion chaffinches leave their reproduction zones to migrate southwards. The following spring, so after the winter mortality and that occurring during the return migration, the breeding population will nevertheless remain roughly at the same level as the previous year. A well regulated and reasonable harvest through hunting (e.g. at regional level in the order of 100,000 birds, or well under 1 % of total mortality) falls under a mechanism of **compensatory mortality**, meaning that such hunting does not increase the global mortality of the population concerned. Or in other words: the birds will die, regardless if they are hunted or not...

And it is in the light of such numbers (being of the order for other bird species) that the accusations in press releases and other campaigns that regional hunting traditions are “massacres”, should be assessed.

The misleading approach of “illegal hunting”

The concept of “illegal hunting” is an oxymoron. By definition, hunting is, and must be, a legal activity; otherwise it isn’t hunting but should be named poaching, environmental crime or misdemeanour. The international bodies such as the Council of Europe, the EU or the Bonn Convention on Migratory Species have understood this because for several years they only refer to *illegal killing and taking*, without amalgamating these with legal and well regulated hunting activities.

One also needs to be aware that any activity can only be illegal in relation to a clear and directly applicable legal framework. Too often, certain hunting methods or practices are accused by activist groups of being “illegal” because not in line with specific provisions of articles 7 and/or 8 of the Directive, while in fact they are covered by a *derogation* in due form, given by the Member State concerned in full respect of Article 9§1(c).

The “Birds” Directive is not directly applicable for European citizens; its provisions first need to be transposed into national law before becoming legally binding to hunters or other stakeholders “on the ground”. An incomplete implementation or the non-respect of certain formal conditions is therefore not the responsibility of individual citizens but only of their competent authorities. And the concept of “legality” or “illegality” can thus not apply to people or their activities, which are in conformity with the relevant legislation in force.

The apologue of the “Latin” cultures

A widespread misconception is that of the exclusive “Latin” or “Mediterranean” character of these so-called traditional hunting methods. The specificity of such taking of certain bird species, in (very) small numbers, often without the use of firearms but always in a highly selective and artisan way, is precisely that they have been practised for generations at regional – or even local level, throughout Europe – in the North as well as in the South, the West or the East.

The most classical example is the ancient art of falconry – recognised in 2012 by the UNESCO as *Intangible Cultural Heritage of Humanity* (see also <http://www.unesco.org/culture/ich/en/RL/falconry-a-living-human-heritage-00732>) – which can, by definition, only be practiced “under derogation” as it requires the use of strictly protected birds of prey species.

Another example is the capture of Grouse *Lagopus mutus* with primitive snares, practised since ages by rural communities in Lapland (in a way very similar to that of trapping Thrushes *Turdidae* in about 60 villages, or 15 %, of the French Ardennes *Department*) and for which the *Bern Convention* has foreseen since 1979 a general and permanent exception in its Appendix IV.

The traditional seeking for the first eggs of Lapwings *Vanellus vanellus* in the North of the Netherlands (Province of Friesland) at the very beginning of their laying period has even been recognised by the Court of Justice of the E.U. and by the European Commission as beneficial for the species, because followed by a long period of “*nazorg*” or after-care for the follow-up clutches.

The eggs and feathers of Puffins *Fratercula arctica* are traditionally harvested, and the species is also hunted in the Faroe Islands and in Iceland (the latter country with a population of 10 million birds).

All these hunting traditions have in common that they are practised in a sustainable way, without any profit purpose, and are not aimed at reducing or regulating “harmful” bird populations. What these hunters want is to be allowed to continue and pass on these ancestral practices, which are deeply rooted in their culture and tradition, and marked by true passion and respect for values, including the love for nature and its wildlife.

To claim that banning these methods, or replacing them by more “modern” ones, would constitute an “*other satisfactory solution*” is simply not serious, and contrary to the goals of the Directive as its authors had in mind. Or, would it be logical to force all Europeans to become vegetarian and teetotaler with the argument that this is an “*other satisfactory solution*” for our culinary traditions?

Significance of the Directive for sustainable hunting in Europe

An unbiased analysis of the text of the Directive can only come to the conclusion that that it is – at least in principle – not against hunting. It considers that hunting “...*constitutes acceptable exploitation*”, recognises that “*because of the importance which may be attached to certain specific situations, provision should be made for the possibility of derogations*”, covers “*the protection, management and control of these species and lays down rules for their exploitation*” and stipulates that “*Member States shall take... account of economic and recreational requirements*”.

Rather than attempting to produce yet another report or study on the significance and scope of the Directive’s key provisions, this *White Paper* presents here a literal, almost word-for-word abstract of the European Commission’s own “*Guidance document on hunting under Council Directive 79/409/EEC on the conservation of wild birds*” (2008).

Council Directive 79/409/EEC on the conservation of wild birds (the so-called “Birds Directive” – currently 2009/147/EC) fully recognises the legitimacy of hunting of wild birds as a form of sustainable use. Hunting is an activity that provides significant social, cultural, economic and environmental benefits in different regions of the EU.

There has been a lot of controversy and in recent years some confrontation, over the compatibility of hunting with certain requirements of the Directive. The controversy is often fed by differing interpretations of those requirements. The Commission has therefore launched a ‘Sustainable Hunting Initiative’ in 2001 aimed at improved understanding of the legal and technical aspects of the Directive’s provisions on hunting as well as developing a programme of scientific, conservation and awareness raising measures to promote sustainable hunting under the directive.

This guidance document aims to fulfil one of the key objectives of this dialogue process by providing better clarification of the requirements of the Directive relating to hunting, within the existing legal framework and strongly based on scientific principles and data and the overall conservation aim of the directive. The guide aims to explain the ecological principles that underpin the management of hunting under the Directive and makes use of best available scientific data, although it is recognised that the lack of good quality scientific data creates a constraint in so far as trying to correctly and accurately manage populations. It recognises that the management of hunting is the responsibility of the Member States, including their role in determining hunting seasons within their territory in accordance with the requirements of the Directive.

The Directive is a wide-ranging instrument aimed at the general conservation of wild birds in the European Union. Addressing several aspects of conservation (including safeguards for habitats, controls on trade and hunting and promotion of research), it follows a standard layout for this type of legal instrument: a preamble with recitals, Articles containing substantive provisions, and a series of Annexes.

The recitals in the preamble reflect the structure of the body of the Directive. The preamble is often used as an aid to interpreting the substantive provisions of secondary legislation, and has been cited by the Court in this regard in relation to the Directive.

Article 1 of the Directive states that it relates to the “*conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation.*”

Article 2 contains the general obligation on Member States to “*take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.*”

As this Article requires the protection of bird species to be balanced against other interests, a question has arisen as to whether this Article comprises a derogation independent from the general requirements of the Directive. The Court has confirmed that it does not, nonetheless, its pronouncements show that Article 2 is not without relevance and weight when considering the interpretation of other provisions of the Directive. In this regard, its provisions have value as a general orientation guide as to what the Directive requires and allows.

Articles 3 and 4 address the conservation of habitats. They include provisions related to prevention of significant disturbance within special protection areas (SPAs) classified pursuant to Article 4 (1) and (2). The Commission does not consider that socio-economic activities – of which hunting is an example - necessarily contravene these provisions. However, it is necessary that such activities within SPAs to be properly managed and monitored to avoid such significant disturbance.

It is appropriate to have regard to the principle of proportionality in considering the matter of hunting under Article 6 of the Habitats Directive; effects, which are not significant in terms of the conservation objectives for the NATURA 2000 site, are not to be considered as contravening Article 6(2) of the Habitats Directive.

Hunting is only one of the many potential uses of NATURA 2000 sites, alongside uses such as agriculture, fisheries and other forms of recreation. There is, however, no general presumption against hunting in NATURA 2000 areas under the nature directives. There will be specific instances where hunting is incompatible with the conservation objectives of individual sites. Examples may be where there is the occurrence of rare species which is highly sensitive to disturbance alongside potential quarry species. Such instances can only be determined on a site by site basis. Sustainable hunting can provide beneficial consequences to habitat conservation in and around sites.

In conclusion, therefore the Commission believes that hunting activities on NATURA 2000 sites are essentially management issues to be determined predominantly at local level. This management would be best structured with a management plan which ensures that activities are compatible with the conservation objectives for which the sites have been designated.

Article 5 of the Directive requires Member States to take the requisite measures to “*establish a general system of protection for all species referred to in Article 1*”.

The basic prohibition on hunting is found in Article 5 (a) of the Directive, which requires Member States to prohibit in particular the “*deliberate killing or capture by any method*”.

Article 6(1) contains the basic prohibition on trading in birds that are protected under Article 1. Specifically “*Member States shall prohibit, for all the bird species referred to in Article 1, the sale, transport for sale, keeping for sale and the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds*”.

The Directive provides for exceptions to the general prohibitions set out in Articles 5 and 6. The trade in species listed in Annex III of the Directive is permitted, provided that the conditions and restrictions within Articles 6 (2) and 6 (3) are observed. In relation to hunting, species listed in Annex II may be hunted under Article 7 of the Directive owing “*to their population level, geographical distribution level and reproductive rate throughout the Community*”.

Where a species is not listed in Annex II, an exception to the prohibitions in Article 5 is only possible where the strict requirements of Article 9 are fulfilled. Article 9 allows Member States to derogate (i.e. depart) from the basic prohibitions in Article 5, 6, 7 and 8 provided three conditions are fulfilled: there is no other satisfactory solution ; one of the reasons listed in 9(1)(a), 9(1)(b), or 9(1)(c) applies; and the technical requirements of Article 9(2) are fulfilled.

Article 13 states that “*application of the measures taken pursuant to this Directive may not lead to deterioration of the present situation as regards the conservation of species of birds referred to in Article 1.*” This is an example of a “*stand-still clause*”. Such clauses appear in a significant number of Community environmental Directives. They are aimed at ensuring that the implementation of the Directives concerned will not worsen the initial status of the environmental features sought to be conserved.

Article 14 provides that Member States may introduce stricter protective measures than those provided for under the Directive. It is important to note that the faculty of adopting stricter measures is not unrestricted. Member States must respect rules in the EC Treaty concerning freedom of trade, as is confirmed by a decision of the Court in Case C-169/89, *Criminal proceedings against Gourmetterie Van den Burg*. In addition, where it can be demonstrated that the huntability of a bird species is clearly linked to conservation benefits for that and/or for other wild bird species as a result of hunting-associated habitat conservation measures, it may be appropriate, where a hunting ban is contemplated, to consider any disbenefits that may arise for habitat conservation.

PROVISIONS OF ARTICLE 7

Article 7 allows for the hunting of certain species of bird. Due to their population level, geographical distribution and reproductive rate throughout the Community, hunting of these species is considered to constitute acceptable exploitation.

Whereas bird hunting in Europe is mainly a recreational activity and is generally not carried out to regulate bird populations, it may also be a tool to control damage-caused by certain bird species.

Member States must ensure that hunting is compatible with the maintenance of the populations of the species concerned at a satisfactory level and that the practice does not jeopardise conservation efforts in their area of distribution. This clearly implies that the practice of hunting must not represent a significant threat to efforts for the conservation of both huntable as well as non-huntable species.

Wise use is not defined in the Birds Directive. In the context of hunting wise use clearly implies sustainable consumptive use with an emphasis on maintaining populations of species at a favourable conservation status. The concept appears to correspond well with the definition on sustainable utilisation given in Convention on Biological Diversity (CBD): *“the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.”* The Birds Directive is one of the legal instruments of the European Union to implement this Convention.

Guidance on the issue of wise use has also been developed under the Ramsar Convention. The 3rd Meeting of the Conference of the Contracting Parties to the Convention (1987) have agreed a definition which states that *“the wise use of wetlands is their sustainable utilization for the benefit of humankind in a way compatible with the maintenance of the natural properties of the ecosystem”*.

In the Commission’s Communication on the wise use and conservation of wetlands COM(95)189 sustainable wetland resource use is identified as one of the key wetland issues. Specific reference is made to bird exploitation: *“Waterfowl hunting in European wetlands is a popular leisure activity and can be an important source of income for wetland owners. Rightly, hunting associations are becoming an important driving force for wetland conservation. The principle of using the waterfowl resource in a sustainable way can substantially contribute to wetland conservation. These are also aspects covered by Council Directive [...] on the conservation of wild birds”*.

The notion of wise use should also incorporate the positive role that can derive from game management. This implies a set of measures such as the provision of better habitat, better nutrition, less predation, less disease or less poaching which improve the living conditions of huntable and other species. Therefore, whereas annual harvesting can remove a sizeable proportion of the population this is offset by gains due to a lower natural mortality and/or better reproduction rate.

Sound management practices, in accordance with the wise use principle, should also take into account the needs of non-huntable species and the ecosystem. This can result in populations of game and other species on managed land being significantly higher than on unmanaged areas.

Some of the most important wildlife sites in Europe have survived the pressures of development and destruction due to the interests of game management. For example the United Kingdom has the largest areas of heather moorland anywhere in Europe largely due to its value for grouse hunting, which provided a strong basis for preventing the loss of this habitat from commercial afforestation and other threats. In Spain the remaining populations of Spanish Imperial Eagle *Aquila adalberti* mainly survived on large private game estates, where the hunting was formerly almost exclusively focussed on big game. In France, wild populations of Grey Partridge *Perdix perdix* are high in certain regions with intensive farming (e.g. *Beauce*, *Picardie*) as a result of management efforts, in particular the creation of thousands of hectares of ‘wildlife set aside’ with financial support of hunters.

Hunting can therefore support conservation through wise use. Steps taken to improve the condition for target species can not only enhance the sustainable yield but also benefit a range of other animals and plants that have similar requirements. Woodland managed for Pheasants *Phasianus colchicus* is more diverse than woodland managed exclusively for forestry. Field margins managed to help Partridges *Perdix perdix* also benefit wild flowers, butterflies and other invertebrates.

Bird species may be considered as having an unfavourable conservation status when the sum of influences acting on the species concerned negatively affect the long-term distribution and abundance of its populations. This would include a situation where population dynamics data shows that the species is not maintaining itself on a long-term basis as a viable component of its natural habitats. It is, of course, generally not advisable to subject such species or populations to hunting, even if hunting is not the cause of or contributing to their unfavourable conservation status. However, allowing hunting of a species can provide a strong incentive to manage habitats and address other factors contributing to population decline, therefore contributing to the objective of restoring populations to favourable conservation status.

The 8th recital of the preamble of the Birds Directive suggests that it may not refer primarily to recreational utilisation but to population management aimed at species conservation: “*Whereas conservation is aimed at the long-term protection and management of natural resources as an integral part of the heritage of the peoples of Europe; whereas it makes it possible to control natural resources and governs their use on the basis of the measures necessary for the maintenance and adjustment of the natural balances between species as far as is reasonably possible*”.

Furthermore, Article 1 refers to “protection, management and control”, while pursuant to Article 2 measures shall be taken to maintain populations or to adapt populations to a level “which corresponds in particular to ecological, scientific and cultural requirements, while

taking account of economic and recreational requirements”. The latter may mean that the control is not only focused on “balances between species” but could also be aimed at the protection of economic interests (e.g. damage prevention).

PROVISIONS OF ARTICLE 9

Derogations are “exceptions” which allow for some flexibility in the application of a law. A limited number of activities normally prohibited under the Birds Directive (Articles 5-8) are permissible by way of such derogations, where particular problems or situations exist or may arise. These derogations must be justified in relation to the overall objectives of the Directive and comply with the specific conditions for derogations described in Article 9. Member States do not need to consult the Commission before applying derogations but are obliged to report all derogations to the European Commission in annual derogation reports.

As has been noted above, derogations are only possible in cases where there is no other satisfactory solution. An analysis of whether there is “no other satisfactory solution” can be considered as having three parts: What is the problem or specific situation that needs to be addressed? Are there other solutions? If so, will these resolve the problem or specific situation for which the derogation is sought?

Case C-10/96, *Ligue Royale Belge pour la Protection des Oiseaux ASBL, Société d’Etudes Ornithologiques AVES ASBL v. Région Wallonne* – is the most extensive decision of the Court of Justice to date on “no other satisfactory solution” and of considerable assistance in any general analysis of how this condition should be addressed. In analysing the issue of other solutions, the Court noted that the actions to be permitted under the derogation (in this case capture of wild birds for recreational purposes) were an example of “judicious use” and thus came within the exhaustive reasons referred to in Case C-118/94¹.

It is evident that, where another solution exists, any arguments that it is not “satisfactory” will need to be strong and robust. In this context the term “satisfactory” may be interpreted as meaning a solution which resolves the particular problem facing the national authorities, and which at the same time respects as far as possible the prohibitions laid down in the Directive. The determination of whether another satisfactory solution exists in a given factual situation is, of course, a matter for the national court. Any determination that another solution is unsatisfactory should be based on objectively verifiable factors, and close attention needs to be paid to the scientific and technical evaluation of these.

In the case of recreational hunting, this is inextricably linked to the question of whether such hunting can be considered a “judicious use” for purposes of Article 9(1)(c).

¹ The Court’s reasoning includes the following: “15 It should first be pointed out that the Court has held, at paragraph 38 of its judgment in Case 262/85 *Commission v Italy* [1987] ECR 3073, that the capture and sale of wild birds with a view to keeping them for use as live decoys or for recreational purposes in fairs and markets may constitute judicious use authorized by Article 9(1)(c) of the Directive. 16 It cannot therefore be ruled out that the capture of certain protected species for recreational purposes, such as that intended to enable fanciers to stock their aviaries, may also constitute judicious use within the meaning of Article 9(1)(c).”

The Court of Justice in its judgment in Case C-182/02, confirmed that recreational hunting may constitute a “judicious use”.

In the light of this decision of the Court, it requires to be examined whether there are objectively verifiable factors and scientific and technical considerations that would justify derogations for hunting on the basis that there is no other satisfactory solution to a specific situation.

For example, for some species, from a conservation point of view it may be less damaging to these species to allow some limited hunting during closed periods than during the normal hunting season.

The absence of species in particular regions during normal hunting periods due to migration patterns may also be a factor for consideration. In its judgement in Case C-182/02 the Court has not excluded the possibility of hunting under derogation outside normal periods fixed in accordance with Article 7. Such hunting would be permissible in “territories” not used by birds during the normal hunting period. The identification of territories to which such derogations may be applied should be done on a scale which is related to the movement and distribution of the species concerned. It should also include consideration of the opportunities for hunting the particular species within a given region.

Any such derogation would need to be assessed on a case by case basis. For some migratory species that do not spend the winter in a Member State there may be consistently good opportunities for a hunting season in such territories, while the species is on post reproduction migration. This is an important factor in any consideration of allowing hunting seasons outside normal permissible periods.

In considering whether objectively verifiable factors exist it may also be appropriate for the scientific and technical considerations to take some account of the beneficial consequences for the conservation of bird species that may accrue from a contemplated exercise of the derogation. For example, hunters may take care of game habitats on a voluntary basis, nest boxes may be offered in large quantities, and supplementary food offered at proper occasions. Upland heather management and lawful predator control as a consequence of game management not only benefits Red Grouse *Lagopus lagopus* but also has wider environmental benefits.

Article 9(1)(c) Derogations

Article 9(1)(c) allows for the use of derogations for the capture, keeping or other judicious use of certain birds. Apart from general conditions, there are four specific conditions, which must be respected in order to apply a derogation under Article 9(1)(c). It must represent “*judicious use*”. It must relate to “*small numbers*”. It is only permissible if carried out under “*supervised conditions*”. Finally it must be on a “*selective basis*”. The Court ruling in Case C-60/05 clarifies several issues with regard to the conditions of Article 9(1)(c) and the type of national administrative framework required for the effective implementation of this provision².

• “Certain Birds”

Whereas it is mentioned that this derogation can apply to “*certain birds*”, these are not specified in the Directive. In negotiations leading to the adoption of the Directive, there was reference to the need to provide for a derogation to allow the taking of birds of prey for falconry³. However, it may be concluded that this derogation can also apply to other bird species for which judicious use is justified.

• “Judicious Use”

A fundamental question arises as to whether hunting can constitute a “*judicious use*” for the purposes of Article 9(1)(c). This question has now been answered by the Court in Case C-182/02 *Ligue pour la protection des oiseaux and others*. Based on previous case-law, the Court stated that “*It is clear from the foregoing that the hunting of wild birds for recreational purposes during the periods mentioned in Article 7(4) of the Directive may constitute a judicious use authorised by Article 9(1)(c) of that directive, as do the capture and sale of wild birds even outside the hunting season with a view to keeping them for use as live decoys or to using them for recreational purposes in fairs and markets*”.

Judicious use is not defined in the Directive, although it is clear from Article 9.1(c) that it can include the capture and keeping of certain birds. It is also worth noting that, while, in the English version of the Directive, the word “use” is repeated in the phrase “wise use” in Article 7 and the phrase “judicious use” in Article 9.1(c), other language versions employ different terms in these two phrases. In many of these versions, the equivalent word for “use” in the phrase “judicious use” has an exploitative connotation⁴.

2 Judgment of 8 June 2006, WWF Italia and others, case C-60/05, ECR 2006, p.5083.

3 The Economic and Social Committee in its opinion on the proposal for a Council Directive on bird conservation of 25 May 1977 (O.J. N° C 152/3 of 29.6.77) stated “2.8.1. *The absence of a possibility of derogating in order to take birds of prey for falconry was noted. It was pointed out to the Commission that this was a legitimate and ancient sport, which if properly controlled, harmed neither birds of prey populations nor the populations of birds pursued in the course of falconry. Some provisions should be made therefore to allow the continuation of this on a controlled basis*”

4 Other languages: “utilisation raisonnée “ as against “exploitation judicieuse” (FR); “fornuftig udnyttelse”, fornuftig anvendelse (DK); “saggia utilizzazione”, impieghi misurati (IT); “utilización razonable”, “explotación prudente” (ES); “förnuftigt utnyttjande”, förnuftig användning (SE); “ορθολογική χρησιμοποίηση”, “ορθολογική εκμετάλλευση” (GR).

The Commission has previously stated: “*This concept may also include other use provided that this does not jeopardise the general objectives of the Directive and it may include hunting using birds of prey in the context of falconry*”⁵. However, any exploitative connotation carried by the term “use” needs to be balanced by the connotations of responsibility, restraint and good judgement imparted by “judicious”.

Falconry provides an illustration of circumstances which amount to a non-respect of Articles 5 (prohibition on killing or capture of wild birds) and 7 (huntable species) but which, in the Commission’s view, nonetheless represent a “judicious use”. Although falconry is explicitly mentioned in Article 7(4) of the Directive, the practice is limited to huntable species listed in Annex II/1 and Annex II/2 of the Directive for the Member States concerned.

In the United Kingdom, the skylark *Alauda arvensis* constitutes one of the main quarry species for the Merlin *Falco columbarius*. Falconry using merlins is practised, but the skylark is not amongst the species listed in Annex II/2 for this Member State. For this reason, the United Kingdom authorises, by way of derogation, the hunting of small numbers of skylarks by merlin. The Commission considers that this is justifiable as a “judicious use” under Article 9(1)(c) by reason of the fact that the merlin has a natural propensity to hunt skylarks. It should be noted that this is not the only instance in which hunting might be the subject of a derogation pursuant to Article 9(1)(c).

• **“Small Numbers”**

In order to meet the requirements of Article 9.1(c) the derogations must only relate to “*small numbers*”. Therefore it would be appropriate to be able to determine a quantity to fix a threshold below which the derogation is automatically considered as meeting the requirements of the notion of “*small numbers*”.

In Case 252/85, *Commission v France*⁶, the Court considered the issue of small numbers in the following passage: “*In this respect, it is apparent from Article 2, in conjunction with the 11th recital of the preamble to the Directive, that the criterion of small quantities is not an absolute criterion but rather refers to the maintenance of the level of the total population and to the reproductive situation of the species concerned.*” The Commission considers that the notion of “*small numbers*” is therefore necessarily relative. A size cannot be small or large except in relation to another size. The question arises as to the size to which “*small numbers*” are to be compared. Since all the cases of derogations concern the taking of birds i.e. an annual loss for the population affected, the most appropriate solution is to compare the numbers involved in this taking to the overall annual mortality, defined as the sum of deaths due to natural causes and to the taking of birds under Article 7 if applicable.

It is therefore proposed that the threshold of “*small numbers*” should be fixed as a given percentage of the total annual mortality of the population(s) concerned by the derogation. For sedentary species, “population concerned” means the population of the geographical region in which the derogation is sought to be applied.

⁵ From Second Report on Birds Directive (pp 9-10)

⁶ Judgment of 27 April 1988, Commission/France, case 252/85, ECR 1988, p.2243.

For migratory species, it means the population of the regions from which the largest numbers of migratory birds come before passing through the region where the derogation is sought be applied during the period the latter is in force. During the winter period, it means the minimum wintering population present in the region where the derogation is sought to be applied. In cases where the population is shared by different Member States, there may be use of derogations on migratory birds of the same population in the different countries.

There is also a temporal dimension to determining the reference population at the time of application of the derogation. For example, the taking of Wood Pigeons *Columba palumbus* in autumn, when there is a surplus of young birds will be very different from the taking of sea ducks on spring migration, when the impacts will proportionately be higher on the adult population of pre-breeders.

In order to determine an exact figure for the threshold, two approaches are possible:

- the figure must be much lower, by at least an order of size, than those figures characteristic of the taking of birds under Article 7. A figure of 1% meets this condition.
- the taking must have a negligible effect on the population dynamics of the species concerned. A figure of 1% or less meets this condition as the parameters of population dynamics are seldom known to within less than one percentage point and bird taking amounting to less than 1% can be ignored from a mathematical point of view in model studies.

The overall annual mortality is an appropriate parameter to quantify small numbers because it takes population size, status and population dynamics into account. Within this framework “*small numbers*” should be considered as being any taking of around 1% of the annual mortality for species which are hunted.

Whereas estimates of annual mortality vary in availability and quality, they do exist for most huntable species. Furthermore, it is possible to calculate, on the basis of the available scientific literature for biologically similar species estimates for species for which no data is available at present.

There will be a need to refine and improve the data on annual mortality of different species and populations, including developing the use of ringing data. The availability of good quality scientific information on population size and natural mortality is a prerequisite of reliable calculations. In cases where such data is lacking or incomplete there would be a need to use minimum estimates of population size and mortality rates, based on best available data. Furthermore, any application of derogations for a species must be underpinned by robust monitoring systems for the populations concerned to ensure that the taking is not detrimental to their conservation status.

Derogations should not be granted for species or populations with an unfavourable conservation status, which are declining within the European Union (or in a Member State considering exercising such derogations), whose area of distribution (breeding or wintering) is contracting, or with very low population levels, unless it can be clearly demonstrated that use of such derogations are beneficial to the conservation status of the species/population concerned. Any consideration of use of derogations for such species should only be in the framework of a conservation management plan for them, aimed at their recovery to favourable conservation status.

In Case C-182/02 the Court confirmed in its judgement that a hunting derogation will not be justified if it does not ensure the maintenance of the population of the species at a satisfactory level. The need to ensure the maintenance of the species population at a satisfactory level is not explicitly mentioned in Article 9. It seems that the Court took into account the general orientation of the Birds Directive set out in Article 2 and the 11th recital. Therefore, the need to ensure the maintenance of the population of the species at a satisfactory level becomes a pre-condition for granting derogations.

For abundant species with a favourable conservation status, taking in excess of the 1% threshold (up to 5% of annual mortality) may be considered following an in-depth scientific analysis by the competent authority which authorises the derogation. This would be in order to verify that the derogation is not incompatible with the objectives of the Directive.

- **“Strictly Supervised and Selective Basis”**

The express reference in Article 9 §1(c) to “*under strictly supervised conditions and on a selective basis*” suggests that the legislator intended a greater level of constraint than might otherwise arise.

The principle of strictly supervised conditions implies that any use of this type of derogation must involve clear authorisations that must be related to particular individuals, places, times and quantities. It also implies the need for a strong element of enforcement of such derogations to ensure compliance.

The principle of “selectivity” means that the activity in question must be highly specific in its effect, targeting one species (or group of closely related species), or even one gender or age class of that species (e.g. mature males only), with the exception of all others. It also implies that certain technical aspects of the method used can verifiably demonstrate selectivity.

There is a need to come to a view on methods which of themselves are not entirely selective (e.g. use of certain nets) unless combined with the skills and experience of the operator, or by a combination of both. In case the method of taking results in specimens being killed, the selectivity method should be at a very high level. When birds are taken alive and may then be released unharmed, there is a need to ensure that fully verifiable safeguards apply.

The issue of selectivity also implies that full regard is given to minimising the risk of confusion and risk of disturbance to species that are not the subject of the derogation.

On several occasions, the Court has stated that Article 9 derogations from the general system of protection must be applied appropriately in order to deal with precise requirements and specific situations. Case 252/85⁷ is of assistance in examining the scope of the requirement concerning strictly supervised conditions and selectivity. The Court satisfied itself that the requirements had been met by France, which had stressed that the use of the limes and nets in question involved individual authorisations and that there were strict territorial, temporal and personal controls in order to guarantee the selective nature of the capture.

Against this background, it would seem reasonable to propose that the phrases “*under strictly supervised conditions and on a selective basis*” should be understood to imply a system of individual authorisations (or narrow-category authorisations involving a high degree of accountability), and should imply strict territorial, temporal and personal control

As has been noted above, the third condition that derogations must satisfy relates to compliance with the precise formal conditions set out in Article 9(2). In the words of the Court, these formal conditions “*are intended to limit derogations to what is strictly necessary and to enable the Commission to supervise them.*” The case-law confirms the importance of taking account of each of the formal conditions in Article 9(2). This is illustrated by Case C-247/85, *Commission v Belgium*⁸. In that case, the Court rejected a Belgian defence that the legislation complied with Article 9 *inter alia* noting: “*Furthermore, the derogations do not comply with the criteria and conditions of Article 9(2) in so far as they mention neither the circumstances of time and place in which they may be granted nor the controls which will be carried out.*”

In relation to the derogations the following formal conditions need to be respected and specified in any licence granting derogations

The species, which are the subject to the derogations

The species concerned need to be clearly indicated. This generally implies identification at individual species level. However, there may be circumstances, which might provide for several similar species being covered by the same derogation.

The means, arrangements or methods authorised for capture or killing

These must clearly be specified and applications of the derogation restricted to them.

The conditions of risk and the circumstances of time and place under which such derogations may be granted

This should include details of the level of risk attached to the use of the method, (including how often it will be inspected etc.) as well as precise details on the timing and location of the derogation. Precautions to restrict the risk for other species may also be appropriate.

7 Judgment of 27 April 1988, Commission/France, case 252/85, ECR 1988, p.2243.

8 Judgment of 8 July 1987, Commission/Belgium, case 247/85, ECR 1987, p.3029.

The authority empowered to declare that the required conditions obtain and to decide what means, arrangements or methods may be used, within the limits and by whom

Within each Member State certain designated authorities are responsible for issuing derogations. The exact terms should be set out in the relevant legislation for each country (or region thereof). Where the authority to grant derogations is given at sub-national levels (e.g. by regional administration) there is a need for a co-ordinating overview of the granting of derogations at Member State level to avoid the risk that the sum of the derogations may exceed permissible levels.

The controls which will be carried out

A derogation authorises acts that would otherwise be an offence under the legislation transposing the Birds Directive. Therefore, there needs to be compliance with certain specified conditions that are set out in the derogation. This must be underpinned by appropriate enforcement.

The way forward to make the Directive really “work”

There are clearly a number of options or opportunities, each with its benefits and drawbacks, with the view to make the “Birds” Directive fully operational and not reducing in any way its potential to conserve wild bird populations, but without restricting or banning unjustly sustainable hunting practices and methods. Indeed, if the Directive continues to be applied in an excessively restrictive sense towards sustainable hunting, then the benefits of this activity could be severely reduced, impacting negatively on bird (habitat) conservation, rural economy and even on public support – in particular among countryside people – for the European Union (as demonstrated by an analysis of regional voting at the recent UK “Brexit” Referendum).

Such proposals, suggestions and ideas could of course include a more fundamental modification of (parts of) the Directive, its amalgamation with the “Habitats” Directive (the latter being considered as more pragmatic for enabling sustainable hunting) or the transformation of the Directive into a *Regulation* (directly applicable in all its elements and therefore no longer subject to various interpretations or implementations by Member states, or even by Regions or other administrations). Some consider that a new *Interpretative Guide* – offering better opportunities to allow sustainable hunting practices – that would be more legally binding (e.g. by incorporating it into the Directive as an extra annex), would give less leeway for diverging interpretations while still be fully compatible with the conservation of bird species / populations. There is also the option of bringing the EU Court of Justice to new Rulings that would be more realistic and less negative towards hunting, namely through well documented *Prejudicial requests*.

But seeking to modify the Directive also involves a number of serious political risks.

Any signal originating from the hunters’ community of being in favour of amending the Directive will indeed be presented (by protectionist NGOs, by certain Political Groups in the European Parliament) as an attempt to weaken the level of protection of Europe’s wild birds. And, because the legislative process is identical for a *minor* amendment to the Directive as for the adoption of a completely new Directive (including the role for the European Parliament under the *Co-decision procedure*), there is a real risk of “opening Pandora’s box” with a final result that may be very unfavourable for hunting (such as the loss of species that may be hunted).

Based on these considerations, AECT adopts a position similar to that of FACE (*Federation of Associations for Hunting & Conservation of the EU*), namely that the current text of the Directive offers sufficient scope for the conservation and management – including sustainable use – of wild birds and their habitats but that certain of its provisions have been implemented and interpreted in a disproportionately restrictive manner.

This applies in particular to its Article 9§1c but also to Article 2 which is not used to its full potential. In this regard, it should be stressed that the Directive fully recognises the legitimacy of hunting and the management of bird species on a sustainable use basis. Hunting also provides considerable social, cultural, economic, and conservation benefits in different regions of Europe.

When assessing the progress made towards achieving the objectives set out in the Directive, economic, social and cultural requirements need also to be taken into account. Indeed, under the Directive, bird populations should be maintained at a level which corresponds not only to ecological and scientific requirements. More effort is needed to quantify the progress made towards achieving these multiple objectives.

It is in the interest of hunting and hunters to conserve nature, wild birds and their habitats, not least for the essential ecosystem services they provide. Indeed, the decline of a huntable bird species is likely to lead to loss of hunting opportunities, or in some cases to hunting restrictions or bans at national level. It is however a paradox that increases in species usually do not lead to improved hunting opportunities, as a result of direct or indirect legal constraints in the Directive.

There can be no doubt about the fact that habitat loss and land use changes are the most serious threat to biodiversity. While the creation of the NATURA 2000 network has been a success, inadequate efforts (e.g. through the *Common Agricultural Policy*) have been made to increase the productivity of declining species by improving their habitat. Instead too much focus has been given to increased species protection in order to reduce any additional mortality. If this approach is not modified, species will continue to decline regardless of legal protection and the EU will fail to meet its ambitious biodiversity targets under the Biodiversity Strategy 2020.

In terms of huntable species, AECT does not support either changes to Annex II of the Directive but believes that Member States should make better use Article 9 derogations.

Finally, bird conservation in Europe would benefit from wider stakeholder support, including by capitalising on hunters' motivation and commitment to conserve and manage habitats, to regulate overabundant bird populations, to control Invasive Alien Species and so on. To that end, the EU should pursue a policy for a more effective implementation and interpretation of the Directive, including greater recognition of the role of sustainable wildlife use, providing a positive basis for conservation as acknowledged in the text of the Directive. In this way the Directive will not be seen anymore as only imposing restrictions but become a true incentive for getting support, particularly from rural communities and at regional and local level.

AECT formulates the following key-recommendations which, if implemented by the EU and its Member States, should ensure that the “Birds” Directive continues to serve its conservation objectives:

In general:

- (1) Review the current conservation priorities and policies for wild bird species and populations at EU level. The ongoing Commission’s *Regulatory Fitness and Performance Programme* (REFIT) of the Directive provides a useful opportunity to achieve this.
- (2) Review the relevant science, data and other evidence that shed light on how best to address those priorities. Such an approach should be inclusive involving relevant stakeholders.
- (3) Ensure that the provisions of the Directive and associated jurisprudence focus exclusively on serving those priorities.

In particular:

- (1) Review the current system of assessing hunting seasons, to be based on the best available scientific evidence and biological data as well as on a sound legal and biological interpretation of the key provisions of the Directive, bearing in mind the principles of subsidiarity and proportionality.
- (2) Review the application of Article 9§1(c) for ecologically sound traditional small-scale hunting, taking account of economic, social and recreational requirements.
- (3) Devise systems which can appropriately take into account situations whereby derogations for hunting under Article 9§1(c) are (directly and/or indirectly) beneficial to the conservation status of the species/population concerned.
- (4) Continue the drafting and implementation of *Action Plans* for (groups of) hunt-able species in a *poor population status*, addressing the real causes of their decline, using a multi-stakeholder approach, this with a view of returning them to a *good population status*.
- (5) Ensure the sustainability of hunting by placing greater priority on the regular reporting of harvest levels of all hunted bird populations. If such general systems are not possible to put in place in the short term, priority should be given to declining populations.
- (6) Continue the drafting and implementation of *Flyway Management Plans* for overabundant (groups of) species in Europe, such as Geese.

- (7) Put greater emphasis on habitat conservation outside protected areas and on protection of those bird species considered to be in a *poor population status*, rather than merely on the “charismatic” ones.
- (8) Initiate and actively support an internationally coordinated monitoring scheme of wild bird populations (in particular of migratory ones), of their habitats and of their sustainable use through hunting.
- (9) Undertake a regular review of conservation priorities, policies, actions and other initiatives under the Directive, in the light of new scientific and technical knowledge and evidence (e.g. taking into account the *population status* of species, impact of climate change, findings on the positive contributions by socio-cultural activities etc.).
- (10) Integrate systematically the principle of sustainable use, as a tool for conservation of biodiversity, plus make use of hunters’ knowledge, experience and commitment to conservation, in all relevant policies for the conservation of wild birds and their habitats.
- (11) Invest more effort and resources into communication initiatives
 - demonstrating the positive contribution of sustainable wildlife use for community based conservation approaches (including the considerable potential for habitat conservation / management and for monitoring wild populations);
 - facilitating the involvement (where possible through financial incentives) of wildlife users in the management of NATURA 2000 sites and other protected areas;
 - promoting sustainable use principles as laid down in the *Convention on Biological Diversity* (the Addis Ababa Principles) and the *European Charter on Hunting and Biodiversity* of the Council of Europe.

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