

**HABITATS DIRECTIVE  
ARTICLE 17 REPORT  
( 2001 – 2006 )**

**CONTROL SYSTEMS FOR THE INCIDENTAL CAPTURE AND  
KILLING OF SPECIES - ART. 12(4)**

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ETC/BD, Paris, 2008

## **Control systems for the incidental capture and killing of species - Art. 12(4)**

This paper provides a compilation of the reports provided by Member States on the system established to monitor the incidental capture and killing of the animal species listed in Annex IV of the Habitats Directive (Article 12.4).

We will not provide in this paper any analysis of the systems listed by the Member States and its possible relation to the observed conservation status and trends of species due to the unstructured way this information was reported.

However, we believe this compilation may be useful for specific users looking for this information without having to browse the individual Member States reports at the Central Data Repository of the EEA

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## BELGIUM

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>WALLOON REGION In case of capture or accidental killing of a protected species, a declaration procedure was set up in the Walloon Region. The species concerned are numerous but none are within appendix IV Directive 92/43/CEE.</p>	<p>All incidental capture and killings must be reported.</p>	<p>Unio crassus  Oxygastra curtisii  Maculinea arion  Lycaena dispar  Lycaena helle  Eriogaster catax  Proserpinus  proserpina  Triturus cristatus  Alytes  obstetricans  Bufo calamita  Rana lessonae  Podarcis muralis  Lacerta agilis  Coronella  austriaca  Rhinolophus  hipposideros  Rhinolophus  ferrumequinum  Barbastella  barbastellus  Myotis brandtii  Myotis bechsteini  Myotis  dasycneme  Myotis  daubentonii  Myotis  emarginatus  Myotis myotis  Myotis  mystacinus  Myotis nattereri  Pipistrellus  nathusii  Pipistrellus  pipistrellus  Eptesicus  serotinus  Vespertilio  murinus  Nyctalus noctula  Nyctalus leisleri  Plecotus auritus  Plecotus  austriacus  Cricetus cricetus  Muscardinus  avellanarius  Lutra lutra  Felis silvestris</p>
<p>BR: Incidental capture, killing, exploitation and hunting is prohibited all</p>	<p>Environmental inspectors and the federal police service are charged with controlling and</p>	<p>Mammalia spp.  Amphibia spp.</p>

<p>over the Region's territory.</p>	<p>maintaining the different prohibitive laws.</p>	<p>Aves spp. Reptilia spp. Fish spp.</p>
<p>FED: The federal authorities, competent for the marine habitat in Belgium, have a surveillance system in place that records all sightings of marine mammals, including Cetacea. This system also includes specimens that have incidentally captured or killed. This is specifically of concern for Phocoena phocoena, a species that regularly gets tangled up in fishing nets.</p>	<p>All incidental capture and killings must be reported. Fishermen are asked to turn in dead captured individuals to the harbour for scientific analyses. This concerns all relevant species from Annex IV of the Habitat Directive.</p>	<p>Cetacea Pinnipedia Lutra lutra Acipenser sturio Alosa alosa Coregonus oxyrhynchus</p>

## CZECH REPUBLIC

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>After an in-depth analysis of this issue, the Czech Republic does not consider this provision relevant for this country, both in light of the nature of above-mentioned obligation and of species theoretically coming into account due to biogeographical position of the Czech Republic. We are convinced that the original intention behind this provision was to monitor the by-catches during marine fishery of some seals and cetaceans. Only in such situations, the term „incidental capture“ does have sense as in all other cases the capture and/or killing of protected species would mean breaking of other provisions of Article 12. As the Czech Republic does not have any sea this threat to protected marine fauna is excluded. As regards the list of species in Annex IV(a) occurring at the territory of the Czech Republic, you cannot find any one being characterised by regular migrations which can come into conflict with e.g. transport. Only in the case of transportation network there could theoretically be established „a system of incidental capture/killing“. However, the only two species remarkable due to their regular migrations, Bufo bufo and Rana temporaria, are not listed in Annex IV(a). Summing up, the Czech Republic does not intend to establish the above-mentioned system nor fill in the relevant data.</p>	N/A	N/A

## DENMARK

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Det danske system til naturovervågning (NOVANA) omfatter også bilag IV-arter (se under pkt. 11). I den forbindelse overvåges arternes bevaringsstatus på grundlag af repræsentative metoder.</p>	<p>Erfaringen viser – med nogle få undtagelser – at evt. negativ udvikling for bestandene af de fleste bilag IV-arter ikke kan tilskrives uforsættelig indfangning eller drab, men især ændringer i levestederne. Dog har overvågning af marsvin og odder gennem tiden vist, at uforsættelig fangst har haft afgørende betydning for bestandsudviklingen, og der er iværksat foranstaltninger, for at sikre mod fortsat uforsættelig fangst (hvh. krav om stopriste i ruser og anvendelse af pinger på bundgarn, så bifangst forebygges.</p>	<p>Alle arter</p>

## GERMANY

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Die Kontrolle aller in Anhang IV genannten Arten ist durch § 43 und § 62 Bundesnaturschutzgesetz vom 25.03.2002 (zuletzt geändert durch Art. 40 des Gesetzes vom 21.06.2005) in Verbindung mit § 4 Bundesartenschutzverordnung geregelt und wird durch die zuständigen Vollzugsbehörden (v. a. Naturschutzbehörden, aber auch Jagdbehörden) umgesetzt. Diese werden dabei durch andere Verwaltungen und Institutionen unterstützt (z. B. Naturschutzwacht, -dienst, Forstlicher Revierdienst, Polizeivollzugsdienst einschließlich Wasserschutzpolizei, (Schutz)gebietsbetreuer). In einigen Bundesländern werden zudem zufällige Totfunde von relevanten Tierarten erfasst und ggf. analysiert. Schließlich gibt es für viele Taxa Monitoringprogramme, die das Kontrollsystem unterstützen (s. 9.). Es wurden keine erheblichen Einflüsse auf die Erhaltungssituation der jeweiligen Arten festgestellt.</p>	<p>N/A</p>	<p>Artengruppe Amphibien; Artengruppe Coleoptera; Artengruppe Fische; Artengruppe Flechten; Artengruppe Schmetterlinge; Artengruppe Säugetiere; Artengruppe Mollusken; Artengruppe Moose; Artengruppe Libellen; Artengruppe Reptilien</p>



## ESTONIA

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
Legal act	According to the Nature Conservation Act intentional killing of a specimen of a protected species is prohibited. Environmental Inspectorate registers the incidental capture and killing cases.	All Annex IV animal species
Inspection	Legal actions are taken by Environmental Inspectorate in the case of incidental capture and killing of Annex IV animal species.	All Annex IV animal species
Monitoring	National monitoring to ensure at least the current conservation status of the species.	All Annex IV animal species

## IRELAND

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
Enforcement of National legislation.	<p>A web-site for the monitoring of road-kill, including road-kill of otters and bats in Ireland, has been set up at <a href="http://www.biology.ie">www.biology.ie</a> A report on bycatch of otters in fyke nets has been published by NPWS. Cetacean bycatch is recorded on an intermittent basis by Marine Institute and Irish Sea Fisheries Board. Stranded cetaceans are frequently recorded and assessed by University College Cork Zoology Department and by members of the Irish Whale and Dolphin Group. Records are published annually in the Irish Naturalists' Journal.</p>	<p>Lutra lutra,  Pipistrellus pipistrellus,  Myotis daubentonii,  Pipistrellus nathusii,  Myotis brandtii,  Myotis nattereri,  Plecotus auritus,  Myotis mystacinus,  Nyctalus leisleri,  Pipistrellus pygmaeus,  Megaptera novaeangliae,  Eubalaena glacialis,  Delphinus delphis,  Orcinus orca,  Pseudorca crassidens,  Globicephala melas,  Grampus griseus,  Lagenorhynchus acutus,  Lagenorhynchus albirostris,  Stenella coeruleoalba,  Ziphius cavirostris,  Mesoplodon mirus,  Mesoplodon bidens,  Balaenoptera acutorostrata,  Balaenoptera borealis,  Balaenoptera physalus</p>

## GREECE

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.</p>	<p>Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.</p>	<p>Balaenoptera acutorostrata</p>
<p>Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.</p>	<p>Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.</p>	<p>Balaenoptera physalus</p>
<p>Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.</p>	<p>Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.</p>	<p>Delphinus delphis</p>
<p>Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.</p>	<p>Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.</p>	<p>Grampus griseus</p>
<p>Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.</p>	<p>Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.</p>	<p>Phocoena phocoena</p>
<p>Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a</p>	<p>Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets</p>	<p>Physeter macrocephalus</p>

comprehensive control system for incidental capture and killing.	are following the EC Regulation 1626/94.	
Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.	Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.	<i>Pseudorca crassidens</i>
Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.	Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.	<i>Stenella coeruleoalba</i>
Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.	Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.	<i>Tursiops truncatus</i>
Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.	Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.	<i>Ziphius cavirostris</i>
Data on incidents of dead, wounded or live cetacean species that have been stranded are recorded with photos sent by local Port Police and are kept in an electronic file by the Port Police Service of the Ministry of Merchant Marine. Environmental NGOS are informed on the incidents respectively. Further on, Universities, research institutes and NGOs are keeping data to own databases. However, this does not consist a comprehensive control system for incidental capture and killing.	Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.	<i>Megaptera novaeangliae</i>
Incidents of dead, wounded or live marine turtles that have been stranded are also recorded by the Port Police Service of the Ministry of Merchant Marine. Photos sent by local Port Police are also kept. Through a number of projects, NGOs, mainly Archelon are monitoring incidental capture and killing. Archelon is running a rehabilitation system with a rehabilitation centre and two first aid centres at areas where most captures are recorded.	Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.	<i>Caretta caretta</i>
Data on incidental capture and killing are kept by NGOs, mainly Mom. A rehabilitation centre for the species is functioning in the Alonissos National Marine Park. - A handbook with instructions for the rescuing of wounded monk seals was produced and training at local level took place	Port police cooperates tightly with the competent authorities for the enforcing of the EC and national legislation. Harmful fishing instruments like midwater otter trawls and	<i>Monachus monachus</i>

<p>in the framework of a Life-Nature project</p>	<p>pelagic pair trawls are not allowed. Drift nets are prohibited since 1993. Bottom set gillnets are following the EC Regulation 1626/94.</p>	
<p>Data on incidental capture and killing are kept by NGOs, mainly Callisto and Arcturos. Arcturos is running a rehabilitation centre for the species. Specifically for Egnatia motorway, tunnels have been created, so that incidental killing of the species from passing by autos is restricted.</p>	<p>Wardens of forest services cooperate tightly with the competent authorities for the enforcing of the EC and national legislation.</p>	<p>Ursus arctos</p>

## SPAIN

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>PRINCIPADO DE ASTURIAS El sistema de control es el trabajo de la Guardería del Medio Natural a través del seguimiento de desarrollo de la actividad cinegética, piscícola, autorizaciones para investigación y fichas de avistamientos y control de bajas. Se ha realizado asimismo en 2004-2006 un estudio de mortandad de fauna silvestre por atropello en las carreteras de la Red Natura. Asimismo se pueden producir capturas involuntarias asociadas a autorizaciones de captura para investigaciones y estudios de otras especies, que obligatoriamente deben ser liberados.</p>	<p>Se liberan todos los posibles</p>	<p>Lepidópteros Alosa alosa Cobitis taenia Galemys pyrenaicus Chondrostoma polilepys Lutra lutra Martes martes Martes foina Felis sylvestris Genetta genetta Meles meles Mustela putorius Sciurus vulgaris Mustela arminia Erinaceus europaeus</p>
<p>CANARIAS: Respecto a las capturas de especies, únicamente esta permitida la captura de especies cinegéticas, en períodos, lugares, modo, y número de piezas que son dictados, anualmente, por la Orden de Vedas. Para la captura del resto de las especies se requiere de estar en posesión de una autorización al efecto (que debe ser emitida por la autoridad competente).</p>	<p>N/A</p>	<p>Especies cinegéticas.</p>
<p>CASTILLA LA MANCHA: Para la captura de cualquier especie animal, que no tengan la consideración de cinegética ni pescable, es necesario contar con autorización expedida por la Administración autonómica, donde se incorporan las medidas de control que se llevarán a cabo en cada caso concreto y los métodos autorizados de captura. Se exige la justificación de las capturas, la acreditación científica de las personas que se autoricen, así como la presentación de informes de resultados. Asimismo el anillamiento científico también está sujeto a autorización administrativa similar a la comentada anteriormente.</p>	<p>N/A</p>	<p>N/A</p>
<p>CASTILLA Y LEÓN: Con carácter general no se autoriza la captura de especies del Anexo IV de la Directiva (ver L4/89, y L8/91 y también Catálogo de Flora Protegida de Castilla y León). Cumpliendo el art. 16 de la Directiva 92/43/CEE y el Convenio de Berna se emite informe de las excepciones realizadas. El principal sistema de control lo realizan los agentes medioambientales mediante el seguimiento de la caza, la pesca, los trabajos forestales, el seguimiento de los trabajos de investigación, etc. Para la realización de estudios sobre especies catalogadas es preceptivo contar con una autorización de la Dirección General del Medio Natural, esta autorización impone unas condiciones que</p>	<p>N/A</p>	<p>N/A</p>

<p>limitan las capturas o los sacrificios accidentales. Por el contrario, para tratar de evitar la competencia con especies del Anexo IV, como por ejemplo el visón europeo (<i>Mustela lutreola</i>) o la nutria (<i>Lutra lutra</i>), se pueden autorizar descastes de poblaciones de especies introducidas, como el visón americano (<i>Mustela vison</i>), como ocurre por ejemplo en las provincias de Palencia, Burgos, Soria y Segovia.</p>		
<p>CATALUNYA: Existe un registro de capturas científicas adscrito al Servicio de Protección de la Fauna, Flora y Animales de Compañía. En la página web del Departamento se incluye el formulario con todos los requisitos necesarios para autorizar una captura científica o, de forma excepcional, con finalidades educativas. Otros registros relacionados existentes: - Registro de todos los animales muertos por electrocución, venenos, ilegalmente abatidos, etc... - Registro de animales ingresados en los Centros de recuperación de fauna salvaje existentes en Catalunya.</p>	<p>El número de capturas se valora en el momento de hacer la autorización. En todas las capturas el ejemplar es liberado inmediatamente después de su manipulación. No se autoriza el sacrificio de ninguna de las especies de los Anexos II y IV, a excepción de algún caso relacionado con transmisión de enfermedades en quirópteros.</p>	N/A
<p>GALICIA: La captura o sacrificio accidental esta regulada por la normativa autonómica (Ley 9/2001 de Conservación de la Naturaleza, Ley 7/1992, de 24 de julio, de Pesca fluvial de Galicia, Ley 4/1997, de 25 de junio, de Caza de Galicia, Ley 6/1993, de 11 de mayo, de Pesca de Galicia. Catálogo Gallego de Especies Amenazadas, Decreto 88/2007, de 19 de abril, DOG nº 89, de 9 de mayo de 2007). En el campo, el control lo efectúa la guardería de Medio Ambiente a través del seguimiento de desarrollo de la actividad cinegética, piscícola, autorizaciones para investigación y fichas de avistamientos y control de bajas. Las actividades de la guardería se complementan con la gestión que realizan los centros provinciales de Recuperación de Fauna, existentes en Santa Cruz de Lians-Oleiros (A coruña); O Veral – Lugo (Lugo), Alto do Rodicio, Maceda (Ourense) y Cotorredondo-Figueidido (Pontevedra), así como diversos estudios técnicos (censos de vareamiento de cetáceos en el litoral de Galicia, Plan de Gestión del Lobo, etc) que de forma periódica realiza la Consellería de Medio Ambiente e Desenvolvemento Sostible.</p>	<p>Se liberan todos los posibles.</p>	N/A
<p>NAVARRA: Todas las especies incluidas en el Anexo IV de la Directiva gozan de protección legal en Navarra, pues por la Ley 2/93, de 19 de mayo, de protección y gestión de la fauna silvestre y sus hábitats, la captura de especies debe ser autorizada de forma expresa. Además de ello, y en cumplimiento del artículo 16 de la Directiva Hábitats, y del Artículo 9 de la Directiva de Aves, así como el artículo 9 del Convenio de Berna, se realizan sendos informes de las excepciones realizadas para su remisión a sus respectivos órganos competentes.</p>	N/A	N/A
<p>PAÍS VASCO: Con carácter general, en la Comunidad Autónoma del País Vasco no se autoriza la realización de controles de poblaciones ni aprovechamientos que pueden suponer capturas o sacrificios accidentales de especies incluidas en el anexo IVa. Únicamente podrían producirse sucesos de este tipo en el curso de campañas de</p>	<p>Los descastes son realizados directamente por la guardería oficial o por empresas especializadas contratadas por la Administración específicamente para tal fin. Para evitar capturas o sacrificios accidentales, tanto en estos trabajos como durante la realización de estudios que supongan manipulación de especies del</p>	<p><i>Mustela lutreola</i> <i>Galemys pyrenaicus</i> <i>Felis silvestris</i> Chiroptera <i>Mauremys</i></p>

<p>investigación científica que requieran la captura y manipulación de animales, o en campañas de descaste de especies invasoras que compiten con especies incluidas en este anexo, como el visón americano.</p>	<p>anexo IV a, sólo se permiten métodos de trapeo "en vivo", de forma que puedan ser soltados inmediatamente los especímenes capturados en el mismo lugar, tal y como se prevé en las condiciones de las autorizaciones.</p>	<p>leprosa Discoglossus jeanneae Alytes obstetricans Rana dalmatina Rana iberica Bufo calamita Hyla arborea Hyla meridionalis</p>
<p>LA RIOJA: Las capturas involuntarias pueden producirse para algunas especies incluidas en el Anexo IV de la Directiva, de manera accidental como consecuencia de la práctica de autorizaciones extraordinarias asociadas a investigaciones y estudios en los que se autoriza la captura de otras especies. El control viene determinado por las condiciones impuestas en las autorizaciones y la acción de vigilancia de la guardería forestal, liberando los ejemplares así capturados.</p>	<p>Mediante el control de las autorización (número y características) para la realización de estudios que puedan implicar la captura accidental de estas especies así como en las condiciones de realización (liberación inmediata de ejemplares) y en la vigilancia a través de la guardería forestal. En todos los casos en las autorizaciones de investigación se establece que los ejemplares de estas especies capturados de forma accidental deben ser devueltos inmediatamente al medio.</p>	<p>Euphydryas aurinia Eriogaster catax Callimorpha quadripunctaria Maculinea arion Parnassius apollo Mustela lutreola Galemys pyrenaicus</p>



## FRANCE

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Au-delà de la mise en œuvre des mesures de police, le grand nombre de causes à prendre en compte ne permet pas le contrôle généralisé des captures et des mises à mort accidentelles. Cependant, une veille permanente légère est assurée à travers plusieurs indicateurs.</p>	<p>L'union française des centres de sauvegarde de la faune sauvage publie chaque année le bilan des 16.000 animaux environ qui lui sont apportés, (surtout des oiseaux, mais aussi 5% de mammifères) avec mention des causes d'accueil : collision routières (la plus importante : de l'ordre de 40%), recueil souvent excessif de juvéniles (25 à 30%), plombs de chasse (de 10 à 12%, en baisse) collisions avec des lignes électriques (10%), mazoutage, etc... Par ailleurs, le réseau SAGIR publie régulièrement les résultats des autopsies de faune sauvages (empoisonnements, maladies ...) que lui demandent les chasseurs. Il existe aussi un réseau de recueil de données sur les échouages de mammifères marins et de tortues marines. En dépit des biais statistiques inhérents à ces 2 modes de collecte d'informations, l'administration dispose ainsi d'indications de tendances très utiles.</p>	<p>N/A</p>

## ITALY

Control system	Impact of capture or killing	Species names
<p>L'articolo 15 del DPR 357/97 affida al Corpo Forestale dello Stato, nell'ambito delle attribuzioni ad esso assegnato dall'articolo 8, comma 4 della legge 8 luglio 1986, n. 349 e dall'art. 21 della legge 6 dicembre 1991, n. 394, ai corpi forestali regionali, ove istituiti, e agli altri soggetti cui e' affidata normativamente la vigilanza ambientale, esercitano le funzioni di sorveglianza connesse all'attuazione della direttiva. Il Corpo Forestale dello Stato, i corpi forestali regionali, gli organi di vigilanza ittico-venatoria, gli enti gestori dei parchi e delle riserve nazionali e regionali svolgono le funzioni attinenti alla sorveglianza e alla tutela delle specie animali e vegetali di interesse comunitario e raccolgono le segnalazioni riguardanti la cattura e l'uccisione accidentale di specie animali e vegetali di interesse comunitario. Per prevenire l'impatto negativo delle catture e delle uccisioni accidentali delle specie animali sono stati costituiti centri di recupero, cura, riabilitazione e reintroduzione. Sono state predisposte linee guida e adottate misure di mitigazione come la costruzione di sottopassi, la creazione di piccole zone umide e in generale sono state promosse riqualificazioni ambientali.</p>	N/A	N/A

## CYPRUS

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
(i). There is a special provision in the National Law for the Protection and Management of Nature and Wild Life (article 22) enabling the Ministerial Council to elaborate Regulations regarding a control system for the incidental capture and killing of species, but no regulations have so far been worked out.	N/A	Microchiroptera Megachiroptera Rodentia Phocidae Cetacea Testudinata Sauria Ophidia Anura Crustacea

## LATVIA

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>"Law On Protection of Species and Habitats" determines a control system for the incidental capture and killing of species and appoint responsible institutions; all Specially Protected Species are concerned. Nature Protection Board implements state policy in nature protection, this institution keeps records of the cases of accidental capture and killing of individuals of the specially protected species. Institution is responsible for evaluation of the conservation status of the specially protected species and if necessary performs measures in order to maintain the populations of the specially protected species in such a state that complies with the conditions of Latvia.</p>	N/A	all Annex IV(a) species

## LITHUANIA

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
Legal requirements	Several legal acts require reporting on incidental capture or killing of the animals of the Annex IV: Rules for Commercial Fishing (order of the Minister of Environment No D1-267 on 30-05-2005); Hunting Rules (order of the Minister of Environment No 258 on 27-06-2000).	Lutra lutra Lynx lynx Bison bonasus Acipenser sturio
Legal requirements	By the order of the Minister of Environment (No D1-284 on 07-06-2006) Regional Environmental Protection Departments are obliged: - to collect reports from hunters and fishermen on incidental capture or killing of mammals and fishes, - to collect reports from protected areas administrations, state forest enterprises and to summarize any other information from any other persons on incidental capture or killing of animals of the Annex IV.	Myotis dasycneme Myotis daubentoni Myotis brandti Myotis nattereri Plecotus auritus Barbastella barbastella Nyctalus noctula Nyctalus leisleri Pipistrellus nathusii Pipistrellus pipistrellus Eptesicus serotinus Eptesicus nilssonii Vespertilio murinus Muscardinus avellanarius Dryomys nitedula Sycistis betulina Lutra lutra Lynx lynx Bison bonasus Emys orbicularis Lacerta agilis Coronella austriaca Triturus cristatus Bombina bombina Rana arvalis Rana lessonae Pelobates fuscus Bufo calamita Bufo viridis Hyla arborea Acipenser sturio Cerambyx cerdo Cucujus cinnaberinus Dytiscus latissimus Graphoderus bilineatus Osmoderma eremita Coenonympha hero Hypodryas maturna Lopinga achine Lycaena dispar Lycaena helle Maculinea arion Maculinea teleius Parnassius mnemosyne Proserpinus proserpina Aeshna viridis Leucorrhinia caudalis Leucorrhinia pectoralis Ophiogomphus cecilia Unio crassus Botrychium simplex Caldesia parnassifolia Aldrovanda vesiculosa Najas flexilis Cypripedium calceolus Liparis loeselii Pulsatilla patens Thesium ebracteatum Saxifraga hirculus Linaria loeselii
Inspection	By the order of the Minister of Environment (No D1-284 on 07-06-2006) Regional Environmental Protection Departments are responsible for control how persons are respecting preventive requirements on capture and killing.	Myotis dasycneme Myotis daubentoni Myotis brandti Myotis nattereri Plecotus auritus Barbastella barbastella Nyctalus noctula Nyctalus leisleri Pipistrellus nathusii Pipistrellus pipistrellus Eptesicus serotinus Eptesicus nilssonii Vespertilio murinus Muscardinus avellanarius Dryomys nitedula Sycistis betulina Lutra lutra Lynx lynx Bison bonasus Emys orbicularis Lacerta agilis Coronella austriaca Triturus cristatus Bombina bombina Rana arvalis Rana lessonae Pelobates fuscus Bufo calamita Bufo viridis Hyla arborea Acipenser sturio Cerambyx cerdo Cucujus cinnaberinus Dytiscus latissimus Graphoderus bilineatus Osmoderma eremita Coenonympha hero Hypodryas maturna Lopinga achine Lycaena dispar Lycaena helle Maculinea arion Maculinea teleius Parnassius mnemosyne Proserpinus proserpina Aeshna viridis Leucorrhinia caudalis Leucorrhinia pectoralis Ophiogomphus cecilia Unio crassus
Data evaluation and surveillance	Nature protection department of the Ministry of Environment is in charge of data evaluation and proposal making of new protection measures. Data gathered through reports and special surveillance work shall be evaluated in the light that protection measures taken shall incidental capture or killing	Myotis dasycneme Myotis daubentoni Myotis brandti Myotis nattereri Plecotus auritus Barbastella barbastella Nyctalus noctula Nyctalus leisleri Pipistrellus nathusii Pipistrellus pipistrellus Eptesicus serotinus Eptesicus nilssonii Vespertilio murinus Muscardinus avellanarius Dryomys nitedula Sycistis betulina Lutra lutra Lynx lynx Bison bonasus Emys orbicularis Lacerta agilis Coronella austriaca Triturus cristatus Bombina bombina Rana arvalis Rana lessonae Pelobates fuscus Bufo calamita Bufo viridis Hyla arborea Acipenser sturio Cerambyx cerdo Cucujus

		cinnaberinusDytiscus latissimusGraphoderus bilineatusOsmoderma eremitaCoenonympha heroHypodryas maturaLopinga achineLycaena disparLycaena helleMaculinea arionMaculinea teleiusParnassius mnemosyneProserpinus proserpinaAeshna viridisLeucorrhina caudalisLeucorrhina pectoralisOphiogomphus ceciliaUnio crassus
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## LUXEMBOURG

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
Le Luxembourg ne dispose pas de système de contrôle spécifique à cet égard.	N/A	N/A

## HUNGARY

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>A védett és fokozottan védett fajokra, továbbá az Európai Közösségben természetvédelmi szempontból jelentős növény- és állatfajokra a természet védelméről szóló 1996. évi LIII. törvény (a továbbiakban: Tvt.) 42-44. és 80. §-ának, valamint a természetvédelmi bírság kiszabásával kapcsolatos szabályokról szóló 33/1997. (II. 20.) Korm. rendelet.</p>	<p>A Tvt. 42. § (1) bekezdése alapján tilos a védett növényfajok egyedeinek veszélyeztetése, engedély nélküli elpusztítása, károsítása, élőhelyeinek veszélyeztetése, károsítása. A (2) bekezdés szerint gondoskodni kell a védett növény- és állatfajok, társulások fennmaradásához szükséges természeti feltételek, így többek között a talajviszonyok, vízháztartás megőrzéséről. A törvény a (3) bekezdésben a védett növényfajok egyedeivel történő bármely tevékenységet a természetvédelmi hatóság engedélyéhez köti. A jogszabály nevesíti is a legjellemzőbb tevékenységtípusokat, de mivel a (3) bekezdés b) pontja az egyedek birtokban tartását is engedélyhez köti, ez az általános rendelkezés minden, az egyeddel folytatott tevékenységet felölel.</p> <p>A Tvt. 43. § (1) bekezdése alapján tilos a védett állatfajok egyedének zavarása, károsítása, kínzása, elpusztítása, szaporodásának és más élettevékenységének veszélyeztetése, lakó-, élő-, táplálkozó-, költő-, pihenő- vagy búvóhelyeinek lerombolása, károsítása.</p> <p>A törvény a (2) bekezdésben a védett állatfajok egyedeivel történő bármely tevékenységet a környezetvédelmi, természetvédelmi és vízügyi felügyelőség (az elsőfokú természetvédelmi hatóság, a továbbiakban: felügyelőség) engedélyéhez köti. A jogszabály nevesíti is a legjellemzőbb tevékenységtípusokat, de mivel a (2) bekezdés b) pontja az egyedek birtokban tartását is engedélyhez köti, ez az általános rendelkezés minden, az egyeddel folytatott tevékenységet felölel.</p> <p>Fokozottan védett növény- és állatfajok esetében az egyedekkel folytatott bármely tevékenységre (pl. birtokban tartásra) az engedély csak természetvédelmi érdekből vagy más közérdekből adható meg.</p> <p>Az Európai Közösségben természetvédelmi szempontból jelentős növény- és állatfajok esetében a Tvt. 42. § (3)-(4) bekezdése, valamint a Tvt. 43. § (2) bekezdése szerinti engedély csak korlátozott számú példányra, kutatási, oktatási célból, valamint egyes fajok újranépesítése, újratelepítése vagy mesterséges szaporítása érdekében, illetve egyéb közérdekből adható.</p> <p>A Tvt. 44. § (3) bekezdése szerint védett állat- és növényfaj egyedének károsítása, veszélyeztetése vagy jogellenes zavarása esetén a felügyelőség köteles az ilyen magatartás tanúsítóját a tevékenység folytatásától eltiltani. Amennyiben a védett egyedre károsító, veszélyeztető, zavaró tevékenységet más hatóság engedélye alapján végzik, a hatóság a felügyelőség megkeresésére az engedélyezési eljárást ismételtelen lefolytatja, amelybe a felügyelőséget mint szakhatóságot bevonja. Az eljáró hatóság - amennyiben az nem a felügyelőség - a tevékenység folytatását az eljárás jogerős befejezéséig felfüggeszti.</p> <p>A Tvt. 44. § (4) bekezdése alapján rendszeresen hasznosított védett állatfaj állományának hosszú távú fenntartható hasznosítása érdekében a miniszter rendeletben határozza meg az adott faj állománya hasznosításával kapcsolatos szabályokat. Jelenleg egy ilyen faj van Magyarországon, a <i>Helix pomatia</i>, amely az</p>	<p>Anisus vorticulus Chilostoma banaticum Hygromia kovacsi Paladilhia hungarica Sadleriana pannonica Theodoxus transversalis Unio crassus Theodoxus prevostianus Aeshna viridis Cordulegaster heros Leucorrhinia caudalis Leucorrhinia pectoralis Ophiogomphus cecilia Stylurus flavipes Isophya costata Isophya stysi Odontopodisma rubripes Paracaloptenus caloptenoides Pholidoptera transsylvanica Saga pedo Stenobothrus eurasius Bolbelasmus unicornis Carabus hampei Carabus hungaricus Carabus variolosus Carabus zawadzskii Cerambyx cerdo Cucujus cinnaberinus Dorcadion fulvum cervae Duvalius gebhardti Duvalius hungaricus Dytiscus latissimus Graphoderus bilineatus</p>



	<p>irányelv V. mellékletén szerepel (lásd lejjebb).</p> <p>A Tvt. 44. § (5) bekezdése alapján a természet védelméért felelős miniszter megalkotta a fokozottan védett növény- illetve állatfajok élőhelyén és élőhelye körüli korlátozás elrendelésének részletes szabályairól szóló 12/2005. (VI. 17.) KvVM rendeletet (a továbbiakban: KvVM rendelet). A korlátozásokból eredő károk megtérítésére a Tvt. 72. § rendelkezései az irányadóak.</p> <p>A KvVM rendelet a fokozottan védett növény- és állatfajok élőhelyén és élőhelye körüli használati, gazdálkodási korlátozások lehetőségét teremti meg, illetve szabályozza. A felügyelőség akkor rendelhet el korlátozást a fokozottan védett faj élőhelyén vagy élőhelye körül (azt befolyásoló) használati módra, vagy gazdálkodási tevékenységre vonatkozóan, ha az adott tevékenység a Tvt. vagy külön jogszabály alapján nincs hatósági engedélyhez kötve, vagy a fokozottan védett faj egyede vagy állománya a védett természeti területre vonatkozó természetvédelmi kezelési terv kihirdetését, illetve (nem csak védett természeti területen) az adott területre vonatkozó természetvédelmi hatósági határozat jogerőre emelkedését követően jelent meg a területen, vagy a kezelési tervben, illetve a természetvédelmi hatósági határozatban megadott használati, gazdálkodási feltételekben a faj szempontjából kedvezőtlen változások következtek be. A KvVM rendelet alapján használati, gazdálkodási korlátozás elrendelése a jelentési időszakban csak madárfajok egyedeinek védelme érdekében született, az irányelv IV. mellékletén szereplő fokozottan védett egyéb fajokra nem.</p> <p>A jelentési időszakban a védett állatfajok védelmének, tartásának, bemutatásának és hasznosításának részletes szabályait a 348/2006. (XII. 23.) Korm. rendelet (a továbbiakban: kormányrendelet) szabályozta. A védett és fokozottan védett állatfajok egyedeinek tartását, bemutatását és hasznosítását (amelyek magukba foglalják a Tvt. 43. §-ban részletezett tevékenységeket), továbbá a Tvt. 74. § (2) bekezdés szerinti tevékenységeket (riasztási módszerek alkalmazása, illetve - kivételes esetben - a túlszaporodott állomány egyedeinek befogása vagy gyérítése) hatósági engedélyhez kötötte, amely „...csak akkor engedélyezhető, ha a kérelmezett tevékenység összhangban áll a természetvédelmi érdekekkel, és nem járt az adott állatfaj természetes állományának tartós sérelmével, illetve közérdekből szükséges.” A felügyelőség védett illetve fokozottan védett állat kártétele esetén akkor fizet kártérítést a gazdálkodónak, ha a védett állatfaj egyedének kártétele azért következett be, mert a felügyelőség nem tett eleget a kártétel megelőzésére, illetve csökkentésére vonatkozó, megalapozott kérelemnek, vagy indokolatlanul nem engedélyezte riasztási módszer alkalmazását vagy a túlszaporodott állomány egyedeinek befogását, gyérítését, illetve indokolatlanul nem teljesítette a riasztásban, befogásban, gyérítésben kellő szakértelemmel rendelkező szerv bevonására vonatkozó kérést. A felügyelőséget más esetben kártalanítási kötelezettség nem terheli.</p>	<p>Osmoderma eremita Pilemia tigrina Probaticus subrugosus Rosalia alpina Apatura metis Arytrura musculus Catopta thrips Chondrosoma fiduciarium Coenonympha oedippus Colias myrmidone Cucullia mixta Dioszeghyana schmidtii Erannis ankeraria Eriogaster catax Hypodryas matura Glyphipterix loricatella Gortyna borelli Leptidea morsei Lignoptera fumidaria Lopinga achine Lycaena dispar Maculinea arion Maculinea nausithous Maculinea teleius Nymphalis vaualbum Parnassius mnemosyne Phyllometra culminaria Polymixis rufocincta isolata Proserpinus proserpina Zerynthia polyxena Gymnocephalus baloni Bombina bombina Bombina variegata Bufo viridis Hyla arborea Pelobates fuscus Rana arvalis Rana dalmatina Rana lessonae Triturus carnifex Triturus cristatus Triturus dobrogicus Ablepharus kitaibellii</p>
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		<p>Coluber caspius Coronella austriaca Elaphe longissima Emys orbicularis Lacerta agilis Lacerta viridis Natrix tessellata Podarcis muralis Podarcis taurica Vipera ursinii rakosiensis Lacerta vivipara Barbastella barbastellus Eptesicus nilssoni Eptesicus serotinus Hypsugo savii Miniopterus schreibersi Myotis alchatoe Myotis bechsteini Myotis blythii Myotis brandtii Myotis dasycneme Myotis daubentonii Myotis emarginatus Myotis myotis Myotis mystacinus Myotis nattereri Nyctalus lasiotus Nyctalus leisleri Nyctalus noctula Pipistrellus kuhli Pipistrellus nathusii Pipistrellus pipistrellus Pipistrellus pygmaeus Plecotus auritus Plecotus austriacus Rhinolophus euryale Rhinolophus ferrumequinum Rhinolophus hipposideros Vespertilio murinus Castor fiber Dryomys nitedula Microtus oeconomus mehelyi Muscardinus avellanarius</p>
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		<p>Sicista subtilis Spermophilus citellus Canis lupus Felis silvestris Lutra lutra Lynx lynx Mustela eversmannii Ursus arctos</p>
<p>348/2006. (XII. 23.) Korm. rendelet a védett állatfajok védelmére, tartására, hasznosítására és bemutatására vonatkozó részletes szabályokról</p>	<p>Részletesen szabályozza a védett állatfajok védelmét, tartását, hasznosítását és bemutatását.</p>	<p>Anisus vorticulus Chilostoma banaticum Hygromia kovacsi Paladilhia hungarica Sadleriana pannonica Theodoxus transversalis Unio crassus Theodoxus prevostianus Aeshna viridis Cordulegaster heros Leucorrhinia caudalis Leucorrhinia pectoralis Ophiogomphus cecilia Stylurus flavipes Isophya costata Isophya stysi Odontopodisma rubripes Paracaloptenus caloptenoides Pholidoptera transsylvanica Saga pedo Stenobothrus eurasius Bolbelasmus unicornis Carabus hampei Carabus hungaricus Carabus variolosus Carabus zawadzskii Cerambyx cerdo Cucujus cinnaberinus Dorcadion fulvum cervae Duvallius gebhardti Duvallius hungaricus Dytiscus</p>

		latissimus Graphoderus bilineatus Osmoderma eremita Pilemia tigrina Probaticus subrugosus Rosalia alpina Apatura metis Arytrura musculus Catopta thrips Chondrosoma fiduciarium Coenonympha oedippus Colias myrmidone Cucullia mixta Dioszeghyana schmidtii Erannis ankeraria Eriogaster catax Hypodryas matura Glyphipterix loricatella Gortyna borelli Leptidea morsei Lignyoptera fumidaria Lopinga achine Lycaena dispar Maculinea arion Maculinea nausithous Maculinea teleius Nymphalis vaualbum Parnassius mnemosyne Phyllometra culminaria Polymixis rufocincta Proserpinus proserpina Zerynthia polyxena Gymnocephalus baloni Bombina bombina Bombina variegata Bufo viridis Hyla arborea Pelobates fuscus Rana arvalis Rana dalmatina Rana lessonae Triturus carnifex Triturus cristatus Triturus
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		dobrogicus Ablepharus kitaibelii Coluber caspius Coronella austriaca Elaphe longissima Emys orbicularis Lacerta agilis Lacerta viridis Natrix tessellata Podarcis muralis Podarcis taurica Vipera ursinii rakosiensis Lacerta vivipara Barbastella barbastellus Eptesicus nilssoni Eptesicus serotinus Hypsugo savii Miniopterus schreibersi Myotis alchatoe Myotis bechsteini Myotis blythii Myotis brandtii Myotis dasycneme Myotis daubentonii Myotis emarginatus Myotis myotis Myotis mystacinus Myotis nattereri Nyctalus lasiotus Nyctalus leisleri Nyctalus noctula Pipistrellus kuhli Pipistrellus nathusii Pipistrellus pipistrellus Pipistrellus pygmaeus Plecotus auritus Plecotus austriacus Rhinolophus euryale Rhinolophus ferrumequinum Rhinolophus hipposideros Vespertilio murinus Castor fiber Dryomys nitedula Microtus oeconomus
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		mehelyi Muscardinus avellanarius Sycista subtilis Spermophilus citellus Canis lupus Felis silvestris Lutra lutra Lynx lynx Mustela eversmannii Ursus arctos
<p>Halászat: A halászati/horgászati tevékenység szabályozása a hatályos jogi szabályozásban a Magyarországon kifogható halfajok fenntartható hasznosítását és a nem kifogható halfajok védelmét biztosítja. Tiltott a hal fogásához minden olyan fogási eszköz, illetve mód alkalmazása, amely a halállományt és a hal élőhelyét károsíthatja (Hhtv. 23. § (1)). Tilos folyóvízen olyan halfogó eszköz vagy készülék, továbbá olyan fogási mód alkalmazása, amely átlagos vízállás esetén a folyó, illetve a holtág, mellékág medrének felénél többet keresztirányban folyamatosan elzár (Hhtv. 23. § (3)). Bizonyos speciális esetek (állományszabályozás, ivadékmentés, tudományos kutatás stb.) kivételével tilos egyenáramú eszközt halfogásra használni. Egyenáramú halfogó eszköz használata a speciális esetekben is bizonyos időszakhoz, területhez és engedélyekhez kötött (Hhtv. 24. § (1)-(6) és Vhr. 13/A. § (1)-(4)). A tiltott halászati/horgászati eszközök (Hhtv. 23. § (2) a-f)): váltóáramú elektromos eszköz; mérgező vagy kábító hatású anyag; robbanóanyag; szűrőszerszám; bűvárszigony vagy más, halfogásra alkalmas bűváreszköz; gereblyező horgászati, illetőleg hurokvető halászati módszer. Jogosulatlan halászatot/horgászatot valósít meg, aki a Hhtv. ide vonatkozó paragrafusait, illetve az 1978. évi IV. törvény (Büntető Törvénykönyv) 266/B. § (2) bekezdésében foglaltakat megszegi, bűncselekményt követ el. Szabadságvesztéssel büntethető bűncselekménynek minősül a Hhtv.-ben felsorolt tiltott halászati/horgászati módok és eszközök használata. További specifikus, a szabályozást megvalósító rendelkezések: – halászati/horgászati tevékenység végzésének vizsgálóhoz és engedélyhez való kötöttsége (Hhtv. 18. §-21., valamint Vhr. 8. § -12.§). – halászati tilalmi idő és halászati méretkorlátozás, naponta kifogható mennyiség korlátozása (Hhtv. 38. § (2) a), b), valamint Vhr. 25. § (1) és 27. § (1)-(3)). – egy időben használt horgászati eszközök korlátozása (Vhr. 26. § (1)-(4)).</p>	<p>A halászati/horgászati tevékenység szabályozása a hatályos jogi szabályozásban a Magyarországon kifogható halfajok fenntartható hasznosítását és a nem kifogható halfajok védelmét biztosítja.</p>	Gymnocephalus baloni
<p>Horgászat: Tilos tilalmi időben megadott halfajra horgászni, továbbá tilos védett vagy fokozottan védett fajok horgászata. A horgásztól elvárt magatartás, hogy amennyiben sorozatosan ki nem fogható halak (védett faj, méretkorlátozás alá eső faj méreten aluli vagy az aktuális tilalmi idő miatt nem zsákmányolható faj egyedei) akadnak horgára, akkor ezek védelme érdekében horgászmodszert és/vagy horgászshelyet változtasson (A Horgászat Országos Szabályai, III. 4.).</p>	<p>Horgászat: Tilos tilalmi időben megadott halfajra horgászni, továbbá tilos védett vagy fokozottan védett fajok horgászata. A horgásztól elvárt magatartás, hogy amennyiben sorozatosan ki nem fogható halak (védett faj, méretkorlátozás alá eső faj méreten aluli vagy az aktuális tilalmi idő miatt nem zsákmányolható faj egyedei) akadnak horgára, akkor ezek védelme érdekében horgászmodszert és/vagy horgászshelyet változtasson (A Horgászat Országos Szabályai, III. 4.).</p>	Gymnocephalus baloni

## MALTA

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Since 1971, Malta has managed a 25 nautical mile (nm) management zone, that is, an extended fisheries management zone, beyond the 12nm territorial waters. This zone has been recently integrated into EU policy via EC No 1967 of 2006. Within the 25nm management zone, fishing effort, and hence capacity, is limited by restricting size and engine power of fishing vessels as explained through Article 26 of EC No 1967 of 2006.</p>	<p>When considering that longlines and trawl nets would be considered largely responsible for incidental capture of non-target species as by-catch locally, restriction of such fishing practices within the 25nm management zone contributes to minimising by-catch in this area.</p>	<p>Marine Turtles Cetaceans</p>
<p>The Malta Centre for Fisheries Sciences (MCFS) assists the activities of the Environment Protection Directorate within the Malta Environment &amp; Planning Authority in connection with the rehabilitation of injured turtles. Presently, any turtle incidentally caught by Maltese fishermen during their normal fishing activities and landed at the fish market is to be taken to San Luċġan for rehabilitation. As an incentive, fishermen are paid for any loss of tackle or hooks by the Fisheries Department.</p>	<p>Recovery and consequent release of by-caught marine turtles once fully recovered from injuries they would have sustained through incidental capture in fishing gear.</p>	<p>Marine Turtles</p>

## NETHERLANDS

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Flora- en Faunawet (2002): zorgplicht, gedragscodes en natuurkalender ter voorkoming van bij toeval doden van dieren. Controle gebeurt door de AID.</p>	<p>In de Flora- en faunawet is een zorgplicht opgenomen. Deze zorgplicht houdt in dat menselijk handelen geen nadelige gevolgen voor flora en fauna mag hebben. In het geval van beschermde planten of dieren geldt de zorgplicht ook als er een ontheffing of vrijstelling is verleend. Er zijn door verschillende instanties die werkzaamheden uitvoeren in het buitengebied (waterschappen, gemeenten, recreatiesector, bosbouwsector en beheerders) gedragscodes opgesteld of in ontwikkeling die dienen om schade aan beschermde soorten te voorkomen of in elk geval te beperken. In deze gedragscodes staat beschreven hoe en wanneer bij welke werkzaamheden rekening gehouden kan/moet worden met welke soorten. Verder is er een "natuurkalender" en een soortbeschrijving van de Natura2000-soorten opgesteld. Een natuurkalender laat zien wat de beste perioden zijn voor werkzaamheden in natuurgebieden, zodat soorten niet worden verstoord of op een andere manier benadeeld. De kalender is een hulpmiddel bij de aanvraag voor ontheffing en de beoordeling daarvan in het kader van de Flora- en faunawet (maar ook bijvoorbeeld bij vergunningen voor de Natuurbeschermingswet).</p>	<p>Annex IV species</p>
<p>Flora- en Faunawet (2002): niet-selectieve vangstmethoden. Controle gebeurt door regionale milieuteams van de politie, BOA's (bijzondere opsporingsambtenaren, zoals jachtopziensers en controleurs van provincie en gemeente) en de AID.</p>	<p>In de FF-wet is een bezit- en handelsverbod voor bepaalde niet selectieve middelen en verbod op het zich buiten gebouwen te begeven met bepaalde niet-selectieve middelen of materialen waarmee bepaalde niet-selectieve middelen kunnen worden vervaardigd vastgelegd.</p>	<p>all species</p>
<p>Net modifications in pelagic trawling</p>	<p>Reduce by-catch of cetaceans</p>	<p>Phocoena phocoena</p>



## AUSTRIA

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
A special control system for the incidental killing of species of Annex IV of the habitat directive does not exist. The avoiding of negative impacts on those species is achieved by the following measures: Establishing a monitoring system to survey the conservation status of the species	N/A	all Annex IV species
Consequent proving of the impact of plans or projects in important areas for the conservation of the species	N/A	all Annex IV species
Special projects for the conservation of the species outside of protected areas as already existing e.g. for bats or amphibians	N/A	Bats and amphibians

## POLAND

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Art. 58 ustawy z dnia 16 kwietnia 2004 r. o ochronie przyrody nakazuje właściwym miejscowo wojewodom, przekazywać do dnia 31 marca każdego roku, informację w sprawie przypadkowego schwytania lub zabicia gatunków zwierząt objętych ochroną ścisłą. Informacje takie zbierane są przez Wojewódzkich Konserwatorów Przyrody, a następnie przekazywane ministrowi właściwemu ds. środowiska. Na tej podstawie minister właściwy ds. środowiska może podjąć badania lub działania ochronne, zapobiegające przypadkowemu chwytaniu i zabijaniu zwierząt. Na terenie parków narodowych i krajobrazowych realizowany jest nadzór nad wypełnianiem przepisów o ochronie przyrody. Służby parków patrolują teren, każdorazowo raportując o stwierdzonych przypadkach chwytania i zabijania gatunków (dotyczy głównie ssaków).</p>	<p>Taki rodzaj sprawozdawczości pozwala na stały monitoring przypadków chwytania i zabijania gatunków zwierząt, co w pewnym umożliwia monitorowanie populacji danego gatunku. Ponadto, system raportowania pozwala, gdy zajdzie taka konieczność, na podjęcie doraźnych działań ochronnych.</p>	<p>Wszystkie gatunki z załącznika IV a</p>

## PORTUGAL

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
Centros de recepção e recuperação com registo de informação sobre a origem, causas da captura ou morte, meios de captura utilizados e tratamento de informação	N/A	Todas as espécies da fauna
Sistema de monitorização de recolha de informação sobre arrojamentos e suas causas	N/A	Mamíferos e répteis marinhos
Proposta de regulamentação da actividade de recolha e tratamento de animais selvagens	N/A	Todas as espécies da fauna
Programa de Observação das Pescas dos Açores	Os espécimes vivos capturados acidentalmente são imediatamente libertados para o meio marinho	Delphinus delphis Globicephala macrorhynchus Grampus griseus Orcinus orca Eretmochelys imbricata Dermochelys coriacea Chelonia mydas Lepidochelys kempii Pseudorca crassidens Stenella coeruleoalba Stenella frontalis Tursiops truncatus Physeter macrocephalus Balaenoptera acutorostrata Balaenoptera borealis Caretta caretta

## SLOVENIA

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
For large carnivores	Control system is established for large carnivores and fish species. It is part of the monitoring scheme. Results of the monitoring of incidental capture and killing are analysed and taken into account in management planning.	Ursus arctos, Canis lupus, Lynx lynx
For fish species	Control system is established for large carnivores and fish species. It is part of the monitoring scheme. Results of the monitoring of incidental capture and killing are analysed and taken into account in management planning.	All Annex II, IV and V fish species

## SLOVAKIA

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Nález chráneného živočicha je upravený v § 35 ods. 6, ods. 7 a ods. 8 zákona č. 543/2002 Z. z. v znení neskorších predpisov, evidenciu vykonáva podľa § 68 písm. k obvodný úrad životného prostredia. Podrobnosti o evidencii podľa § 35 ods. 7 zákona sú uvedené v § 8 ods. 3 vyhlášky MŽP SR č. 24/2003 Z. z. Evidencia sa vzťahuje k nálezom v súvislosti s prípravou alebo uskutočňovaním stavby a k nálezom chorého, poraneného, poškodeného alebo uhynutého chráneného druhu živočicha v prírodnom prostredí. Evidenciu o zistených nálezoch poranených, alebo uhynutých chránených druhov živočichov, ktorú vedú miestne príslušné obvodné úrady životného prostredia, je možné následne využiť napr. pre potreby určenia úsekov cestnej siete, kde dochádza ku kolíziám s voľne žijúcimi živočichmi alebo napr. možných kolízií turbín veterných elektrární s netopiermi. Ustanovenie sa nevzťahuje na monitoring náhodného odchytu chránených druhov uvedených v prílohe IV. Uvedená oblasť bola jednou z pripomienok Komisie k transpozícii smernice o biotopoch v r. 2006.</p>	<p>V súlade s pripomienkou Komisie budú prijaté systematické opatrenia na zavedenie monitoringu náhodného odchytu (prvým je doplnenie ustanovenia do novely zákona o ochrane prírody a krajiny)</p>	<p>všetky druhy z prílohy IVa</p>

## FINLAND

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Metsästysasetuksen 24 §:ssä säädetään riistaeläinten yleisistä rauhoitusajoista. Säännöksen mukaan susi poronhoitoalueen ulkopuolella, karhu, saukko ja ilves ovat aina rauhoitettuja. Metsästyslain 83 §:n mukaan kuolleena löydetty tai pyyntivälineeseen tarttunut riistaeläin kuuluu alueen metsästysoikeuden haltijalle, mikäli hänellä on oikeus metsästää kyseistä eläintä ko. alueella. Muussa tapauksessa eläin kuuluu valtiolle. Valtiolle kuuluvan, kuolleena löydetyn riistaeläimen saa löytäjä ottaa haltuunsa poliisille tai RKTL:lle toimittamista varten. ML:n 88 §:ssä säädetään lain noudattamisen valvonnasta. Tämän säännöksen nojalla voidaan tode-ta, että vahingossa loukkuun jääneiden tai kuolleiden eläinten seurannasta vastaavat seuraavat tahot omilla toimialueillaan: • Maanomistajat ja metsästysoikeuden haltijat (alueensa valvonta) • Valtion omistamilla alueilla tämän tehtäväksi saaneet virkamiehet (erävalvot, luonnonsuo-jelualueiden henkilöstö jne.) (valvonnan yhteydessä, yleisön ilmoitukset) • Riistanhoitoyhdistysten metsästyksenvartijat (ML 63 § 4 mom.)(yleisön ilmoitukset, valvon-ta) Vuonna 2000 riistanhoitoyhdistyksillä oli yhteensä 3141 tällaista metsästyksenvartijaa • Metsästysseurat, joita on noin 4000, seuraavat ja valvovat metsästyksiä alueellaan. • Poliisi, erityisesti liikkuva poliisi (tieliikenneonnettomuudet) • Rajavartiolaitos (loukkaantuneet, kuolleet) • tulliviranomaiset (valvonnan yhteydessä) Näiden tahojen lisäksi valvontaa suorittavat tässä asiassa myös: • epäsuorasti petoyhdistysmiehet, joita on n. 1500 henkilöä (yleisön ilmoitukset) • epäsuorasti Tielaitoksen henkilökunta (tieliikenneonnettomuudet) Edellä sanotun valvonnan lisäksi on huomattava, että maa- ja metsätalousministeriö on vuosittain antamassaan pyyntiluvanvaraisten riistaeläinten metsästyksiä koskevassa määräyskirjeessään mää-rännyt, että tietoon tulleet ihmisten toimesta kuolleet karhut, sudet, ilvekset ja saukot vähentävät pyyntilupien nojalla sallittavien ko. lajien pyydettäviä määriä. Saimaannorpan tärkeiden lisääntymisalueiden suojaksi määritellyjä verkkokalastusrajoituksia valvotaan Metsähallituksen puiston valvojien ja erävalvojien ja muiden viranomaisten toimesta. Metsähallitus pitää tilastoja todetuista kuolemista. Pyöriäisseuranta on Suomessa järjestetty neuvoston asetuksen 812/2004 edellyttämällä tavalla.</p>	<p>Tietoon tulleet ihmisen toimesta kuolleet karhut, sudet, ilvekset ja saukot vähentävät pyyntilupien nojalla sallittavia pyydettäviä määriä.</p> <p>Saimaannorpan ja pyöriäisen sivusaalisuolleisuutta koskevien tietojen pohjalta harkitaan tarvittaessa rajoituksia kalastusmenetelmiin.</p>	<p>Canis lupus, Ursus arctos, Lutra lutra, Lynx lynx, Phoca hispida saimensis, Cetacea cetacea</p>

## SWEDEN

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Se "Rättslig tillämpning- habitatdirektivet", artikel 12.4. Enligt 25 § jaktlagen (1987:259) föreskrivs som skydd för utrotningshotade, sällsynta eller särskilt värdefulla djur att regeringen får föreskriva att vilt som omhändertas, påträffas dött eller dödas ska tillfalla staten. Berörda arter och hur de ska hanteras återfinns i 33, 36-38 §§ jaktförordningen.</p>	<p>Påträffade döda exemplar av arter som tillfaller staten skall rapporteras till polisen. Själva exemplaren skall skickas till Naturhistoriska riksmuseet. Naturvårdsverket erhåller årligen rapporter från Naturhistoriska riksmuseet på hur många exemplar av respektive art som inkommit. Kontroll över att jakt bedrivs på rätt ställe, med rätt utrustning, mot rätt arter och vid rätt tid sker genom operativ tillsyn av jakttillsyningsmän som förordnats av länsstyrelse, polismyndighet alternativt är knutna till enskilda, geografiskt avgränsade jaktvårdskretsar.</p>	<p>Ursus arctos, Canis lupus, Gulo gulo, Lynx lynx, Alopex lagopus, Lutra lutra, Cetacea</p>

## UNITED KINGDOM

Control system	How does the control system ensure that there will not be a negative impact on the species?	Species names
<p>Currently, the incidental capture or killing of Annex IV(a) species is not formally monitored and there is no official central repository for such records. However, some information on incidental capture/killing of species is collated, for example by passing information on road kills to appropriate local records centres, species specialists or recording schemes.</p>	<p>Road kill records for otter received by staff of the statutory conservation agencies are sent to the Vincent Wildlife Trust. The Vincent Wildlife Trust is an independent charitable body working in wildlife research and conservation.</p>	<p>Lutra lutra</p>
<p>Currently, the incidental capture or killing of Annex IV(a) species is not formally monitored and there is no official central repository for such records. However, some information on incidental capture/killing of species is collated, for example by passing information on road kills to appropriate local records centres, species specialists or recording schemes.</p>	<p>Surveys undertaken by staff of the statutory conservation agencies and volunteers in relation to bat roost casework are recorded to help identify good bat areas and to develop guidance to avoid incidental killing of these animals as a result of development.</p>	<p>all bat species</p>
<p>Currently, the incidental capture or killing of Annex IV(a) species is not formally monitored and there is no official central repository for such records. However, some information on incidental capture/killing of species is collated, for example by passing information on road kills to appropriate local records centres, species specialists or recording schemes.</p>	<p>The register of protected sites which lists SSSIs notified for great crested newt (and other protected species) should be consulted by authorities before development work proceeds.</p>	<p>Triturus cristatus</p>
<p>Currently, the incidental capture or killing of Annex IV(a) species is not formally monitored and there is no official central repository for such records. However, some information on incidental capture/killing of species is collated, for example by passing information on road kills to appropriate local records centres, species specialists or</p>	<p>Natterjack toad numbers are monitored annually, by the Herpetological Conservation Trust, and published in a register. This information helps to identify any developments likely to impact on known populations. As a consequence, incidental damage to the monitored populations is low risk and rare</p>	<p>Bufo calamita</p>



<p>recording schemes.</p>		
<p>Currently, the incidental capture or killing of Annex IV(a) species is not formally monitored and there is no official central repository for such records. However, some information on incidental capture/killing of species is collated, for example by passing information on road kills to appropriate local records centres, species specialists or recording schemes</p>	<p>There is currently no comprehensive monitoring of wildcat mortality. Such monitoring is problematic as species identification often needs DNA analysis. A Scottish wildcat survey is commencing in 2007 to provide more information on their distribution and numbers</p>	<p>Felis sylvestris</p>
<p>Currently, the incidental capture or killing of Annex IV(a) species is not formally monitored and there is no official central repository for such records. However, some information on incidental capture/killing of species is collated, for example by passing information on road kills to appropriate local records centres, species specialists or recording schemes</p>	<p>This is the only sturgeon species to have been caught in the wild in British waters. Data for this species are few, but what exists is kept in the Database and Atlas for Freshwater Fishes (DAFF) database. This indicates that only 13 individuals have been observed or captured in Britain during the 20th Century. Since the 14th century, the sturgeon has been regarded as a Royal fish with the last fish accepted by the Crown in 1969. Awareness of the conservation status of the sturgeon in the fishing industry is very poor. However, the Royal fish status is more widely understood. The Environment Agency has recently set up a working group for this species. Presently there are efforts to re-establish sturgeon populations on the continent which may result in an increased number of captures or sightings within UK waters</p>	<p>Acipenser sturio</p>
<p>Currently, the incidental capture or killing of Annex IV(a) species is not formally monitored and there is no official central repository for such records. However, some information on incidental capture/killing of species is collated, for example by passing information on road kills to appropriate local records centres, species specialists or recording schemes.</p>	<p>An observer scheme to record bycatch of cetaceans and other marine species on Annex IV of the Directive in commercial fisheries has been established. This is part of the work being undertaken to implement the formal UK Small Cetacean Bycatch Response Strategy that was drawn up initially in 2001 and has been reviewed and revised since, partly to ensure that the scheme meets the requirements of Council Regulation EC 814/2004 (<a href="http://www.defra.gov.uk/fish/sea/conserves/cetaceans.htm">http://www.defra.gov.uk/fish/sea/conserves/cetaceans.htm</a> and <a href="http://www.defra.gov.uk/fish/sea/conserves/pdf/2006novbycatch.pdf">http://www.defra.gov.uk/fish/sea/conserves/pdf/2006novbycatch.pdf</a>).</p> <p>This bycatch monitoring scheme is carried out at sea by both dedicated observers who are employed solely for this purpose, and when appropriate by additional observers who collect landings and discard information for fisheries management purposes. In fisheries affected by Council Regulation EC 814/2004, the amount of fishing effort sampled exceeds the required levels and in some fisheries sampling levels approach 100% (e.g. bass pair-trawl fishery). For those other fisheries that might be expected to catch cetaceans the sampling level is set at 5% of fishing effort and for fisheries not expected to have a bycatch problem low level surveillance is maintained. The interim annual reports of the monitoring scheme can be found at: <a href="http://www2.defra.gov.uk/research/project_data/More.asp?I=MF0736&amp;M=KWS&amp;V=MF0736&amp;SUBMIT1=Search&amp;SCOPE=0">http://www2.defra.gov.uk/research/project_data/More.asp?I=MF0736&amp;M=KWS&amp;V=MF0736&amp;SUBMIT1=Search&amp;SCOPE=0</a></p> <p>The work of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, and the International Council for the Exploration of the Sea (advising the European Commission) has been used to assess whether or not bycatch levels are likely to be seriously negatively affecting a population of cetaceans. Surveys to estimate the abundance of those populations of cetaceans potentially affected were undertaken on a co-ordinated European basis in 1994 and 2005 (SCANS and SCANS II projects <a href="http://biology.st-andrews.ac.uk/scans2/">http://biology.st-andrews.ac.uk/scans2/</a>).</p> <p>In specified fisheries covered by Council Regulation 812/2004, acoustic alarms (pingers) have been deployed in an attempt to reduce bycatch rates. In some areas the pingers have proved technically deficient and work continues to develop more robust devices. A bass pair-trawl fishery believed to have a bycatch of common dolphins has been closed to UK</p>	<p>cetacea all species</p>

	<p>fishermen in UK territorial waters in the western English Channel (<a href="http://www.defra.gov.uk/fish/sea/conserves/rawl.htm">http://www.defra.gov.uk/fish/sea/conserves/rawl.htm</a>), with the exception of some experimental fishing aimed at developing mitigation measures (e.g. gear modifications) to reduce this bycatch. It is believed that the general reduction in fishing effort has reduced cetacean bycatch levels.</p>	
<p>Currently, the incidental capture or killing of Annex IV(a) species is not formally monitored and there is no official central repository for such records. However, some information on incidental capture/killing of species is collated, for example by passing information on road kills to appropriate local records centres, species specialists or recording schemes.</p>	<p>In UK waters, very few turtles have been recorded entangled in fishing gear (and none within the scheme referred to above). A marine turtle road show was run by Scottish Natural Heritage and the Marine Conservation Society from 2005-2006. Its aim was to raise awareness of marine turtle conservation in fishing communities, to distribute 'Turtle Codes' and associated practical guidance, and to encourage the reporting of incidental capture/killing of turtles in fishing gear. 'TURTLE' is the UK and Republic of Ireland database run by Marine Environmental Monitoring and supported by the statutory conservation agencies and the Marine Conservation Society. Annual reports of all marine turtle records are produced, including information on incidental capture/killing.</p> <p>A Cetacean and Turtle Strandings Scheme, funded by Defra/ WAG /Scottish Executive has determined the causes of death of stranded animals and has helped identify potential bycatch issues. In addition, post-mortems of stranded and bycaught cetaceans have collected information for population structure studies.</p>	<p>turtles all species</p>