

ToR Reference No.: 2021/12	Author(s): John Visbeen (IMPEL, Jan van den Berghe (EUFJE)
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<b>TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL</b>	

## 1. Work type and title

<b>1.1 Identify which Expert Team this needs to go to for initial consideration</b>	
Industry and air	<input type="checkbox"/>
Waste and TFS	<input type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input checked="" type="checkbox"/>
Cross-cutting tools and approaches	<input type="checkbox"/>
<b>1.2 Type of work you need funding for</b>	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other, (please describe):	<input checked="" type="checkbox"/>
Exchange of information, meeting of experts.	
<b>1.3 Full name of work (enough to fully describe what the work area is)</b>	
To develop a pricelist to calculate the damage that is caused by infringements to ecosystems and protected species. The pricelist gives an indication to prosecutors and judges to be used by prosecution and verdict or to calculate the payment for recovery of damage to the eco system and protected species.	
<b>1.4 Abbreviated name of work or project</b>	
Eco System Recovery Calculation/BIOVAL	

## 2. Outline business case (why this piece of work?)

<b>2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)</b>
<ul style="list-style-type: none"> <li>• Bird directive, 2009/147/EC</li> <li>• Habitats directive, 92/43/EEC</li> </ul>

- CITES Regulation 338/97
- Ecocrime Directive 2008/99

## 2.2 Link to IMPEL MASP priority work areas

- |   |                                     |
|---|-------------------------------------|
| 1. Assist members to implement new legislation.   | <input type="checkbox"/>            |
| 2. Build capacity in member organisations through the IMPEL Review Initiatives.               | <input checked="" type="checkbox"/> |
| 3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission. | <input checked="" type="checkbox"/> |
| 4. Other, (please specify):   | <input type="checkbox"/>            |

## 2.3 Why is this work needed? (background, motivations, aims, etc.)

There is still a lack of awareness of the impact of wildlife crime to ecosystems and protected species. Also the way to calculate this damage in order to become a useful and reliable instrument during prosecution and during court cases is a topic that needs to be further explored. There are already some good examples. For instance in Finland the prosecutor is obliged to work with a 'pricelist' that calculate damage to ecosystem and protected species. This varies from smaller infringements to wildlife crime where heavy endangered species are involved.

During several conferences and workshops according to wildlife trafficking and wildlife crime the need to make the damage to ecosystems and protected species visible during court procedures is emphasized. This is important because it contributes to awareness raising to prosecutors and judges who are often not specialized. A good, objective and a comparable system to make the damage visible will increase the support to use a 'price' list during prosecution and court procedures.

Several aspects must be taken into account. First of all the ecological aspect of the infringement. Is recovery possible or are the effects of the crime irreversible. What time is needed to restore? Is the state of conservation at stake? Therefore biological knowledge and knowledge how ecosystems and protected species and protected species are functioning is necessary. Second is it necessary to validate/calculate the ecological damage within the existing economical system. Here we need creative thinkers with knowledge about functioning of our economical systems. Third we need knowledge of legal procedures; administrative law and criminal law. How is it possible to implement the calculation of damage within investigation, prosecution and court procedures. Questions are whether to use the knowledge about the damage as part of the verdict (penal law) or as cost need for restoration of the damage (administrative or civil law) or simultaneously.

We have to keep in mind thinking about communication strategies in a later stage of this project because making the public aware of the damage to nature, expressed in euro's also contributes to awareness raising and the prevention of wildlife crime.

## 2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

-overview of different approaches towards the calculation of damage to eco systems and protected species as part of prosecution and court cases,

- recommendation to find a unified approach/process to calculate damage to ecosystems and protected species,
- develop unified approach and process to calculate damage to ecosystems and protected species and the use during prosecution and court procedures,
- develop the necessary tools (f.i. pricelist, database etc.) to calculate the damage to ecosystems and protected species,
- training/instruction sessions on the process and the use of the tools to calculate the damage to ecosystem and protected species,
- implementation of the tools to calculate the damage to ecosystems and protected species and the use during prosecution and court cases.

### **2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)**

Not specific but the topic about the need to make the damage to ecosystems and protected species visible has been pointed out during several (Life+) conferences and workshop and this topic was also presented and discussed during the joint network conference in Oxford. This based on the example of the Finnish pricelist.

## **3. Structure of the proposed activity**

### **3.1 Describe the activities of the proposal (what are you going to do and how?)**

Activities in 2019:

In 2019 a core team has been established with representatives of IMPEL, EUFJE, ENPE, University(KU Leuven and Lancaster University) , birdlife international. During the core team meeting the aim of the BIOVAL project was explained. It is to create an instrument similar to the Belgian 'Indicative Tabel' to valuate biodiversity damage. The instrument we have in mind will not be legally binding. In a first stage, BIOVAL will focus on fauna / vertebrates.

In November 2019 a second workshop was held in Brussels. Here David de la Bodega from SEO Birdlife presented the LIFE project Nature Guardians. The aim of the presentation was also to look for synergies between this project and BIOVAL. David explained that Nature Guardians, action A.3 entails harmonising the different existing price lists in Spain and propose a method for Portugal and some other EU countries. The action focusses on fauna. The aim is not to gather information about evaluation systems for environmental damage in all 27 Member States. Action A.3 aims at valuation of fauna for compensation / restoration, as well as for the adoption of (administrative) sanctions.

The value of species should be clearly distinguished from the use that will be made of it. There can be different uses of the value of species (for compensation, for determining sanctions), but there can only be one value of a species.

Under BIOVAL, we want to perform a meta-analysis with the data we collected e.g. why are mammals valued higher than birds, big birds higher than small birds etc. Ngo's, judges often use the cost of a reintroduction program to determine the value of a bird, but this does not reflect the real value of a species. This is wrong from an economic point of view.

The restoration cost is a relevant criterion because Member States have obligations under the Birds and Habitats Directive to achieve certain numbers of species. We need an instrument that will be supported by the judiciary because the judiciary was involved in the creation of the instrument.

Activities in 2019/2020:

BIOVAL has a broader scope and sent out questionnaires to all the members of the EUFJE, ENPE, IMPEL and Envicrimenet networks and gather information about the systems in as many Member States as possible. A questionnaire was developed during December 2019 and March 2020. The questionnaire was sent out focussed on three species; 'red kite', wolf and starling. Several member states sent in their reply, (Bulgaria, Croatia, Estonia, Finland, Hungary, Latvia, Lithuania, Spain, Norway)

There were some difficulties to overcome, for instance information sent in national language.

BIOVAL made an overview of the information received for one specie: red kite. Preliminary conclusion is that the amounts for one species vary significantly from country to country and even from region to region (Spain). There was almost no information on how amounts were set (except for Finland). There are also criteria which has nothing to do with intrinsic value of species e.g. minimum wage, general procs categories e.g. for all birds of prey, use of multipliers, based on administrative fines. It was also difficult to obtain more information on criteria. Also the question was whether these compensations effectively were applied. We received almost no case law from respondents.

We also asked for criteria for valuing. Criteria suggested by the respondents in this survey:

- conservation status of the affected species in the region (in relation to number of dead specimens),
- 'actual cost of the measures needed',
- Market price,
- red list or not,
- 'value to nature',
- number of individuals,
- intentional or accidental act,

-consequence/extend of the harm caused,

-‘threatened societal value’

### 3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

For the year 2021 and 2022 we choose for the same approach:

Research by questionnaire, share results with experts in the network, in depth discussion preferably in physical workshop or by (professional) internet conference, identify follow up for instance to broaden the scope (species, area’s etc.). All steps in close collaboration NGO’s and the University of Leuven, to prevent from double work.

- 1) Share the results of the questionnaire in the IMPEL expert teams on Nature Protection,
- 2) Send the draft presentation to our networks and ask for input, (IMPEL, EUFJE, ENPE)
- 3) Organize a series of webinars for in depth discussion (because of COVID) or physical workshops aiming at biologists, ecologists, economists, lawyers,
- 4) Order a study from a consultant (e.g. Instituut voor Natuur en Bosonderzoek, INBO in Belgium) to develop a first proposal of a method or criteria to calculate damage to ecosystems and protected species to use during prosecution and court proceedings
- 5) Present BIOVAL during 4 Networks Conference, discussion and harvest feedback from conference participants,
- 6) Collaborate with University of Leuven in their study starting probably in 2022

### 3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

2021

- 1) Share the results of the questionnaire in the IMPEL expert teams on Nature Protection,
- 2) Send the draft presentation to our networks and ask for input, (IMPEL, EUFJE, ENPE)
- 3) Organize a series of webinars for in depth discussion (because of COVID) or physical workshops aiming at biologists, ecologists, economists, lawyers,
- 4) Order a study from a consultant (e.g. Instituut voor Natuur en Bosonderzoek, INBO in Belgium) to develop a first proposal of a method or criteria to calculate damage to ecosystems and protected species to use during prosecution and court proceedings
- 5) Present BIOVAL during 4 Networks Conference, discussion and harvest feedback from conference participants,
- 6) Collaborate with University of Leuven in their study starting probably in 2022

Upcoming activities:

Broaden the scope to other species

Study and report,

Develop digital tools (f.i pricelist) and description of process to ensure quality of information to be used at prosecution and court cases,

Letter of intent,  
Training and instruction

**3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)**

No budget available, no human capacity of IMPEL and partners members

**4. Organisation of the work**

**4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)**

John Visbeen, Province of Flevoland The Netherlands,(IMPEL)  
Jan van den Berghe, Judge, Belgium (EUFJE)

**4.2 Project team (who will take part: name, organisation and country)**

Core team:  
Jan Van den Berghe (EUFJE)  
John Visbeen (IMPEL)  
Lars Magnusson, Jarmo Rintala (ENPE)  
PM: University prof Sandra Rousseau KUL?

**4.3 Other IMPEL participants (name, organisation and country)**

- Finland
- Spain
- PM
- PM
- PM

**4.4 Other non-IMPEL participants (name, organisation and country)**

- Willem Vandenbossche, Birdlife International, Brussels.
- Sandra Rousseau, KU Leuven University.
- Maribel Rodriguez Valero, Lancaster University.

## 5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

This is an Excel Table, please double click on it to open it and to fill it.	2021 (exact)	2022	2023	2024
<b>Travel and subsistence costs for IMPEL</b> (should match the total costs of Annex I)	9,750.00 €	12,350.00 €		
<b>Travel and subsistence costs co-financed</b>	0.00 €	0.00 €	0.00 €	0.00 €
<b>Consultant(s) costs for IMPEL</b>	10,000.00 €	6,000.00 €	0.00 €	0.00 €
<b>Consultant(s) costs co-financed</b>	0.00 €	0.00 €	0.00 €	0.00 €
<b>Translation costs for IMPEL</b>	0.00 €	0.00 €	0.00 €	0.00 €
<b>Translation costs co-financed</b>	0.00 €	0.00 €	0.00 €	0.00 €
<b>Total costs for IMPEL</b>	<b>19,750.00 €</b>	<b>18,350.00 €</b>	<b>0.00 €</b>	<b>0.00 €</b>
<b>Total co-financed</b>	<b>0.00 €</b>	<b>0.00 €</b>	<b>0.00 €</b>	<b>0.00 €</b>
<b>Total budget</b>	<b>19,750.00 €</b>	<b>18,350.00 €</b>	<b>0.00 €</b>	<b>0.00 €</b>

## 6. Detailed other costs of the work for year 1

<b>6.1 Are you using a consultant?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>6.2 What are the total costs for the consultant?</b>	<p>The consultant is necessary to work on f.i. the results of questionnaires and gathered information, analysis of related studies, the writing of the (interim)reports and communication about the results.</p> <p>We would like to order a study from a consultant (e.g. Instituut voor Natuur en Bosonderzoek, INBO in Belgium) to develop a first proposal of a method or criteria to calculate damage to ecosystems and protected species to use during prosecution and court proceedings. We estimate 10.000,-/2021 and 3500 euro/2022)</p> <p>At the same time we collaborate with universities who see possibilities to incorporate this topic and activities within research programmes, We also aim for a project co-lead from university. Probably also ERA could take a role in this project (f.i. training sessions, the combined with more general information according to wildlife crime)</p>

	We also take into account a small amount of consultancy cost for develop a separate website or add BIOVAL information on the website of IMPEL and/or Eufje. (2500 euro/2022)
<b>6.3 Who is paying for the consultant?</b>	IMPEL.
<b>6.4 What will the consultant do?</b>	See 6.2.
<b>6.5 Are there any additional costs (NOT included in point 5)?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe: -
<b>6.6 What are the additional costs for?</b>	-
<b>6.7 Who is paying for the additional costs?</b>	-
<b>6.8 Are you seeking other funding sources?</b>	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe: Post doc of University, probably funded by fund for scientific research (2022 at the earliest)
<b>6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe: -



## 7. Communication and follow-up (checklist)

	What		By when
<b>7.1 Indicate which communication materials will be developed throughout the project and when?</b>  <i>(all to be sent to the Communications Officer at the IMPEL Secretariat)</i>	TOR <sup>✓</sup> *	<input checked="" type="checkbox"/>	2021
	Interim report <sup>✓</sup> *	<input checked="" type="checkbox"/>	2021
	Project report <sup>✓</sup> *	<input checked="" type="checkbox"/>	2021
	Progress report(s) <sup>✓</sup>	<input type="checkbox"/>	
	Press releases	<input type="checkbox"/>	
	News items for the website <sup>✓</sup> *	<input checked="" type="checkbox"/>	2021
	News items for the e-newsletter	<input checked="" type="checkbox"/>	
	Project abstract <sup>✓</sup> *	<input type="checkbox"/>	
	IMPEL at a Glance <sup>✓</sup>	<input type="checkbox"/>	
	Other, (give details):	<input type="checkbox"/>	
<b>7.2 Milestones / Scheduled meetings (for the website diary).</b>	PM		
<b>7.3 Images for the IMPEL image bank.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>7.4 Indicate which materials will be translated and into which languages.</b>	-		
<b>7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.</b>	-		
<b>7.6 Identify which groups/institutions will be targeted and how.</b>	-		
<b>7.7 Identify parallel developments / events by other organisations, where the project can be promoted.</b>	Joint Meeting of the Bern Convention's SFPs on Illegal Killing, Trapping and Trade in Wild Birds (IKB) and the UNEP/CMS MIKT Task Force		

<sup>✓</sup>) Templates are available and should be used. <sup>\*</sup>) Obligatory

## 8. Remarks

*Is there anything else you would like to add to the Terms of Reference that has not been covered above?*

*In case of doubts or questions please contact the  
[IMPEL Secretariat](#).*

*Draft and final versions need to be sent to the  
[IMPEL Secretariat](#) in Word format, not in PDF.*

*Thank you.*

