



30.1.2015

NOTICE TO MEMBERS

Subject: Petition No 2100/2013 by C.J. (German) on the snaring of live birds and the use thereof as decoys

1. Summary of petition

The petitioner calls for an end to the use of small songbirds as decoys for the hunting of other birds and to impose a total ban on the hunting of songbirds. Having observed this practice in Majorca (Spain), she regards it as particularly cruel, observing that bird populations are being greatly reduced because of the large numbers being caught in this way.

2. Admissibility

Declared admissible on 8 August 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 January 2015

The Commission's observations

The Birds Directive¹ establishes a general system of protection for all species of wild birds occurring in the territory of the EU. 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 Union. The enforcement of the provisions of this Directive is primarily a responsibility of the competent Member State authorities.

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L20/7

The petitioner denounces the use of partridges as live decoys in the region of Mallorca. The only species of partridge that can be hunted in the Balearic Islands¹ is *Alectoris rufa*. The Commission notes that this species is listed under Annex II of the Birds Directive, and therefore may be hunted under the provisions of Article 7 of the Directive. Member States shall ensure that the hunting of these species does not jeopardize conservation efforts in their conservation area and that the practice of hunting complies with the principles of wise use and ecological balanced control of the species concerned. Moreover, these species shall not be hunted during the rearing season or during the reproduction.

Article 8 of the Birds Directive prohibits the use of means and methods for the large-scale or non-selective capture or killing of birds, particularly those methods listed under Annex IV of the Directive, which prohibits the use of live birds which are blind or mutilated as decoys. However, the use of live decoys is not prohibited in general terms, as long as such birds to be used as decoys come from captive breeding or are captured in accordance with the requirements of the Directive.

The petitioner also asks for a ban on the hunting of songbirds. In this regard, the Commission would like to clarify that the general protection regime under the Birds Directive applies to most passerine species, with the exception of a limited number of passerine species listed under Annex II/2 of the Directive which can therefore be hunted in certain Member States in accordance with Article 7.

Conclusion

The Birds Directive establishes a general system of protection for all wild bird species in the territory of the EU. A limited number of species (listed in Annex II) may be hunted under Article 7. These hunting practices must fulfil the principles set in Article 7. Certain derogations to the general protection regime may be applied by the Member States, provided that these derogations fulfil the strict requirements under Article 9.

The information provided by the Petitioner does not provide sufficient evidence of any breach of the Birds Directive in this case.

¹ Decreto 71/2004, de 9 de julio, por el que se declaran las especies objeto de caza y pesca fluvial en las Illes Balears y se establecen normas para su protección (BOIB Num. 99 17-07-2004)