

16<sup>th</sup> Meeting, 27-28 April 2021

Document N°: Doc Nadeg 21-04-06

## **Bird species listed in Annex II which are not in a secure status: update on a proposed approach and creation of two sub-groups within NADEG (EU Sustainable Harvest Working Group and EU Bird Conservation Working Group).**

Further to the discussion at the NADEG meeting of 22-23 October 2020 (Agenda point: “*Improving conservation status of non-secure taxa listed in Annex II of the Birds Directive*”), Member States and stakeholders have provided feedback on the documents “Doc Nadeg 20-10-06” and “*Status review of birds listed in Annex II of the Birds Directive and prioritising conservation responses: background review*”, called hereafter the “*Background assessment*”.

The main comments received from Member States and stakeholders can be found in Annex I to the present note.

### **1. Priority setting for bird species listed in Annex II which are not in a secure status**

This paper focuses on Annex II species which are not in secure status, i.e. all species that are in a threatened/bad status (Critically endangered, Endangered, Vulnerable) or in a non-secure/poor status (Near Threatened, Declining, Depleted).

The focus on Annex II species is due to the fact that these species generally have worse status compared to other bird species protected under the Birds Directive (again confirmed in the [State of Nature in the EU 2020](#)). However, Annex II and non-Annex II species often suffer from the same pressures and threats and require a joint approach to resolve these issues. There are 220 non-Annex II bird species not in a secure status according to the State of Nature in the EU 2020, of which 113 are species listed in Annex I. Therefore, conservation efforts should be also made for these species. The Commission will consider further work to prioritize conservation action for non-Annex II species.

The prioritization for Annex II species which are not in secure status based on six criteria as proposed in the “*Background assessment*” was supported by all Member States and stakeholders that provided written comments. Therefore, **the proposed prioritization criteria and the derived list of Annex II species (Table 1 in Annex II of this note) indicating the order of priority is considered to be agreed.**

The list (Table 1 in Annex II) is aimed at identifying priorities at EU level and at triggering a coordinated set of actions at EU level. While Member States might identify their own national or regional priorities on the basis of the status of the species in their territory, they should be consistent with the priorities indicated in Table 1 in Annex II to support each other’s efforts and thus increasing the effectiveness of measures undertaken both nationally and internationally.

Taking into account data on the non-breeding population of Annex II species in addition to data on the breeding population would be relevant if sufficient data was available on the status and trends of all

relevant species in the non-breeding season. As it is not the case for all species, the list will not be adapted in this regard.

Resident species will be kept in the list, as the improvement of their status might also depend on policy responses at EU level (for example with respect to agricultural policy) and also considering that some species have populations comprising both migratory and non-migratory elements making practical separation based on movements problematic. However, any issue related to the development of action plans for these resident species should be addressed at national level.

## 2. Improving the conservation status of bird species listed in Annex II which are not in a secure status

### A. Feedback from Member States and Stakeholders

The six elements proposed in the “*Background assessment*” to develop a strategic approach to secure the 42 Annex II species which are not in a secure status were globally supported by Member States and stakeholders, though with some concerns or suggestions for further elaboration. There was support as regards the development of (multi-species) action plans for habitats important for Annex II species not in a secure status.

### B. Proposed way forward

The proposal below builds on previous experience on international species action plans and management plans, the feedback received from Member States and stakeholders on the proposed approach for “*Improving conservation status of non-secure taxa listed in Annex II of the Birds Directive*” discussed in NADEG on 22-23 October 2020, and experienced gained in the context of the development of an adaptive harvest management mechanism for the Turtle Dove.

According to Article 7 of the Birds Directive, when an Annex II species is not in a secure status, there is need to assess whether hunting is compatible as regards the population of the species, complies with the principle of wise use, and does not jeopardize conservation efforts in its distribution area. Such an assessment is therefore required for each of the Annex II species that are not in a secure status.

Species not in a secure status should not be hunted unless hunting “*forms part of a properly running management plan that also involves habitat conservation and other measures that will slow and ultimately reverse the decline*”<sup>1</sup>.

Considering the limited resources, there is a need to prioritize action on the Annex II species not in a secure status. Therefore, the Commission envisages addressing the issue as follows:

- a. A first set of species listed in Table 1 in Annex II of this note will be selected in the order of priority indicated in the table (e.g. all those with additive index above 7, or above 8).
- b. For this first set of species, **an assessment will be carried out** aimed at answering the following questions: What is the relative importance of survival and fecundity<sup>2</sup> on the growth rate of the population? Does off-take by hunting play a critical role on survival?

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<sup>1</sup>“Guide to sustainable hunting under the Birds Directive”

[https://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting\\_guide\\_en.pdf](https://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting_guide_en.pdf)

<sup>2</sup> The off-take by hunting is not likely to have a significant impact on fecundity.

1. If survival appears to be **critical and in all cases where it cannot be excluded that off-take by hunting plays a critical role on survival**, an **adaptive harvest management mechanism** (AHMM) will be developed. The aim of the AHMM will be to assess if it is possible to set a sustainable harvest rate and what this rate could be, taking into account the probability of continued population decline associated to each harvest rate and the expected speed for the recovery of the species. Only harvest rates leading to a population recovery and associated with a low probability of continued population decline would be considered. In the other cases, a zero-take would be needed until a sustainable harvest rate can be set. **Pending the development of AHMM, in line with the precautionary principle and Article 7 of the Birds Directive, a zero-take would need to be ensured.** In addition, depending on the assessment of other factors influencing the population dynamics, other actions would need to be identified and implemented, e.g. on habitat management.
2. If survival appears to be **critical but it can be excluded that off-take by hunting plays a critical role on survival**, other factors (e.g. predation, by-catch) will need to be assessed. Depending on the assessment of other factors influencing the population dynamics, other actions would need to be identified and implemented, e.g. on habitat management. These species would be clustered by types of similar key threats (e.g. species for which by-catch or invasive species is a key threat) or by the associated (breeding, staging, wintering) habitat (e.g. wet grassland breeding birds). If needed, habitat management plan and/or threat-specific action plans would be developed, to identify key actions to address the identified pressures and threats. A limited off-take by hunting could take place, especially if the hunting community demonstrates its significant role in keeping or improving the fecundity (maintenance and restoration of suitable habitats).
3. If survival appears to play a **minor** role, priority should be given to the improvement of the species fecundity by acting on the critical factors (e.g. habitat management, possibly in the context of a habitat action plan). A limited off-take by hunting could take place, especially if the hunting community demonstrates its significant role in keeping or improving the fecundity (maintenance and restoration of suitable habitats).

The assessment will be carried out via a population model, whenever there is sufficient data available to build such a model. In the absence of a model, only strong compelling evidence will allow to conclude that survival is not a critical factor and that off-take by hunting does not play a critical role on survival. **In absence of this strong compelling evidence, in line with the precautionary principle and Article 7 of the Birds Directive, a zero-take would need to be ensured** until sufficient knowledge is available to allow for the assessment to take place.

- c. The exercise will then be continued for other species in the list (in the order of priority indicated in Table 1). Pending the assessment, the species in Table 1 in Annex II of this note will fall in “case 4” of Table A.

Table A: summary of the proposed approach for Annex II species not in a secure status

	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
	<i>The assessment shows that survival is a critical factor on the population dynamic and it cannot be excluded that hunting plays a critical role on survival</i>	<i>The assessment shows that survival is a critical factor on the population dynamic and it can be excluded that hunting plays a critical role on survival</i>	<i>The assessment shows that survival plays a minor role on the population dynamic</i>	<i>No assessment can be made on the role of survival on the population dynamics</i>
<i>Response short term</i>	no hunting until AHMM is in place	limited hunting can take place	limited hunting can take place	no hunting unless it is demonstrated that off-take by hunting does not play a critical role
	other key actions identified if needed, e.g. on habitat management	other key actions identified (e.g. habitat management plan and/or threat-specific action plans prepared)	other key actions identified (e.g. habitat management plan prepared)	
<i>Response medium-long term</i>	AHMM	limited hunting could take place	limited hunting could take place	build knowledge and carry out the assessment ( <i>cases 1, 2, 3</i> )
	other key actions implemented if needed, e.g. on habitat management	other key actions implemented (e.g. habitat management plan and/or threat-specific action plans implemented)	other key actions implemented (e.g. habitat management plan implemented)	

### 3. Governance mechanism

The above proposals concern the EU level and will require a governance mechanism to provide recommendations to Member States and to regularly take stock of the situation. Then, it remains a responsibility of Member States to decide on the necessary measures to comply with the requirements of the Birds Directive including in light of the information gathered at EU level. The proposal below builds on what has been proposed for the Turtle Dove (see Doc Nadeg 21-04-12).

**For the Annex II species for which an AHMM will be developed, it is proposed to have:**

- a. A small **scientific advisory group** (per species or group of species) in charge of developing and updating the population model(s), developing data collection protocols, as well as performing analyses on the collected data. It would consist of expert scientists, population modelers, and data analysts from a range of relevant countries.
- b. A **sub-group within NADEG** (EU Sustainable Harvest Working Group - SHWG), that **makes recommendations**, particularly on harvest, based on the output of the scientific group, to NADEG. It would meet at least once a year. Ideally, recommendations would be reached by consensus. Representatives of the Member States may be different from those sitting at usual NADEG meetings. The appropriate representation would be decided by each Member State. Equally, representatives of stakeholder interests may differ from those of NADEG.
- c. A **yearly update of NADEG** on the development of the AHMM matters. The authorities representing the Member States **will approve the SHWG recommendations**. Member States, who are ultimately responsible for decisions on hunting, should then take the necessary steps to translate the measures approved by NADEG into the appropriate national/regional legislation.
- d. Ideally, a co-ordinator should promote and oversee the day-to-day implementation of the AHMM, liaise with the scientific advisory group and the competent authorities in the Member States, and coordinate actions. The Coordinator would report to the SHWG and ultimately to NADEG.

There will be a need to further explore how to best **co-ordinate with the Agreement on the conservation of African-Eurasian migratory Waterbirds (AEWA)** to ensure the most efficient use of the resources and a consistent approach in line with the requirements of the Birds Directive.

**For the other species** (cases 2 and 3 above), it is proposed to have a similar governance system:

- a. A small **scientific advisory group** (possibly per group of species) in charge of clustering species, proposing the key measures to address the key threats, steering the development of any type action plan and/or habitat management plans, if needed, collecting information on the implementation of action plans, etc.
- b. A **sub-group within NADEG** (EU Bird Conservation Working Group - BCWG) with Member States and stakeholders' representatives that make recommendations on key actions and report to NADEG periodically, which then approves the recommendations.
- c. Member States take the necessary steps to implement the recommended measures on the ground.
- d. Ideally, a co-ordinator should promote and oversee the day-to-day implementation of the recommended measures.

#### **4. Funding**

The proposed approach will require funding.

The Commission will explore the possibility to secure funding for a contract aimed at financing the work on the assessment for the first selection of species, for the two scientific advisory groups and potentially the position of the two coordinators. In absence of funding, it will not be possible to carry out the assessments, so all species in Table 1 in Annex II of this note will fall in "case 4" of Table A.

If the proposed approach can be put in place, Member States will need to secure financing for implementing the key recommended measures, as well as monitoring, reporting and controls.

<p style="text-align: center;"><b>Annex I - Feedback from Member States and stakeholders received after the NADEG meeting of 22-23 October 2020</b></p>
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## **1. Priority setting for bird species listed in Annex II which are not in a secure status**

Summary of feedback from ten Member States and two stakeholders received after the NADEG meeting of 22-23 October 2020.

Some minor adjustments to the proposed priority setting were proposed.

Here are some of the main comments:

- a. The prioritization exercise should apply to all non-secure taxa, not to just Annex II taxa.
- b. There should be a further prioritisation at national, or supra-national regional, scale(s).
- c. Higher priority should be given to migratory species.
- d. Priorities are established on the basis of breeding season data and status information (Criterion 2: “Minimum size of the EU 27 breeding population”) yet hunting takes place in the non-breeding season also on immigrant populations from beyond EU.
- e. The Criterion 6 (“Prior existence of a (former) EU Management Plan”) should not be taken into account as it results from the status of the species.

## **2. Improving conservation status of bird species listed in Annex II which are not in a secure status**

Summary of feedback from ten Member States and two stakeholders received after the NADEG meeting of 22-23 October 2020.

The six elements proposed in the “*Background assessment*” to develop a strategic approach to secure the 42 Annex II species not in a secure status are globally supported by Member States and stakeholders, though with some concerns or suggestions for further elaboration.

Here are some of the key comments:

- a. Some consider that addressing European agricultural policy should be a priority action while others consider that ensuring sustainability of any hunting should be the priority.
- b. A Species Action Plan is a suitable means to address short-term issues but cannot effectively influence long-term or broad policy issues such as the Common Agricultural Policy and/or climate change.
- c. Hunting and adaptive harvest management should not be considered for Annex II species not in a secure status. A hunting moratorium should apply to Annex II species not in a secure status.
- d. There should be measurable criteria to assess the sustainability of hunting and a common monitoring methodology for huntable species (population trend and hunting take) to allow comparison of numbers and effects of management actions among countries/regions. The status at national level should also be considered alongside EU status.

- e. If there is a survey to better understand the nature and scale of hunting pressures and threats as proposed by the Commission, it should be based on evidence rather than expert opinion.
- f. The list of priority species (Table 1 in the “*Background assessment*”) should be among the species for which the 30% improvement target of the Biodiversity Strategy for 2030 (“*improving (“strongly positive”) trends for 30% of species and habitats in unfavourable/non-secure status by 2030*”) would apply.
- g. When a species relies on different types of habitats, a list of priority actions for those habitats should be considered.

Member States and stakeholders globally support the idea to develop action plans for habitats important for Annex II species not in a secure status (cf. wet grassland action plan).

Here are some of the main comments:

- a. Action plans for the Annex II species not in a secure status should also be developed from a habitat perspective.
- b. Developing action plans for improving the habitat of the species will not suffice if agricultural legislation and the Common Agricultural Policy do not allow support of the required habitat improvements. Addressing agricultural policy should be a priority action.
- c. Action plans for specific habitats should be based on the importance of those habitats for *all* non-secure species, not only the Annex II species.
- d. Experience with the implementation and co-ordination of action plans under AEWA should also be considered.

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**Annex II - List of bird species listed in Annex II of the Birds Directive which are not in a secure status indicating the order of priority for concerted conservation action.**

**Table 1** (= Table 13a in the *Background assessment* to which columns 3, 4, 9 & 10 have been added). Combined prioritisation scheme in relation to suggested priorities for conservation management measures for Annex II taxa that are non-Secure. Additive index combines information concerning population trends, population sizes, EU and global Red List status, existing conservation management and other EU plans. Species highlighted in yellow have an existing EU Management Plan. (Taxa are not ranked within each index category).

1	2	3	4	5	6	7	8	9	10	11	12
Common name	Scientific name	Annex II/1	Annex II/2	Long term trend 2020	Short-term trend 2020	Status 13-18	2020 EU Red List	Main habitats	Three most frequent pressures	Additive index	Observations
Black-tailed Godwit	<i>Limosa limosa</i>		Y	Dec	Dec	THR	EN	CH, IW, TMM, WG, RC	A, F, G	12	Existing EU Management Plan; EU multi-species Action Plan; AEWA ISSAP. Globally IUCN Near Threatened
Willow Ptarmigan	<i>Lagopus lagopus hibernica</i>	Y		Dec	Dec	THR	VU	TMM	A, I, B, C, N	12	Endemic to the EU. Restricted to IE
Oystercatcher	<i>Haematopus ostralegus</i>		Y	Dec	Dec	THR	VU	CH	G, F, A	10	EU Multi-species Action Plan
Lapwing	<i>Vanellus vanellus</i>		Y	Dec	Dec	THR	VU	AIG	A, G, F	10	Existing EU Management Plan; EU multi-species Action Plan
Redshank	<i>Tringa totanus</i>		Y	Dec	Dec	THR	VU	CH, IW, TMM, WG, RC	A, F, G	10	Existing EU Management Plan; EU multi-species Action Plan
Scaup	<i>Aythya marila</i>		Y	Dec	Dec	THR	EN	NWES, CH, TMM	G, D, F, J	10	Existing EU Management Plan
Pintail	<i>Anas acuta</i>	Y		Dec	Dec	THR	EN	CH, IW, TMM	G, A, F	10	Existing EU Management Plan
Velvet Scoter	<i>Melanitta fusca</i>		Y	Dec	Dec	THR	VU	TMM, NWES	G, D, I	9	Existing EU Management Plan; AEWA ISSAP. Globally IUCN Vulnerable
Eurasian Curlew	<i>Numenius arquata</i>		Y	Dec	Stable	NT	NT	CH, TMM, WG	A, F, G	9	Existing EU Management Plan; AEWA ISSAP; EU multi-species Action Plan. Globally IUCN Near Threatened
Pochard	<i>Aythya ferina</i>	Y		Dec	Dec	THR	VU	IW	G, F, A	8	Globally IUCN Vulnerable



1	2	3	4	5	6	7	8	9	10	11	12
Common name	Scientific name	Annex II/1	Annex II/2	Long term trend 2020	Short-term trend 2020	Status 13-18	2020 EU Red List	Main habitats	Three most frequent pressures	Additive index	Observations
Spotted Redshank	<i>Tringa erythropus</i>		Y	Dec	Dec	NT	NT	TMM	F, G, A	8	
Rock Partridge	<i>Alectoris graeca</i>	Y		Dec	Unknown	NT	NT	MH, MG	A, G, I, L	8	
Red-legged Partridge	<i>Alectoris rufa</i>	Y		Dec	Dec	NT	NT	MH, AIG, SH, PC	A, G, L	8	
Ruff	<i>Calidris pugnax</i>		Y	Dec	Dec	NT	NT	IW, TMM, WG	A, F, G	8	
Long-tailed Duck	<i>Clangula hyemalis</i>		Y	Unknown	Stable	NT	NT	NWES, TMM	G, E, D	7	AEWA ISSAP. Globally IUCN Vulnerable
Eider	<i>Somateria mollissima</i>		Y	Dec	Dec	THR	VU	NWES, TMM	G, L, E, F, I	7	AEWA International Single Species Action Plan in draft. Globally IUCN Near Threatened
Grey Partridge	<i>Perdix perdix</i>	Y		Dec	Dec	THR	VU	LAH, AIG, SH	A, I, L	7	
Hazel Grouse	<i>Bonasa bonasia</i>		Y	Dec	Dec	THR	VU	LTF	B, G, L	7	
Black Grouse	<i>Lyrurus tetrix</i>		Y	Dec	Dec	THR	VU	BF, LTF, MF	A, L, F	7	
Bean Goose	<i>Anser fabalis</i>	Y		Unknown	Dec	THR	VU	TMM	G, A, F, D, B	7	
Tufted Duck	<i>Aythya fuligula</i>	Y		Dec	Dec	THR	VU	IW	G, F, A	7	
Garganey	<i>Spatula querquedula</i>	Y		Dec	Dec	THR	VU	IW, WG, RC	A, F, G	7	
Wigeon	<i>Mareca penelope</i>	Y		Dec	Dec	THR	VU	CH	G, F, A	7	
European Turtle Dove	<i>Streptopelia turtur</i>		Y	Dec	Dec	NT	NT	BF, LTF, RF, MH, AIG	A, G, B, E, F	7	
Herring Gull	<i>Larus argentatus</i>		Y	Dec	Dec	THR	VU	NWES	F, E, G	7	
Shoveler	<i>Spatula clypeata</i>	Y		Dec	Dec	NT	NT	IW	G, A, F	6	
Common Snipe	<i>Gallinago gallinago</i>	Y		Dec	Dec	DEC	LC	WG	A, G, L	6	
Black-headed Gull	<i>Larus ridibundus</i>		Y	Dec	Stable	THR	VU	IW	F, G, A	6	
Mew Gull	<i>Larus canus</i>		Y	Dec	Dec	DEC	LC	NWES, CH, IW, TMM, AIG, WG	F, E, D, I, A	6	
Great Black-backed Gull	<i>Larus marinus</i>		Y	Dec	Dec	NT	NT	NWES	F, G, D	6	
Red-breasted Merganser	<i>Mergus serrator</i>		Y	Stable	Dec	THR	NT	NWES	No Pressures	5	
Coot	<i>Fulica atra</i>	Y		Dec	Stable	DEP	LC	IW	F, G, A	5	
Barbary Partridge	<i>Alectoris barbara</i>		Y	Unknown	Unknown	Unknown	LC	MH	A, G, I	4	

1	2	3	4	5	6	7	8	9	10	11	12
Common name	Scientific name	Annex II/1	Annex II/2	Long term trend 2020	Short-term trend 2020	Status 13-18	2020 EU Red List	Main habitats	Three most frequent pressures	Additive index	Observations
Willow Ptarmigan	<i>Lagopus lagopus lagopus</i>		Y	Dec	Dec	DEC	LC	TMM	C, N	4	
Western Capercaillie	<i>Tetrao urogallus</i>		Y	Dec	Stable	DEP	LC	BF	B, F, L	4	
Common Teal	<i>Anas crecca</i>	Y		Dec	Dec	DEC	LC	IW	A, G, F	4	
Skylark	<i>Alauda arvensis</i>		Y	Dec	Dec	DEC	LC	AIG, SH	A, G, E	4	
Redwing	<i>Turdus iliacus</i>		Y	Dec	Dec	DEC	LC	LTF, AIG, PC	B, G, N	4	
Common Quail	<i>Coturnix coturnix</i>		Y	Unknown	Unknown	Unknown	LC	AIG, SH	A, G, I, E	3	
Water Rail	<i>Rallus aquaticus</i>		Y	Uncertain	Unknown	Unknown	LC	IW	A, G	3	
Rook	<i>Corvus frugilegus</i>		Y	Dec	Dec	DEC	LC	AIG	G, H, F, A	3	
Common Starling	<i>Sturnus vulgaris</i>		Y	Dec	Dec	DEC	LC	AIG	A, B, G	3	

1. **Abbreviations:** Dec/DEC = Decreasing; EN = Endangered; LC = Least Concern; NE = Not evaluated; NNS = Non-native species; THR = Threatened; VU = Vulnerable

2. **Key to habitat codes** (categories follow Tucker & Evans 1997<sup>3</sup>). Most important habitats listed. Other habitats are used for most species.

- AIG Arable and improved grassland
- BF Boreal forest
- CH Coastal habitats
- IW Inland wetlands
- LAH Lowland Atlantic heathland
- LTF Lowland temperate forest
- MF Montane forest
- MG Montane grassland
- MH Mediterranean habitats
- NWES North West European Seas

<sup>3</sup> Tucker, G.M. & Evans, M.I. 1997. *Habitats for birds in Europe: a conservation strategy for the wider environment*. Cambridge, BirdLife International. BirdLife Conservation Series No. 6. 464 pp.

PC	Perennial crops
PW	Pastoral woodland
RC	Rice cultivation
RF	Riverine forest
SH	Steppic habitats
TMM	Tundra, mires & moorland
WG	Wet grassland

**3. Pressure codes follow Article 12 format:**

- A Agriculture
- B Forestry
- C Extraction of resources (minerals, peat, non-renewable energy resources)
- D Energy production processes and related infrastructure development
- E Development and operation of transport systems
- F Development, construction and use of residential, commercial, industrial, and recreational infrastructure and areas
- G Extraction and cultivation of biological living resources (other than agriculture and forestry)
- H Military action, public safety measures, and other human intrusions
- I Alien and problematic species
- J Mixed source pollution
- K Human-induced changes in water regimes
- L Natural processes (excluding catastrophes and processes induced by human activity or climate change)
- M Geological events, natural catastrophes
- N Climate change

The most frequent three Pressures are listed (more where there are equal frequencies). **BUT NOTE the analytic bias** in this approach explained in the Background Paper (*Document N°: Doc Nadeg 20-10-06*) as some Level 1 categories, such as Agriculture (A), have many more Level 2 categories and so are more likely to be represented in a simple count of Level 2 code frequencies. Most frequent pressure is first.

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