

IMPEL Network: Expert Team on Nature Protection

Green IRI Italy

16-19 May 2016

Strait of Messina
Gambarie di Aspromante
Regio Calabria

V4 – November 2016



European Union Network for
the Implementation and Enforcement
of Environmental Law

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Bruxelles, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 6th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at:
www.impel.eu

Title report: Green IRI Italy 2016	Report adopted at IMPEL General Assembly:1-2.12. 2016, Bratislava
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Disclaimer: This report is the result of a project within the IMPEL network. The content does not necessarily represent the view of the national administrations.	

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1.0 INTRODUCTION

The EU headline target is halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020 and restoring them in so far as feasible. The main legislative instruments for ensuring conservation and sustainable use of nature are the Birds-¹ and Habitat Directive², and the EU Timber Regulation. The State of Nature³ provides insight and knowledge to underpin further actions needed to achieve the objectives of both Directives contributing to the EU strategy. Much stronger conservation efforts are needed. In the period 2007-2012 the overall status of species and habitats in the EU has not changed significantly, with many habitats and species showing an unfavourable status and a significant proportion of them deteriorating still further. On the other hand some species and habitats, covered by the legislation showing signs of recovery. This is illustrated by success stories in different parts of Europe. Also the Natura 2000 network is playing a major role in stabilising habitats and species with an unfavourable status.

Aims of the IMPEL Nature Protection Expert Team:

Effective implementation of the Directives according to nature conservation contributes to public confidence, legal predictability and a level playing field. Effective implementation includes an enhanced system of inspections and surveillance, good access to justice and public access to information. The IMPEL Expert Team on Nature Protection (ET) wants to contribute to the 4th priority in the 7th Environmental Action Programme in order to maximise the benefits of the Union's environment and nature legislation by improving implementation.

The Expert Team will focus on quality and quantity of inspections, effectiveness in the chain of inspection – prosecution – verdict, sharing of intelligence and information, promoting cooperation with networks of practitioners, collaboration with NGO's and public participation. The ET will facilitate knowledge sharing by the exchange of good experiences and good practises and by executing peer reviews (also known as a, 'green' IRI). These peer reviews equip authorities and enforcement bodies with the knowledge, tools and capacity to improve the delivery of benefits from that legislation, and to improve the governance of the enforcement process. The ET also will organise joint inspections to share best practises and for the trans-boundary collaboration in investigating crime cases. But this is also very beneficial to build up and extend a European network of experts in the nature conservation area.

In 2014 a first the 'green' IRI (Impel Review Initiative/Peer Review) has been organised in Romania in the Danube Delta Area. During the IRI experts from Member States make a picture of current situation within the host Member State or in certain area of the Member State or in certain area between Member States. Good practices and opportunities for improvement are identified.

In 2016 a second green IRI was organised in Italy in May 16th-20th. This report gives the results of the preparatory meeting and the IRI review itself. The preparatory meeting was held in Rome, July 27th 2015.

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

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

³ COM (2015) 219 Report on the status of and trends for habitat types and species covered by the Birds and Habitats Directives for the 2007-2012 period as required under Article 17 of the Habitats Directive and Article 12 of the Birds Directive.

It is worth pointing out that, at the time of writing and carrying out this IRI, there were some structural changes taking place in Italy. The Corpo Forestale is being merged with the Carabinieri and the Provincial Administrative level is being abolished in replaced with larger, Regional Administrative units.

2.0 GREEN IRI (Impel Review Initiative)

2.1 The IRI scheme

The IRI scheme is a voluntary scheme providing for informal reviews of environmental authorities in IMPEL Member countries. It was set up to implement **the European Parliament and Council Recommendation (2001/331/EC) providing for minimum criteria for environmental inspections (RMCEI)**, where it states: *“Member States should assist each other administratively in operating this Recommendation. The establishment by Member States in cooperation with IMPEL of reporting and advice schemes relating to inspectorates and inspection procedures would help to promote best practice across the Community.”*

This green IRI will examine the implementation and enforcement of a broad range of ‘green’ activities such as the illegal killing, trapping and trade of wild birds, the protection of conservation areas, illegal hunting & fishing and illegal logging amongst others.

2.2 Purpose of the IRI

The aims of the IRI scheme are to:

- Provide advice to environmental authorities seeking an external review of their structure, operation or performance by experts from other IMPEL member countries for the purpose of benchmarking and continuous improvement of their organisation;
- Encourage capacity building in environmental authorities in IMPEL member countries;
- Encourage the exchange of experience and collaboration between these authorities on common issues and problems;
- Spread good practice leading to improved quality of the work of environmental authorities and contributing to continuous improvement of quality and consistency of application of environmental law across the EU (“the level playing-field”).

The IRI is an informal review, not an audit process. The IRI is intended to enable the environmental authority and the Review Team to explore how the authority carries out its tasks. It aims at identifying areas of good practice for dissemination together with opportunities to develop existing practice within the authority and authorities in other IMPEL member countries.

2.3 Scope of the IRI in Italy

The review primarily focus upon the activities and responsibilities of the Italian Corpo Forestale and its interplay with other authorities responsible for protecting, regulating, implementing and

enforcing environment legislation. Beside a more general view on the work from Corpo Forestale the review focus upon Corpo Forestale's work in the Messina Street area. This area is very important to protect, especially during the period of birds migration in autumn and spring. Large amounts of raptors migrate between Europe and South Africa and pass the Messina Street.

2.4 Structure

The IRI took place 16 – 20 May 2016 in Gambarie di Aspromonte, Italy in the Straight of Messina.

The IRI uses the structure of the Environmental inspection cycle from the IMPEL [“Doing the right things” Guidance Book for planning of environmental inspections](#). The Guidance Book was developed to support Inspectorates in implementing the RMCEI and describes the different steps of the Environmental Inspection Cycle pursuant to the RMCEI.

Environmental Inspection Cycle:

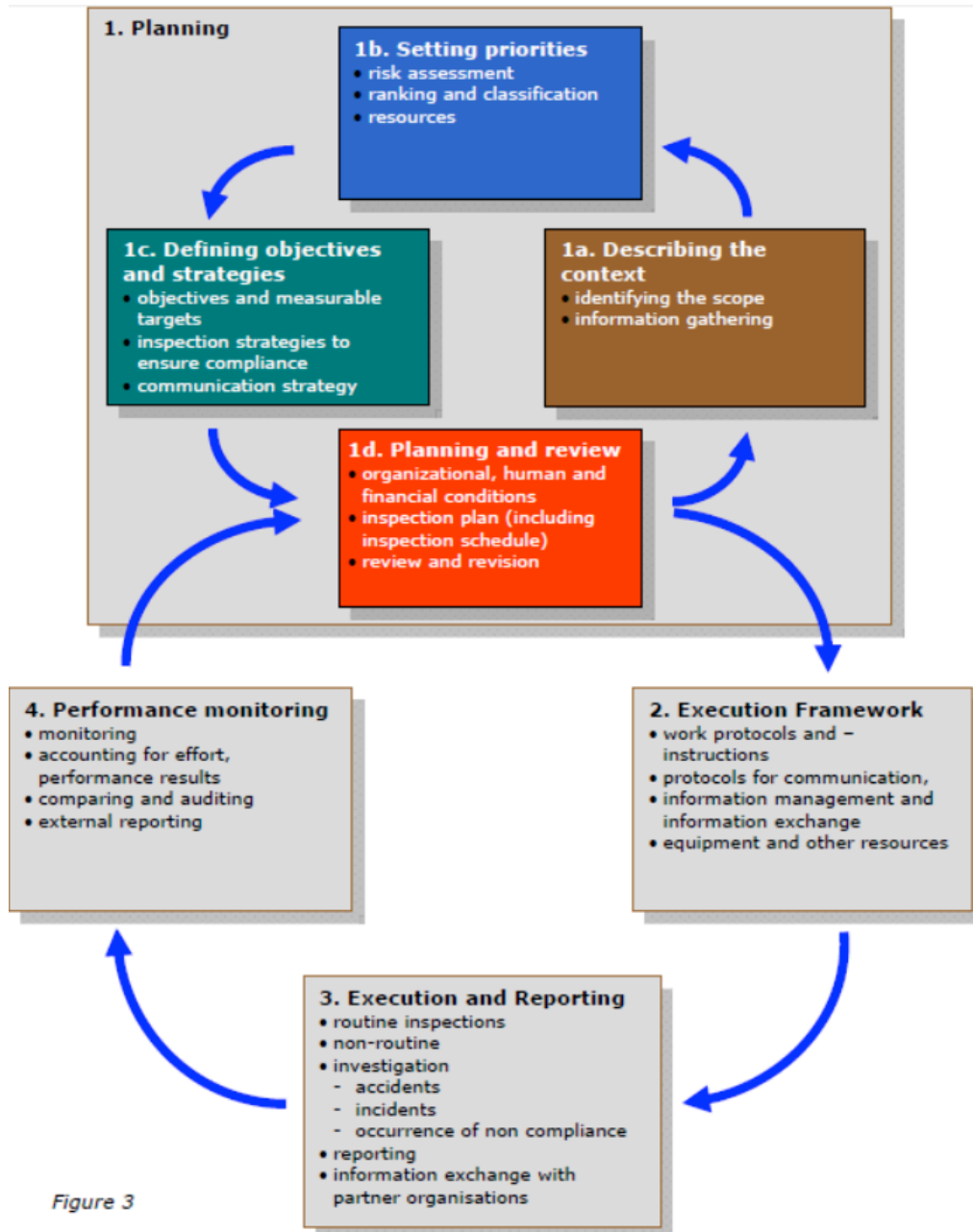


Figure 3

3.0 Preparatory meeting

The preparatory meeting was held at the office from Corpo Forestale in Rome. Participants were: Marco Avanzo and Claudio Maruzzi from Corpo Forestale and John Visbeen from IMPEL.

3.1 Agenda

The agenda for the meeting:



IMPEL Review Initiative (IRI) Italy 2015

Preparatory meeting

Rome, July 27th 2015

Agenda

- 9:00 -10:30** information from authority, and specify needs, expectation etc., what were good experiences during IRI in Romania that we can use, special request for participation/requested experts in review team, (aim is to answer question how can the IRI in Italy be as useful as possible for authority??)
- 10:30-11:00** presentation of inspection cycle (doing the right things, new directive for inspections etc.) as basis and structure for the IRI
- 11:00-12:30** based on this inspection cycle define topics and presentations from the inspection service and the speakers that need to be invited, appointments about relevant documents that can be sended to review team on beforehand
- 12:30-13:30** lunch
- 13:30-15:00** detailed agenda and planning for the IRI, (just as an example I add the agenda of the IRI in Romania)
- 15:00-15:15** invitation letter on behalf of IMPEL,
- 15:15-16:00** any other business

3.2 Points of attention

Corpo Forestale is one of the five national police organisations, responsible for inspection and enforcement form environmental and nature conservation legislation. Poaching raptors in the Messina Street was an issue for many years. Safety of staff is a serious issue, because you have to take into account that the illegal activities also could be part of organised crime. By being present in the area, working together, availability of means (helicopters, etc.) Corpo Forestale is successful in combating the illegal killing of raptors and other infringements according to nature protection. As

Corpo Forestale has been working for many years in almost a 'mechanical way, they are interested to discuss with the experts from the review team other ideas or approaches to manage the problems in the area.

Inspectors have to deal with different legislation that interferes. For instance CITES legislation according to the trade of endangered species, the Washington convention (golden eagle), the Birds directive and the Italian legislation. It is important how these laws interlink/connect. **Corpo Forestale mentioned that a common strategy on legislative level could improve the tooling for inspectors and hope to hear good examples from experts of other Member States.**

In conjunction with the topic before Corpo Forestale mentioned that the using the legislation according to weapons sometimes can be more effective in the prosecution of poachers. Specific competences can be used. There is also the social aspect when authorities confiscate a weapon. **This could also be a topic that can be discussed further during presentations.**

The use of sound recorder to lure birds at the whole Adriatic Coast is a source of concern for Corpo Forestale. More and more wireless tools are used. Sound recorders are used to lure for instance quails and larks. The sound recorders are used during evening and night. The next morning the poachers arrive with dogs, but it is very difficult to prove that there is a connection between the hunter and the tool that is used. Is it more effective to punish suppliers?

According to the illegal catch of birds of prey and the stealing of their eggs out of the nests, the ringing and trade it is important to share intelligence between countries. It is also important that inspectors are able to verify documents that are used in other countries. (Mailing list?) During the discussion DNA analysis was mentioned as an important tool during inspection and prosecution. (DNA databank?) **For Corpo Forestale it is important to discuss these topics in the perspective of 'burden of proof' and to exchange ideas to be more effective in finding evidence.**

During the meeting the issue from hunting tourism was also mentioned. The effect of the modification of Italian law is that import from hunting trophies is prohibited even when the hunter is in the possession of documents from the other Member State. **This could be a good example and should be discussed during the IRI.**

4.0 Programme green IRI Italy.

16 May 2016

Time	Presentation	Presented by:	Step in the Environmental Inspection Cycle
9:00-9:30	Welcome and General presentations -State Forestry Corps	MARCO AVANZO	1A
9:30-10:30	Main challenges II (legal system/law; 'golden eagle') -Washington convention in relation to Italian law, CITES, -State Forestry Corps	SIMONE CECCHINI	1A
10:30-11:00	Coffee break		
11:00-11:45	Main challenges I (poaching and hunting issues) -State Forestry Corps	ALESSANDRO BETTOSI	1A
11:45-12:45	Collaboration and exchange of information with NGO: 'Associazione mediterranea per la natura'	ANNA GIORDANO	2
12:45-14:00	Lunch		
14:00-17:00	Site visit Messina Street	HELICOPTER	
17:00-18:00	Review team; discussion and conclusions day 1	JOHN/MICHAEL	

May 17 2016

Time	Presentation	Presented by:	Step in the Environmental Inspection Cycle
09:00-09:30	Welcome & Greetings	<ul style="list-style-type: none"> - Regional Commander - Director of the park, "Aspromonte" - President of the park, "Aspromonte" - Prefect - Police Commissioner 	
09:30-10:15	Step 2 Execution Framework;	ANTI-MAFIA	2

10:15-10:30 (Coffee break)		PROSECUTOR	
10:30-11:15	Step 3 Execution and reporting Prosecution (crime case, burden of evidence, chain of inspection and prosecution, challenges Weapons (Legislative Framework)	PROSECUTOR	2
11:15- 12:45	Collaboration and exchange of information with NGO LIPU	GIOVANNI ALBARELLA /UMBERTO GALLO ORSI Prof. ANTONINO SICLARI	2
12:45-13:15	The migration of raptors in Park Aspromonte		1A
13:15-14:15	Lunch		
14:15-15:15	Black spots of illegal killing of birds in Italy (ISPRA) How State Forestry Corps is working in the Messina street Area, how enforcement activities are build up, aspects about equipment and resources; collaboration and exchange of information with NGO's from point of view -State Forestry Corps	ALESSANDRO ANDREOTTI CLAUDIO MARRUCCI	3
15:15-16:15	2- Step 4 Performance monitoring (databank) -State Forestry Corps	DARIO BURATTINI	4
16:15-17:30	Review team; discussion and conclusions day 2	JOHN/MICHAEL	

18 May 2016

Time	Presentation	Presented by:	Step in the Environmental Inspection Cycle
09:30- 11:00	Step 2 Execution framework: Collaboration and exchange of information with NGO's CABS	ANDREA RUTIGLIANO	2
11:00-	Coffee break		

11:30			
11:30 - 12:30	Step 1B/1C/1D Priorities-objectives-planning	MARCO AVANZO	1B/1C/1D
12:30- 14:00	Lunch		
14:00- 14:30	Step 3 Execution and reporting Crime case I	SIMONE CECCHINI	3
14:30- 15:00	Step 3 Execution and reporting Crime case II -State Forestry Corps	CLAUDIO MARRUCCI	3
15:00- 16:00	Review team; discussion and conclusion day 3	JOHN/MICHAEL	

19 May 2016

Time	Presentation	Presented by:
09:00-11:00	Review team; conclusions and recommendations; finalise presentation	John/Michael
11:00-12:30	Presentation from review team to State Forestry Corps	John
12:30-13:30	Lunch	

5.0 Reporting

In this part we start with background information from the step-by-step guidance book from the Doing the right thing project. Then you will find information of the relevant presentations, good practises and opportunities for improvement.

5.1 Step 1A describing the context

Describing the context is a first step of the systematic approach for planning of inspections and a necessary input for identifying and analysing the risks. A full inventory of the context within which the authority has to operate is vital to define its activities and sets the scope of the inspection plan. This scope is normally identified by elements such as the general mission and objectives of the authority and in particular its statutory tasks and competences. It is important to keep in mind that the inspecting authority is also bound to national, regional or local policies, which are established by others. Furthermore an inspectorate may want to take into consideration particular opinions expressed by the general public, NGO's, industry or other stakeholders. On a more detailed level, information about protected areas, species protection etc. that fall under the competence of the authority concerned can be gathered, including data on their state of nature, impact; compliance behaviour etc.

According to the presentations we defined three main topics:

- A: presentation of Corpo Forestale as organisation,**
- B: presentation of legislative frame work,**
- C: general overview state of nature, habitat, species by ISPRA,**

This part will be concluded by mentioning the main challenges according to poaching, hunting and the harmonisation of the legislative framework.

Welcome and General presentations -State Forestry Corps	MARCO AVANZO	1A
<p>Formed in 1822, the Corpo Forestale became a State Police Corp in 1981. It has 15 regional commands, 75 Provincial commands, 850 police stations, 8500 police officers, 37 helicopters and 28 boats. There are 5 mobile laboratories and 150 people are trained for forensic investigations related to pollution and waste crimes. In addition, more than 1000 officers are trained for forensic investigations into arson related crime.</p> <p>The main activities are:</p> <ul style="list-style-type: none"> • Judiciary Police (especially environmental crimes) • Maintenance of public order • Civil Protection • Forest fires (investigations, aerial intervention, coordination of extinguishing activities) • CITES (certification issuing, detection of crime) • Food Security • State Natural Reserves Management • National Parks Control. <p>The Corpo Forestale can manage all crimes (except financial crime). Relates crimes that Corpo Forestale deals with are corruption, falsified documents and fraud in public contracts.</p> <p>Main themes of investigation for Corpo Forestale: Forest fires, waste trafficking, water pollution, protection of soil and landscapes, protection of wild flora and fauna and food security.</p> <p>Corpo Forestale's investigative units are split into central units and provincial units. Central Units at the Corpo Forestale are:</p> <ul style="list-style-type: none"> • NICAF (Waste Trafficking) • NAF (Food Security) • NIRDA (Cruelty to Animals) • NIAB (forest fires) • URIS (Forensics) • NOA (Anti poaching) • CITES. <p>At the provincial command, there are NIPAF (environmental crime) units and Police Stations.</p> <p>In Italy, there are five police forces: State Police, Carabinieri, Financial Guard, Prison Officers and State Forestry Corps (Corpo Forestale). In addition, there is also the Coast Guard and local town or city police.</p> <p><i>At the time of writing and carrying out this IRI, there are some structural changes taking place in Italy. The Corpo Forestale is being merged with the Carabinieri and the Provincial administrative level is being abolished in favour of larger Regional administrative units.</i></p> <p>At the provincial level, staff are entitled to 12 days per year of training concerning new laws, best practice etc. There is a specialised Corpo Forestale school with specialised courses to train personnel. Staff must have a University degree as a minimum requirement to join Corpo Forestale at the Officer rank.</p>		

Certifications of guns of hunters - According to Italian law, all persons have to register their guns with the police. The information is stored in a national electronic databank. The information includes how many guns they have and where they keep them. Corpo Forestale may use an administrative act for to check the guns at a person's home without requiring a warrant from a judge.

Corpo Forestale have, in the past, resorted to seizing gun licences as a penalty (The prefect / local authority withdraw the licence) for offences committed by individuals in lieu of other penalties because this has been seen as more effective. In this part of Italy, having a weapon is part of a cultural tradition and legacy that, where withdrawal of a licence takes place, it is seen as *more* of a punishment than a fine. If someone is arrested using weapons with erased serial numbers then the Corpo Forestale can enforce different legislation with more serious consequences.

Hunters must gain a permit from their local province after passing a written and oral exam. The province specifies the specific hunting areas.

Corpo Forestale can seize goods and weapons. Local army units often destroy seized guns. Live birds are often set free as close as possible to their natural migratory route or habitat or given to charities and NGOs. Dead animals are often given to a zoo as feed for other animal or used for academic purposes.

Corpo Forestale often carry out DNA tests in the certification process for birds to help combat cases of fraud and/or false certification.

Good practises:

- For CITES activities, Corpo Forestale are present in the Customs Authority to help support the work that they do
- Corpo Forestale appear to be well equipped e.g. night vision equipment, helicopters
- Officers have a high level of education with often a degree being the minimum requirement for joining the force
- Corpo Forestale has their own laboratories for testing and can, for example, carry out DNA testing.
- Officers are given at least 12 days per year of training. There is a special training school for all Corpo Forestale staff which offers specialised courses
- There is a National Police Databank that several police forces use
- Officers of Corpo Forestale may check hunter's homes for guns without a warrant from a judge
- The structure of Corpo Forestale is organised on a central level and has a degree of specialisation within the force across several different topics e.g. national parks, forensics
- They carry out operations on specific areas and activities
- Seized animals that are recovered are given to charity.

Improvement:

- Though the review team noted that the presence of Hunting Associations was not very prevalent in Italy and Calabria in particular, there is scope for responsible for nature conservation.

Applying laws for protecting birds in Italy: Cites Convention law vs. Wild fauna protection law	SIMONE CECCHINI	1A
<p>Italian Regulations regarding wildlife conservation:</p> <ul style="list-style-type: none"> • International Conventions • European community legislation • National laws • Regional laws • Local rules. <p>Often this complex system of rules and regulations can cause confusion for police officers and the judicial or administrative authorities that have to apply one set of rules rather than another. If the Corpo Forestale make a mistake in identifying the right law to apply then the case can be dismissed.</p> <p><i>Example of this complexity:</i></p> <p>L 157/1992 protects wild fauna and regulates the practice of hunting. A law that acknowledges the general principles established by the Birds Directive but that needs substantial reviewing, primarily, concerning penalties imposed for crimes regarding protected and hunted species. L 150/1992 encompasses the Washington convention on the trading of endangered species, whether animal or vegetable and also includes the community law 338/1997 which incorporates relative changes and integration made over the years. Many species of Italian birds are protected by both Annex A of regulation 338/1997 and are protected in particular by article 2 of Law 157/1992.</p> <p>These rules establish that protected captive-bred birds can be detained and sold only if they have been fitted with an individually numbered metal ring which enables individual identification and must be fitted around the bird's leg a few days after its birth. In this way, once the bird has grown, the ring can no longer be removed and certifies that it is a specimen of bird born in captivity. The CITES regulation also indicates that the species must be accompanied by a certificate that will allow the bird to be sold.</p> <p>There complexity is highlighted over which regulations you refer to in the case of captured animals, CITES or the laws regarding the protection of wildlife. L 157/1992: "wild fauna protection," states that you only require an immovable ring and in various regions also authorisation from the province. With regard to L 150/1992: "Trade of endangered species," it is necessary to mark the animal and a CITES certificate must be issued by a competent authority after checks regarding the regularisation of the birds parents (DNA tests are also probable). In this case the Italian 'Rule of Speciality' is applied when two laws punish a person in respect of the same act and the Court of Appeal on many occasions has ruled on criminal offences and administered fines.</p> <p>If the animals in question are subject to importation and trade purposes then the CITES regulation must be applied. If the animals have been captured and detained without having been commercialized or exported/imported then the regulation regarding the protection of wildlife must then be applied.</p> <p>The review team noted that there is likelihood that these legal provisions are not sufficient to stop the traffic and poaching of birds of prey and other protected birds.</p> <p>The last few years and recently during an investigation undergone by our Regional Command in the Marche, it was discovered that many poachers prey on the nests of various types of birds, they then</p>		

apply the immovable rings and proceed to feed them until they are able to feed themselves. They consequently sell them as birds born in captivity.

Other poachers capture adult birds and then apply larger rings onto the bird's leg using a particular type of tool. Tens of peregrine falcons and lanner falcons are captured and restrained by these means and are then sold for around € 1,000 - € 3,000 each. There are penalties that call for the arrest of the person in question and a fine to be imposed.

Penalties imposed for these crimes are low and not adequate for the seriousness of the action committed. In particular they are penalties that call for the arrest of the person in question and a fine is imposed. If the trial doesn't fall under regulations, a criminal decree is therefore concluded with a probable reprieve, and the poacher will not have to pay anything, unless caught again in the years to come.

The only way of applying heavier penalties is to resort to crimes of theft and concealing stolen goods that can in some cases uncover criminal associations. These investigations take more time but can warrant the use of techniques such as telephone intercepts.

Theft can be applied because wildlife is considered a 'State Heritage' in Italy and therefore whoever catches wildlife without authorisation are committing a theft against the State. However, if someone has a hunting licence (and are technically authorised by the State), cannot be charged with theft, and therefore there is less possibility to apply effective penalties with regards to hunters who carry out illegal activities.

The review team noted that there was a lack of differentiation with penalties. For example, if a golden eagle is killed then the same penalty is applied as for killing a robin. In addition, there was no differentiation made on the numbers of birds killed either, for example killing one bird is the same as killing 500 birds.

Corpo Forestale cannot apply fines and any fines received are paid to the State. In Malta, officers can, for minor offences, issue administrative fines. The revenue goes into a 'Wildlife Fund', which is used to fund projects on conservation.

The review team noted that in Italy, poachers usually obtain illegal CITES certificates in two ways: first through falsifying or forging the certificates; and secondly, though some certificates are genuine, a breeder can obtain a certificate without the necessary authorities doing a DNA sample on the birds e.g. in many other European countries. For forged or counterfeit certificates, the penalties are higher.

In Italy there was no standard, defined and precise size for rings for each species. Such sizes have been identified only unofficially and cannot be considered legally binding as the proper means for marking birds. In the Netherlands in contrast, there are codes on the rings. IMPEL is considering carrying out a project in this area to consider ways to standardise and define precise ring sizes across the EU for different bird species.

Good practises:

- The review team felt that a general updating and streamlining of legislation was required in Italy regarding the protection of wild birds but, on the whole, it is impressive what Corpo Forestale have achieved given this limitation. Indeed, they actively tried to resort to other effective ways of controlling hunting by using other laws when necessary e.g. by linking hunting and the killing of birds to the theft of Italian State Heritage or by using gun legislation

to impose penalties.

- When issuing certificates, there is routine DNA testing to fight false or forged documentation. This is a major step forward and the review team felt that this action should be transferred to all other EU member states.

Improvement:

Strongly consider ways to update and streamline the various pieces of legislation relating to the protection of flora and fauna into a single legislative instrument. This would not only ensure that legislation was 'fit for purpose' but would be easier to administer and tackle any confusion for officers when trying to apply legislation in complex situations. It may also give the opportunity to incorporate some good and best practices learnt from other IMPEL member countries.

Consider ways to implement a system differentiating the level and seriousness of offences with commensurate fines for different species. The review team did not believe that killing a golden eagle for example could be met with the same level of fine as killing a common robin or sparrow. By implementing a system that puts an intrinsic value on species that can be re-evaluated over time would help to ensure that fines are appropriate and justified in terms of the level of damage caused. In Croatia for example, there is a 'price list' for all species in Croatia. An additional recommendation could be to ask NGOs and scientific organisations to help update the list over time based on the numbers and scarcity of species. In Malta, they have a minimum level of fines for certain species of birds killed.

In Malta, officers can, for minor offences, issue administrative fines. The revenue goes into a 'Wildlife Fund', which is used to fund projects on conservation.

The review team suggests that Corpo Forestale consider ways to work with local prosecutors to implement a service level agreement on workload planning. By ensuring that sufficient time (and where possible, a minimum level) is given over to prosecuting offences, Corpo Forestale can ensure that a certain number of prosecutions can take place and ensure a degree of deterrence to environmental crime.

Working through partners both in Italy (e.g. NGOs, ISPRA) and European partners (e.g. through the IMPEL networks, Interpol), consider ways to implement a system to regulate Standard and Precise Ring sizes.

A key challenge to help deter criminality is how to ensure the size of penalties matches the offence. Consider ways to increase the level of fines.

Consider ways to improve the chain of compliance in Italy by encouraging more intra agency / organisation cooperation and conferences which share information on the key challenges and obstacles to better implementation and enforcement of European and Italian law. One possibility is to highlight how judges and prosecutors can work with their peers in European networks like the European Network of Prosecutors for the Environment (ENPE) and EU Forum of Judges for the Environment (EUFJE).

Consider ways to work through projects relating to the DNA marking of species that are particularly protected. Though these projects and procedures could be expensive, it would be a major step forward.

Collaborate through international networks of police and other environment & nature protection

agencies responsible for implementing and enforcing legislation. Collaboration could and should take the form of helping to increase the amount and quality of control checks and develop and facilitate contacts in other countries. Developing such contacts would assist Corpo Forestale in enforcing legislation relating to CITES and cross border trafficking but also other practical issues like certification and ring size issues. Being able to quickly pick up the telephone or email an enforcement colleague in another country is often a more practical way of tackling a problem rather than working through other more bureaucratic channels of international collaboration. Collaborating through networks of peers also helps to share best practices from around Europe and ensure that Italy is implementing the latest techniques in tackling wildlife crime.

Consider a more effective way of differentiating penalties for the killing and illegal trade of seriously endangered species, like the golden eagle and other birds of prey. According to hunting law in Italy, the killing or capture of, for example a Bonelli eagle is the same as killing or capturing a small bird. According to art. 2 of L. 157/92 some species have a higher level of protection (e.g. bear, raptors, wolf etc.) and the penalties are higher than for “normal” protected species.

Main challenges I (poaching and hunting issues) -State Forestry Corps	ALESSANDRO BETTOSI	1A
<p>Wild fauna is a ‘natural heritage’ according to Italian Law (157/92). It follows the principle: ‘If I take something from no one then there is no crime. If I take something from everyone (in this case, the Italian State), it is therefore a crime’.</p> <p>In Italy, hunting is not classed as a right. Individuals must have a licence; respect tools, times and areas for hunting for example. Three characteristics: warm-blooded birds and animals are protected under this legislation, animals that live in the wild and found within national territory (migratory and national). Cold-blooded animals are not protected by this law but by another law (92/43). There are other regional laws protecting cold-blooded animals. Only five animals are unprotected under this law (voles, beaver rat, rats, mice, moles) and can be caught in unlimited numbers.</p> <p>There are 3 levels of protection: high level for birds of prey or endangered species. Low level protection for game (approx. 20 species) and they can be hunted only during hunting season. Common Level protection for animals like hedgehogs.</p> <p>There are three rules for selling game:</p> <ol style="list-style-type: none"> 1. Sell only bred game 2. Sell only six species (dead or alive) specimens of wild birds i.e. pheasant, mallard duck, wood pigeon, red legged partridge, grey partridge, Sardinia partridge 3. Regarding live bird species, sell only farmed game. <p>To hunt larger game, hunters must pass an exam set by the health authority.</p> <p>In restaurants, food safety legislation is also applicable. Food Safety authorities working with Corpo Forestale have closed 15 restaurants in 2015. In Italy, the consumer is not guilty if they are found to be eating illegal species in a restaurant; instead, it is only the restaurant owner that is culpable. In Croatia, it is illegal to consume. In Italy, if you have asked for illegal species in a restaurant then that would be illegal.</p> <p>A hunter has an obligation to inform the health authorities of birds they are bringing into Italy from abroad. In Malta, the hunter also has to inform the authorities of when and where they are going to hunt and give the details of things like flight numbers of when they are returning.</p>		
<p>Good practises:</p> <ul style="list-style-type: none"> • Corpo Forestale use alternative methods to clamp down on illegal hunting by considering this from a food safety point of view where there are also specialised departments working on food safety issues. • Italian law provides for three levels of protection for birds. It also sets out clear rules for selling game. 		
<p>Improvement:</p> <ul style="list-style-type: none"> • The review team felt that there was some degree of inconsistency with regard to the treatment of cold-blooded animals (protected by regional legislation) and warm-blooded animals protected by national law. Also, endemic species should be protected under the Habitats Directive Art. 1. (g) “species of Community interest means species which, within the 		

territory referred to in Article 2, are”: (iv) endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.

- The review team recommends that Corpo Forestale look at ways to tackle the demand side of the illegal trade of birds in the restaurant trade. Sanctions are in place for restaurant owners but not for the consumer. Putting in place sanctions for the consumer as well backed up by an effective communications campaign would help to reduce demand.

5.2 Step 1B Setting priorities – 1C Defining objectives and strategies – 1 D Planning and review

(1B) Setting priorities starts with a risk assessment. Risk should be understood here in a broad sense: it includes any factor an authority wants to take into account when assigning priorities. It may be an environmental risk, a social or economic risk, a compliance risk etc. The method used for risk assessment should be objective in nature, simple to apply and can differ between inspecting authorities.

Limited resources on the one hand and a multitude and variety of statutory tasks on the other, make it necessary to set clear priorities. Priorities are set using the outcome of the risk assessment, which could be a list or an overview of all the identified/selected installations and activities and their respective risks. These installations and activities can on the basis of their assessed risks be classified, for example, in ‘high risk’, ‘medium risk’ and ‘low risk’. In addition the inspection approach for each level can differ: the higher the risk level, the more attention it will get from the inspecting authority. The inspection approach will as a consequence also determine the claim on the available resources, and is therefore equally relevant for the inspection plan and in the inspection schedule.

(1C) Based upon the priorities, the inspecting authority sets targets and objectives. In order to establish whether these objectives and targets can be and will be met, the output and the outcome must be monitored. This is generally done by using performance indicators. Examples of performance indicators on outcome that may be useful are:

- *The amount of incidents or complaints occurring;*
- *The level of compliance;*
- *Improvement of habitat, species, through the actions of the inspectorate and/or in co-operation with other authorities and NGO’s.*

The inspecting authority may want to link its objectives with certain inspection strategies to ensure that these objectives can be met in both an effective and efficient manner, causing minimal burdens for the company and the authority. It may furthermore want to adopt and use certain communication strategies for exchanging information internally and with other competent authorities. Subjects that can be addressed are:

- *Co-operation and information exchange between inspecting organisations and other authorities;*
- *The character and form of inspection;*
- *The effect of the operator’s behaviour on the inspection frequency;*

- *The path of administrative and/or criminal follow-up upon non-compliance, which must be firm, fair and unambiguous in case of non-compliance. The term strategy in this document refers to the way objectives are to be reached.*

(1D) Based upon the previous steps (1a, 1b and 1c), the inspecting authority should then develop its inspection plan and inspection schedule. The inspection plan can be seen as a strategic plan and does not contain operational information (e.g. does not include the names of installations or the planned and type/dates of inspections).

An inspection plan describes:

- *The objectives that the Inspecting authority, given its mission and tasks, wants to achieve;*
- *The policy, environmental, legal, organizational, financial and other relevant conditions under which the inspecting authority has to perform its inspection activities;*
- *The strategies which the inspecting authority has adopted for performing its inspection activities;*
- *How priorities with regard to inspection activities are set, taking into account these objectives, conditions and strategies;*
- *The priorities themselves.*

According to the presentations we decided that 1B Setting priorities – 1C Defining objectives and strategies – 1 D Planning and review will be covered in one presentation.

Step 1B/1C/1D Priorities-objectives-planning	MARCO AVANZO	1B - 1C - 1D
<p>Anti-poaching activities of migratory birds in the Calabria region by Corpo Forestale started in 1986. Corpo Forestale gives high regard to the safety of its officers because of the presence of mafia organisations in the region of Calabria. The decision to base operations in this part of Italy was taken because of the high number of incidents of poaching and because it was not manageable as any other ordinary case because of the presence of mafia organisations. Before 1992, Corpo Forestale used to rely on the search for guns as a tool to cracking down on illegal bird hunting and other environmental crimes. Since 1992, a law was passed to class poaching as a theft against Italian State Heritage. Further changes to national, regional and European legislation has also meant that there has been an evolution of legislation concerning anti-poaching in the Calabria region.</p> <p>Since 2000, there has been a decreasing number of poachers therefore Corpo Forestale changed their approach: there used to be 60 officers and two helicopters in the region whereas now there are two undercover patrols, 1 uniformed patrol, 1 helicopter; in total 1 senior officer and 20 police officers. Corpo Forestale periodically review this operational stance though they stated that there will always be a presence of officers in the region as a deterrent.</p> <p>Corpo Forestale implement National Campaigns that change over time and require different amount of officers. A general directive is set from the Minister in charge who sets out the priorities and then Corpo Forestale turn these into national campaigns. They may also carry out other, additional enforcement work to complement the national campaigns. The priorities are therefore set in Corpo Forestale’s central units who then ask the regions and local level to supply manpower to implement the national campaigns and other enforcement work. There is also other priority setting made at a regional and local level though this does not link directly with priority setting at the national level. Targets are set at regional, local and national level. Each region has to carry out a certain minimum number of inspections against national targets. Sometimes, Corpo Forestale work with other</p>		

agencies e.g. Financial Guard, on campaigns. A final report is produced of the results of the National Campaigns and sent to minister and Parliament for review.

In 2016, there are three campaigns: Operation Adorno, Operation 'Archetti' and a campaign in the Foggia Wetlands. These target different activities in different areas of Italy and vary in the length of time.

Good practises:

It is clear that given the scale of the challenge that Italy had with illegal killing of birds in the Messina Street area in the 1970's and 1980's, significant improvements and tangible change has occurred through the work that Corpo Forestale and NGO's have carried out together. In particular though, Corpo Forestale recognised they had a significant problem and they have put resources to tackle it and this has led to positive results. Over time Corpo Forestale have reduced their patrols and operational activity to match the scale of the challenge, which is good practice in itself, and should not be under-estimated.

Priorities which are set at a national level (national campaigns) with the opportunity to carry out additional priorities of Corpo Forestale is also a good practice. This is reinforced with the reporting mechanism to the Minister and Parliament; this allow for scrutiny by officials and the general public. The fact that Italy has National Campaigns within Corpo Forestale is good practice but these are also shared and worked on with other police corps & enforcement agencies.

Corpo Forestale has the ability to influence regional inspection planning based on national priorities. Regional contribution to national campaigns is also seen as a good way of diffusing knowledge about environmental crime and utilising resource at the right time in the right places.

Improvement:

The overall aim should be to understand 'what we have to do?' (E.g. the legislative requirements, political pressures etc.), versus 'what do we want to achieve, how and when?', and consider what we regard as being the most important. Developing a risk assessment and an enforcement strategy is then used to develop the inspection plan.

A key opportunity for development for Corpo Forestale is to make the risk assessment process more explicit and transparent in the planning cycle by organising it in consultation with stakeholders (e.g. the NGOs). Corpo Forestale should consider preparing a list of its activities and scoring the risk to more fully, and more transparently, identify where to direct its limited resources. Corpo Forestale already has a large number of the building blocks for such an assessment in its possession, for example, it understands what its mission and objectives are, what its statutory tasks are, where historical information about where and what the challenges are. It also has a significant advantage in having excellent relationships with stakeholders like NGOs (CABS, Lipu, WWF, Associazione Mediterranea per la natura etc) who can help to supply key data and information about incidents, the occurrence, frequency and location of non-compliances and the actors involved. The challenge is therefore to bring that together into a more coherent and transparent risk assessment.

Corpo Forestale already carry out effective intervention strategies such as the National Campaigns (Operation Adorno, Operation 'Archetti' and a campaign in the Foggia Wetlands). However the review team learnt that Corpo Forestale and the NGOs have identified 7 'blackspots' for illegal killing of birds in Italy, areas that are particularly vulnerable and prone to poaching. Though resources are not, and perhaps cannot be, directed at all areas all of the time, it is important to make sure that resources are targeted effectively at areas with the highest risk (also considering other, non-

blackspot areas too) but that this decision making process is made in a transparent way.

Corpo Forestale could consider a way to carry out a resource planning exercise to more fully understand what resources they have got (e.g. staff time at national, regional and local level to carry out interventions) to help carry out their inspection plan. There is a possible gap between available resource and what is needed. Therefore it is important to not only take this into account when setting priorities but also to make clear what the consequences are in a transparent way. If resources are moved to other activities or if extra burden is added to the organisation then this would often mean that another activity is not carried out or is done less effectively.

This also helps to make visible to decision makers the good things Corpo Forestale are doing, but also to demonstrate the need to maintain certain activities in order to maintain good results.

Though the central units of Corpo Forestale have the ability to influence regional and local plans, there does not appear to be a direct link between the local and regional plans with the national plan. Consider ways to more clearly link local and regional plans, which tackle uniquely local and regional challenges e.g. within blackspot areas, to the overall national plan so that there is a 'clear line of sight' between what the Minister and Government want to achieve and what is actually being carried out on the ground at a local level. Officers at a local and regional area should be able to understand how their work (e.g. through personal performance objectives and targets) contributes to their local and regional plan and how this fits directly into the national plan and national goals and objectives.

5.3 Step 2. Execution framework

The execution framework serves to facilitate the different inspection activities, e.g. compliance checking through site visits, enforcement actions like imposing sanctions, compliance assistance through organising information campaigns etc. Within this step, protocols and working instructions are developed and conditions for realisation. This step is necessary to make sure that inspection activities can be executed effectively, efficiently, professionally and consistently.

The execution framework should at least cover (in no order of preference):

- *Protocols and working instructions for routine and non-routine inspections*
- *Procedures for imposing sanctions*
- *Development of inspection and enforcement handbooks*
- *Protocols for communication with the public (access to information) and with Industry*
- *Information management (e.g. information systems) and information exchange (within the organization and with partner organizations)*
- *Conditions for realisation*
 - o Clear authorisations and competencies (e.g. legal right of access to site and information)*
 - o System for planning, programming and monitoring*
 - o Facilities and materials needed (e.g. computers, transport, means of communication)*
 - o Maintenance and calibration of equipment*

According to the presentations we decided to start with a presentation from the anti-mafia prosecutor, then with a presentation how Corpo Forestale is working in the Messina street Area, how enforcement activities are build up, aspects about equipment and resources. We end this part with presentation according to collaboration with NGO's (LIPU, CABS)

▪ **5.3.1. Prosecution**

ANTI-MAFIA PROSECUTOR		2
<p>Information/Questions/Discussion:</p> <p>Anti-Mafia prosecutors focus their efforts on several areas in the region of Calabria: the trafficking of drugs, humans, guns and environmental crime. On environmental crime, in particular: illegal waste trafficking, poaching, illegal construction and use of substandard materials (e.g. cement) and in the food industry.</p> <p>Illegal waste trafficking is a significant issue, specifically to make money by avoiding landfill and disposal fees. The disposal of waste to sea or land and the disposal of hazardous waste is a danger to human health and ecosystems that the prosecutors have made efforts to combat. Organised crime in Italy, with the prime interest to make profit from all activities encourage the public not to get involved and leave the mafia to their own activities.</p> <p>On poaching, activities vary from region-to-region depending on the different species involved. In Calabria for example, raptors are the main animal to catch because of the high re-sale value. In contrast, for Tuscany, it is wolves that are hunted for re-sale. Between 2013 and 2015, in Tuscany, 40% of cases were about poaching. 115 wolves killed with guns. 40% of wolves killed by guns, 20% by traps, 30% by poison.</p>		

The Italian police forces compile each year an: ‘EcoMafia’ book.

Good practises:

The compilation of the EcoMafia book helps to understand the scale of environmental crime in Italy.

The ability of Corpo Forestale to draw upon a specialised anti-mafia prosecutor given the difficult circumstances of working in Calabria is a very valuable asset and a good practice for others in Europe.

Improvement:

- Consider ways to encourage the development of links between the office of the anti-mafia prosecutor with other prosecutors in other countries through networks like: European Network of Prosecutors for the Environment (ENPE).
- Consider the establishment of specialised courts with judges and prosecutors on environmental crime e.g. as in the Netherlands.
- Share knowledge with other European prosecutors about how to confiscate financial proceeds of crime. Consider engaging with partners through networks like [European Network of Prosecutors for the Environment](#) and EUROJUST- the European Union Judicial Cooperation Unit.
- Though it is commendable that an 18 month time limit is imposed on investigating environmental crime, the review team felt that some cases are very complex and could require more time.
- Though the principle of restoration is established in Italy it appeared to be mainly applied to fixed sites. Consider ways to extend this principle to nature e.g. killing of birds, and how to create an intrinsic value for wildlife and habitats.

▪ **5.3.2. Conditions for realisation**

<p>Black spots of illegal killing of birds in Italy (ISPRA) & How State Forestry Corps is working in the Messina street Area, how enforcement activities are build up, aspects about equipment and resources; collaboration and exchange of information with NGO's from point of view -State Forestry Corps</p>	<p>ALESSANDRO ANDREOTTI & CLAUDIO MARRUCCI</p>	<p>2</p>
<p>Italy has a broad range of environmental, biological and cultural diversity (e.g. high latitudinal extension, three bioregions (alpine, continental, Mediterranean), high species richness, main flyway followed by migratory birds & many local traditions and uses) therefore different approaches to tackling the illegal killing of birds is required.</p> <p>The hunting season in Italy lasts from 1 September to 10 February. The list of huntable species is 35 and only firearms are permitted. This list of huntable species has shortened over time to comply with the 2009 Birds Directive. The review team noted that the list of huntable species is slightly different between Italy and France as well as the duration of the hunting season causing authorities on both sides of the border, increased challenges.</p>		

The review team noted that there is no separate national regulation regarding the use of falcons for hunting in Italy and Falconers are licenced just like hunters (even though only a small number of falcons are used). In Malta, for example, there is separate legislation for falconry.

Following the agreement of the *Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds*, Italy is currently drafting a National Action Plan to promote and tackle the illegal killing of birds. It is currently being circulated amongst stakeholders and is to be discussed at a technical workshop on 09-10 June 2016 and is expected to be approved in December 2016. To support this, a public conference is also being held in the Po Delta in autumn 2016.

ISPRA is working on updating information on:

- Typologies and frequencies of illegal activities
- Their geographical and temporal distribution
- Black-spots
- Drivers of Illegal killing of birds
- Weakness of law enforcement.

The main illegal activities and targeting of species are:

- Catching - songbirds
- Nest poaching - songbirds, raptors
- Illegal shooting - raptors, game species, songbirds
- Poisoning - raptors
- Trade (illegal import) - game birds, songbirds, raptors.

The main drivers are:

- Catching of songbirds: commercial purposes (traditional gourmet cuisine, use as live decoys, ornamental purposes)
- Taking from nests of songbirds and raptors: commercial purposes (use as live decoys, ornamental purposes or falconry)
- Illegal shooting of raptors, game species, songbirds: local traditions, vandalism, taxidermy
- Poisoning of raptors: predator control (baits for carnivores)
- Illegal import of game birds, songbirds and raptors: commercial purposes.

ISPRA have identified seven 'blackspots': Lombard and Venetian Pre-alps, Po Delta, Apulian Wetlands, Strait of Messina, South Tyrrhenian coasts, Southern Sardinia, Western Sicily. Key features are that they are areas of: traditional shooting / catching by poachers; they are an important stopover / wintering sites for migratory birds and there is often weak law enforcement.



ISPRA have identified that the higher the number of density of hunters, the higher the number of illegal activities. Different blackspot areas usually involve quite different challenges in terms of what is going on and how to tackle them. For example, in Messina Street, western Sicily and the South Tyrrhenian coasts, the shooting of raptors is a key problem; in Lombard and Venetia, Southern Sardinia and South Tyrrhenian coasts the issue is the catching of songbirds; in Po Delta, Apulian wetlands, South Tyrrhenian coasts and western Sicily there is the shooting of water birds, particularly with the use of illegal electronic callers.

In Corpo Forestale's Anti Poaching Unit (NOA), there are three main aims:

- Prevention and punishment of crimes
- Carrying out and leading main operations against poaching in Italy
- Supporting activities of the territorial police officers from Corpo Forestale in complex situations.

The anti poaching unit in Corpo Forestale consists of 4 officers: 1 officer / team leader, 2 inspectors and 1 assistant.

The main task is to coordinate complex anti poaching activities in Italy. During the bird's migration period 20-30 officers often increase the anti-poaching unit. The review team also noted however that the 8500 agents of the State Forestry Corps have a responsibility to carry out anti-poaching activities on Italian territory in local stations and provincial commands.

NOA is well equipped with Mimetic Towels used by officers to disguise their activities when under surveillance of poachers. They use night vision binoculars and off road vehicles to get around rural

and hard to reach parts of Italy.

The anti poaching unit cannot cover all 7 blackspot areas previously identified but do carry out various operations to tackle as many as possible. Recent operations such as Adorno, Robin and Margherita di Savoia have been focussed on activities in Messina Street, Lombard and Venetian Prealps and the Apulian Wetlands respectively. Operation Robin for example, carried out in October 2015 (for 1 months activity) yielded impressive results: 119 prosecuted, seized: 1049 protected birds, 57 rifles, 134 nets, 497 spring-traps, and 310 bow-traps. There are two drivers for this activity in the Lombard and Venetian Prealps: to trade captured and killed animals and to use them as live decoys. Operation Adorno on the other hand tackles the illegal killing of honey buzzards. Seen by some as an Italian tradition, poachers kill honey buzzards each year to avoid 'marital problems'; and as such this is seen to be a different kind of challenge and requires a different approach to tackling illegal killing compared with that of Operation Robin.

The review team noted a high degree of collaboration between Corpo Forestale and various NGOs: Lipu, Cabs, WWF, Associazione Mediterranea per la Natura. The contribution of these associations is very important and includes:

- Continuous exchange of information about cases of poaching in the whole of Italy.
- Volunteers search for traps and observe the territory reporting suspicious activity (& people) to Corpo Forestale and the other Police services
- Volunteers provide information to the agents of NOA that can perform more effective investigations.

In the Messina Street area in particular, the volunteers of the *Associazione Mediterranea per la Natura*, carry out continuous monitoring during the migration of honey buzzards and other birds from Sicily to Calabria. During Operation Adorno, the main contact point for the NGO, collaborates with agents of NOA by phoning and providing information related to the passage of birds in the Messina Strait Area (e.g. where and when). *To note; the review team witnessed this in action during the IRI review itself when a call was received from Associazione Mediterranea per la Natura on suspicious activity taking place near the Calabria coast.*

Good practises:

The review team were impressed that a clear analysis of where the key problems are, challenges, drivers and possible measures to tackle those have been identified already. There is a clear understanding that different problems occur in different geographical areas. This information has not been gathered solely by the enforcement authorities like Corpo Forestale but also through active collaboration with NGOs and information agencies such as ISPRA. This is to be praised and celebrated however more needs to be done going forward.

The fact that the Anti Poaching Unit increases its size periodically by absorbing 20-30 officers during migration periods is a good practice and helps to raise awareness within the organisation generally by diffusing knowledge of the challenges involved in environmental crime. Ideally, this should continue to take place within the new Carabinieri structure.

The Anti Poaching Unit is very well equipped and clearly very successful in its activities when it has the resources to tackle the challenges at hand and works well with NGOs in doing so. This is demonstrated by Operations: Adorno, Robin and Margherita di Savoia.

Improvement:

At the national level, consider establishing a national coordination mechanism for the different

enforcement agencies active on tackling the illegal killing of birds. This could indeed be a task for the Corpo Forestale Anti Poaching Unit but would likely require some additional resource and support. At the local level, consider the establishment of task forces to coordinate and manage each blackspot area where the specific problems are often different. This therefore requires different approaches, skills and resources to tackle problems in different geographical areas.

The re-organisation and merging of police forces in Italy offers the Anti Poaching Unit and others concerned with tackling illegal killing of birds, an opportunity to harness Carabinieri resources as extra 'eyes and ears' in the field of environmental crime. However this process needs to be managed carefully so that the issue of illegal killing of birds is kept as a high priority within the new police force. To help 'train' Carabinieri who are unused to wildlife / environmental crime Corpo Forestale will need to be active in highlighting what the challenges are and what needs to be done to tackle the problems involved. This could include the development of very short 'Check Sheets' and/or guidelines that can be given to officers to help them to understand to look for.

The review team said that Corpo Forestale have to take the initiative on explaining what the issues and challenges are. In Netherlands for example, there are different tiers of training for police officers on environmental crime – normal officers might get 2 hours of training, focal points 2-3 days per year etc. Therefore specialisation is the key rather than allowing a sense of generalised units to appear within the new force. However as indicated above, it is also incumbent on the specialised units to promote their work within the wider force and to explain the challenges involved and how other officers can help.

The fact that the Anti Poaching Unit is quite small, 4 officers in total (and only 3 if you do not count the assistant level officer), gives rise to the potential for a personnel challenge later on. In IMPEL, we call this the 'Bus Theory,' and this means that if 1 or 2 of the 3 officers leave the team, either through retirement, maternity leave or seeking another job for example, then a huge amount of knowledge and experience is automatically lost to the organisation as a whole. This can have a devastating effect on the drive and impetus going forward for Corpo Forestale. The programme for anti poaching in Italy could stall quite quickly if this kind of 'brain-drain' takes place. To tackle this others have rotated staff members in and out of the team to diffuse and transfer knowledge, to increase the size of the team and/or to carry out specific training programmes and schedules for other officers within the organisation.

It is clear that the current size of the Anti Poaching Unit cannot cover all of the blackspots identified by NGO's, ISPRA and Corpo Forestale. It appeared to the Review team that only 3 of 7 blackspots were routinely tackled each year leaving significant gaps in enforcement. The review team consider that, if it is not possible to cover all 7 black spots in a year, priorities could be shifted in the years to come.

The review team heard that in northern Italy on the border with France the list of huntable species is slightly different between the two countries as is the duration of the hunting season. This lack of coordination would not seem to make sense. Consider how to engage in cross border coordination with French authorities to align practices.

▪ **5.3.2. Collaboration with NGO's**

<p>Collaboration and exchange of information with NGO:</p> <ul style="list-style-type: none"> • Associazione mediterranea per la natura • Lipu • Cabs 		<p>2</p>
<p>Information/Questions/Discussion:</p> <p>The NGOs in Italy have ensured that they work in different areas of Italy at different times of the year to avoid overlap and duplication of effort. NGOs are the 'Eyes and Ears' for their enforcement work of Corpo Forestale. In the Messina Strait area, the focus of this IRI, the NGO, <i>Associazione Mediterranea per la Natura</i>, is the main actor involved in working with Corpo Forestale.</p> <p><i>The information in this section has been provided via presentations to the review team from the NGOs themselves and are therefore assertions made by these organisations. They do not necessarily reflect the views of the review team.</i></p> <p>-----</p> <p>The <i>Associazione Mediterranea per la Natura</i> hold Spring Camps on both sides of the strait of Messina. They can direct the Corpo Forestale to the right places in Calabria and are the 'Eyes and Ears' for their enforcement work. In a very practical sense, mobile telephones have changed the way in which things operate. Whereas before hunters and poachers had a couple of hours to shoot before the authorities could arrive on site (NGO's had to run or drive to the nearest public payphone to alert the authorities of incidents of non-compliance), now the use of mobile phones has meant that the authorities can react much more quickly. The use of helicopters also enables Corpo Forestale for example to react much more quickly by directing officers on the ground. During Spring Camp, there is daily contact by phone, indicating areas where the birds are passing between Sicily and Calabria. This has also helped Corpo Forestale to concentrate their activities to the places where it is most needed.</p> <p>The use of radar to monitor flocks of birds has been used to a limited extent though the cost is prohibitive and can only really be used on high-density passages of birds.</p> <p>-----</p> <p>Lipu, an Italian NGO for the protection of birds, was formed in 1965 and became a member of Birdlife International in 1994. Lipu stated that 25 million birds are illegally killed in Mediterranean countries each year (6 million in Italy). Between 1-2 million are killed in 'blackspots', areas where there are particular challenges with illegal killing of birds e.g. lack of enforcement, higher numbers of bird killing; but on the other hand, 3-4 million are killed outside of blackspots suggesting that the problem of illegal killing of wild birds is widespread over Italy and is not concentrated in a small number of areas.</p> <p>Each blackspot has different characteristics and different challenges in tackling them. For example, in the Tyrrhenian islands, Passerines, Quail, Turtle Dove and Raptors are hunted in Spring by shooting and trapping for food but also because of what is seen by some as tradition. In contrast, on the Domitian Coast marshes, water birds in artificial ponds are shot all year round largely for the benefit of organised crime. In the Brescia valleys, insectivorous birds like Robins, Sylvia are hunted in autumn</p>		

using traps and nets for an Italian traditional food called *Polenta e Osei*.

Lipu's Strategy:

- Understand the situation, the demand, what is happening
- Understand the legal process and the magistrates
- Legislation needs to be modified
- To improve enforcement
- Raise awareness of the public
- Monitor changes
- Coordinate with other agencies, NGOs, academia
- Plan the NGO's work.

The aim of Lipu is to tackle the institution of illegal hunting and poaching, its cultural background as well as work on the ground to tackle it in a practical way by supporting the authorities like Corpo Forestale. Lipu stated that habit / tradition leads to acceptance and recruitment of new participants. These themes aid the continuation of the crime. To tackle this Lipu aims for Cooperation with various enforcement agencies, advocacy and school education.

Lipu has a formal agreement, a Memorandum of Understanding, with Corpo Forestale covering a range of environmental issues.

Lipu organises volunteer camps where traps are removed: in 2012, 4,891; in 2013, 3,220; in 2014, 3,991; in 2015, 2,200.

Lipu help to coordinate the 'Leaving is Living' campaign, which carries messages via the media and internet. It aims to talk with police forces, schools, general public talks and taking citizens to local wilderness spots to explain the benefits of Italian cultural and environmental heritage.

Another way in which Lipu cooperate with Corpo Forestale is by acting as informants at trade fairs of cage birds. Lipu volunteers act as buyers and then report back to Corpo Forestale what they see. The main issues are Species identifications, Fake / modified rings and Animal welfare. Lipu also attend events abroad / outside of Italy and provide intelligence on what is taking place there to give information so that checks can be made at the Italian border.

Lipu and Corpo Forestale carry out anti poaching days where there is a joint exchange of experience, a building of trust and networking, sharing of information and an informal celebration of success.

Lipu stated that they wished to see the following carried out:

- Implement Tunis Actin Plan and EU Road Map.
- Develop a joint National Action Plan, which sets out: site action plans (each blackspot has different issues and challenges), practical actions, monitoring of effectiveness and volunteer guards. Some clearer legislation at the national legislation rather than a myriad of regional legislation.
- Create a unified national database on reporting, prosecutions and sentencing which NGOs can have access to.
- More effective deterrent. Current penalties not effective and few cases reach court.

CABS informed the review team that Italian law requires annual reporting to Parliament on the issue of illegal killing of birds e.g. number of officers on duty, game wardens, how many birds or mammals killed. There is some regional and or provincial information collected but it is not complete and often collected in different formats. CABS have often requested information and some provinces refuse to answer because they are not fully aware. As an example of this, hunters have an obligation to report what they catch to the province. Sometimes the province does and does not collect this data and hunters should get fined for not reporting this information. In the upcoming institutional changes in Italy (the Provinces are being abolished), CABS indicated that they are concerned who would be collecting this information once the provinces had been abolished.

In response to this lack of information, the NGOs in Italy have developed a mailing list to share information e.g. Newspaper articles, information from game wardens, emails and word of mouth information, regarding wildlife crime in Italy. CABS collect and analyse this information and uses this to track patterns of crime over time. CABS acknowledge that this information is not wholly accurate, but in the absence of official data, it does give an indication of the scale of the problem, the type of animals killed, what type of traps used, when and where etc.

From this information gathered over several years, CABS estimates that 80% of culprits are hunters with licences and a large portion of hunting takes place in October and November during migration periods.

CABS stated that fines created in 1992 have not been modified since and this has not helped to tackle the situation.

CABS have organised volunteer game wardens, hidden cameras to be installed in areas where poaching is particularly prevalent and organised scouting to find traps and subsequent ambushes to catch hunters in the act of illegally poaching.

Good practises:

The review team noted the high degree of effective collaboration between the enforcement authorities like Corpo Forestale and the NGOs. Daily contact between NGO and Corpo Forestale, particularly in the migration periods has led to greater understanding and strong bonds between the different partners (and their own challenges and weaknesses). Despite continued challenges (for example, there are still cases of poaching in the Messina Street area like the shooting of honey buzzards from homes in residential areas) and the risk of 'backsliding' and increased poaching if continued presence of NGOs and enforcement agencies was not maintained, there appears to be evidence of a rise in the numbers of migratory birds.

Corpo Forestale relies on the 'eyes and ears' of NGOs all over Italy but in this case in Messina Street it is particularly evident. This is underpinned by a formal Memorandum of Understanding between the NGOs and Corpo Forestale are useful in setting out, in broad terms, the form and level of cooperation.

Working with and encouraging the use of volunteer game wardens is also a good practice.

The ability for Corpo Forestale to place a camera in a public place in order to gather evidence for a case, and being able to do this without a warrant or order from a judge, is also a significant advantage. Being able to use this evidence as proof in a case is also very useful indeed and is not the case in many other EU countries.

Improvement:

The review team highlighted several areas for potential improvement:

- Consider how to make better use of NGO resources particularly in blackspot areas.
- A 'Special Protected Area' fell just outside one of the established 'blackspot' areas. Consider how to share more information to ensure that the SPA falls within the blackspot.
- Implement the Tunis Action Plan including the National Action Plan in full.
- Consider ways to augment and support Corpo Forestale's already impressive methods of exchange with NGOs e.g. through IMPEL's ESIX database and EU Twix.
- Consider ways to improve collaboration with the Coast Guard to tackle areas that are accessible only by boat e.g. in the Po Delta.
- Carry out Anti poaching days and joint exchanges of experiences and information and celebrate successes.
- Consider using different Communication Strategies on successful court cases with higher sentences to dissuade other would-be criminals from engaging in illegal activities and to raise awareness within society at large. This can also be linked to the success of anti-poaching days [see above]. Consider how, for example, Corpo Forestale can use reports in newspapers or by making individuals publish a story in a newspaper or trade magazine (e.g. a hunting magazine) about how they broke the law and what sanctions were involved. In addition, consider how NGOs might help in publicising court cases.
- It appears that data on illegal hunting is not routinely collected in the regions and local areas of Italy, nor in a standardised format. Given the impending structural re-organisation (provinces to be abolished) there is an uncertainty over who will collect such data in future and how that will be compiled. Consider ways to rectify this situation over the lack of data so that planning and prioritising of future activities can take place in a rational manner.

5.4. Step 3. Execution and Reporting

In this step the inspections are actually carried out: the various inspection activities (aimed at compliance checking and compliance assistance) are prepared and executed. Traditional inspection activities are the (physical) routine (site) inspections, non-routine (site) inspections and investigations of incidents. Many of these activities can and should be executed according to standard protocols and working instructions (that have been developed in the previous step). The cooperation and information exchange with partner organisations is also part of this step. Information on the inspection activities carried out, their results and their follow up (imposed sanctions) should be stored in an accessible database.

Execution and Reporting should at least cover (in no order of preference)

- *Routine site visits*
 - o *Examining environmental impact by following:*
 - § *inspection schedule*
 - § *EC legal requirements*
 - § *Organisational arrangements of inspectorate*
 - o *Promoting and reinforcing knowledge and understanding of operator*
 - o *Evaluating permits and authorisations*
- *Non-routine site visits*
 - o *Complaints*
 - o *Accidents and incidents*
 - o *Occurrences of non-compliance*
 - o *(The need for) issuing a new permit*
 - o *(The need for) revising in the permit*
- *Investigation of accident/incident / occurrence of non-compliance*
 - o *To clarify the cause and its impact*
 - o *Responsibilities, liabilities and consequences*
 - o *Forward conclusions to the inspecting authority*
 - o *Follow up that has to be taken*
 - § *Actions to mitigate / remedy the impact*
 - § *Actions for prevention*
 - § *Actions taken by the operator*
 - § *Actions and enforcement actions*
- *Other compliance checking and compliance assistance activities like assessing operator monitoring data, organising information campaigns etc.*
- *Reporting*
 - o *After every site visit*
 - o *Process/ store inspection data*
 - o *Evaluation for further actions*
 - o *Finalised a.s.a.p.*
 - o *Keep record of reports*
 - o *Accessible database*
 - o *Communicated to operator*
 - o *Publicly available (within 2 months)*
- *Exchange information with partner organisations*

According to the presentations we decided to present two crime cases as basis for discussing the aspects according to execution and reporting. The crime cases will be presented by inspectors and a prosecutor

Step 3 Execution and reporting:	Claudio Marrucci & Simone Cecchini	3
Crime cases, State Forestry Corps		
<p><u>Case Study: Taxidermy</u></p> <p>Taxidermy is allowed in Italy and is regulated by national and regional law. National law establishes the framework and general principles but regional law provides the detail. In some cases, there is a lack of regional law, which means that it is a crime.</p> <p>In a single case, 765 specimens were seized including 700 birds, mammals and reptiles. Half of the seized animals were protected by CITES legislation.</p> <p>Informants are used to help NOA in targeting its enforcement activity. Prosecutors demand that information from informants is verified. The prosecutor can then issue a warrant to search property of suspected criminals to discover stuffed animals.</p> <p>In this case, the taxidermist does not have a hunting license and therefore this is classed as a serious crime against Article 624 of the Penal Code outlining that this is theft from the State. The poacher was punished with imprisonment from six months to three years and given a fine of between €154 and €516. Regarding the buyer, Article 648 penal code applies relating to 'Receiving Stolen Goods' and the punishment is imprisonment from two to eight years and a fine ranging from €516 to €10,329.</p> <p><u>Case Study: Raptor poaching in Marche Region (November 2015)</u></p> <p>November 2015 saw the beginning of an investigation, still active today, that has shed light on a vast activity of poaching that has endangered the lives of various species of birds of prey trafficking in several different countries in the EU and most probably outside the EU.</p> <p>This investigation came about after we received a phone call from a trusted falconer who informed us of illegal activities of two falconers who were attempting to poach and illegally trade birds of prey such as Peregrine Falcons, females semi-trained in falconry, sold at around a few thousand Euros</p> <p>First stage of investigation -</p> <p>Checks were immediately set up in the homes of the accused falconers to verify the reliability of these accusations, several boxes were found inside the homes of these individuals along with aviaries most probably used for the illegal detaining of these birds. Considering the valid reasons to believe that there were falcons illegally detained on site, the judiciary authorized us to carry out a search on the premises and the vehicles belonging to the two falconers</p> <p>During the search our agents discovered four illegally detained peregrine falcons, one of which was a female without an immovable ring, another had been ringed but had no certificate and two other females ringed with a certificate both blatantly false.</p> <p>Other false CITES certificates were found on the premises of these two falconers, some of which</p>		

were in the falconers possession and had been clearly photocopied, this then proved their criminal involvement in the illegal detaining and trade of the birds

Perches were found hidden in various sheds and screens for keeping safe birds that had only just been captured, kits made of rope and numerous fishing lines for building traps set for live pigeons to use as bait for falcons. Once the falcon captures the pigeon, it becomes entangled in the net with its claws stuck in the nylon knot

These traps were fastened to several lead weights weighing 500 grams each making up a dead weight able to prevent the escape of the falcons that had been captured. One of the traps was found in the boot of one of the poacher's cars, ready for use. At one of the individual's houses we also found a small aviary with pigeons ready to use as bait

We also found an instrument for forging and engraving metal rings that were to be applied on the birds that had been captured

Second stage of investigation -

During the course of the search, the poachers mobile phones were confiscated and were handed over to experts who found many contacts of tens of other falconers, included also were compromising photographs of the following illegal activities

1. The capture and detainment of young falcons, still displaying their white feathers in order to ensure the insertion of immovable rings
2. The capture of adult birds taken during their immigration by using live pigeons as bait. Traps had been set under street lamps used as perches by migrating falcons
3. The falsification of many CITES documents and rings forged with adequate tools.

Results (on-going) –

Another fact emerged from the investigation was the dramatic increase in price for female peregrine falcons, last season they had gone up to 3000 Euros, therefore the trafficking of Peregrine Falcons had become much more profitable than in the past. Many falcons are destined for foreign countries like Saudi Arabia.

Verifying the authenticity of the certificates and above all requesting for checks and search warrants for foreign poachers, is a very complex procedure and requires an intricate participation from the police of the respective countries with an International Rogatory.

Many valid certificates have been issued by foreign authorities, regarding animals captured from the nests, by poachers that could justify the birth, only because they had declared to be breeding adult specimens. This is possible because these documents, in many foreign countries, can be issued without verifying the kinship, with a DNA examination.

Good practises:

The review team noted that Corpo Forestale are highly experienced in managing crime cases (Dario, Claudio and Simone).

There is a well-organised and coordinated series of anti poaching actions in the blackspot areas.

The implementation of a 'Buddying' system, whereby Corpo Forestale partner experienced officers with new officers or inexperienced officers, is considered to be best practice. This helps to diffuse

knowledge and experience to a wide number of officers in the organisation.

There appears to be a close collaboration between Corpo Forestale and prosecutors in (wild life crime cases).

Improvement:

Corpo Forestale should try to become more aware of similar cases that are taking place in Europe & carry out more exchange of information with other officers in Europe (Share Modus Operandi with others). This can take place via networks like IMPEL, the European Network of Prosecutors for the Environment (ENPE), the EU Forum of Judges for the Environment (EUFJE) and ENVI CrimeNet, the network of Police offices focussed on environmental issues.

As the Corpo Forestale move into a larger, merged police force with the Carabinieri, there is an opportunity to expand the good practice of buddying experienced anti-poaching units and other wildlife crime experts with other non-experienced officers, particularly those in the Carabinieri who may not be used to investigating and tackling environmental crime in general. This is crucial in order to maintain a high degree of institutional support for the work of Corpo Forestale in the years to come.

The review team noted that there are several areas that Corpo Forestale could consider to work on in the future however they were also areas that other EU and non-EU member countries should consider to tackle. As such, IMPEL's Expert Team on Nature Protection has made a record of such and will consider these for future projects within its network:

- An EU database network of traceable CITES certificates
- An EU database to exchange information between inspectors more easily
- Streamlining the process of obtaining a CITES certificate and specific requirement for the certificates
- Immovable and precise Ring sizes standards
- Microchips.

5.5 Step 4. Performance monitoring

Because of more practical reasons related to the programme we decided to present step 4 after the part of the planning (1A-1B-1C-1D)

The inspecting authority should act on the basis of systematic monitoring of the inspection and enforcement process and its result and effects. Performance monitoring is necessary so the inspecting authority can report internally or at national or EU-level and check if objectives and targets have been met. It is important to use meaningful performance indicators to assess the effectiveness of the inspection plan. Insight into their effectiveness can help to determine which tools and strategies are working best to ensure compliance and to allow the public and stakeholders to examine whether the inspecting authority is meeting its responsibilities. This monitoring can take place on different levels. On the inspection schedule level, regular monitoring of progress should be carried out in relation to performance indicators (e.g. planned number of inspections vs. actual inspections carried out). This should inform execution of the schedule and may be carried out for example on a six-monthly or quarterly basis. This should also include monitoring of actions taken as result of inspections or complaints e.g. legal notices issued. Performance monitoring should also take place at a higher level in relation to the success of the plan. This could include measurement against plan outcomes, against the objectives and measurable targets (e.g. general environmental improvements, increase in compliance rate), and external reporting of plan outputs/outcomes to national or EU level etc.

Performance monitoring should at least cover (in no order of preferences):

- Monitoring
- Performance of staff (output)
- Monitoring of the results (outcome)
- Accounting for effort, performance results
- Annual reports
- Report on the agreements with other inspecting organisations
- Input in the regulatory cycle
- Feed back on the results and recommendations
- Comparing and auditing
- External reporting
- Available to public
- Region and local level to public and National level
- National authority to Commission,
- Data about staffing and resources
- Role and performance in relation to inspection plan
- Summary of the inspections carried out
- Degree of compliance
- Actions taken as result of complaints and accidents and incidents
- Actions taken as result of occurrence of non-compliance

According to the presentations we decided that 4 Performance monitoring will be covered in one presentation. (databank, tools, fauna protection)

Step 4 Performance monitoring (databank) -State Forestry Corps	DARIO BURATTINI	4
<p><u>Case Study – Rome Capital area:</u> A team of four officers coordinate Corpo Forestale’s activities in the Rome Capital area and are responsible for a wide range of tasks:</p> <ul style="list-style-type: none"> • National and international waste traffic • Illegal waste fires • Discharges to surface waters of untreated waste water • Illegal construction • Forestry crimes such as dealing with deliberate forest fires or illegal logging • Food crimes • Animal cruelty issues. <p>The team can and do draft in support from other Corpo Forestale officers and other police forces to investigate and manage crimes when necessary.</p> <p>The Corpo Forestale has access to and can input into the national police database. They can input / write into the database (whereas local police can only read the database). The database holds a vast amount of information and provides operational support to Corpo Forestale.</p>		
<p>Good practises: Operationally, having access to the police databank is an advantage over other European nature protection agencies that often have to call / liaise with the police separately to help them investigate and find information about suspected criminals. That takes times and can slow down an operation whereas in Italy, having access to the databank on site can lead to quicker, more efficient action.</p>		
<p>Improvement: A team of four officers coordinate Corpo Forestale’s activities in the Rome Capital area and are responsible for a wide range of tasks leading to the possibility that there is insufficient specialisation amongst the team. If an increase in the number of specialised officers is not possible then an alternative would be to use other specialised officers from other regions for those topics/themes that the team are lacking.</p> <p>The police databank contains an enormous amount of information some of which is personal to individuals. It therefore appears to be anomalous that the police services do not have access to or can store telephone numbers in that databank.</p>		

6.0 Conclusions and recommendations

Clearly, over the last 30 years in the Messina area, there have been significant improvements made on reducing poaching and illegal hunting. This is backed up by data from NGOs indicating that the numbers of raptors in the migratory period are increasing and for example the number of illegal poaching nets found and removed is decreasing. That is not to say the problem has gone away of course and the presence of Corpo Forestale and the NGOs will have to be maintained (if not increased) to continue to achieve good results. There has been a worrying shift in some cases to the poaching of honey buzzards from houses in urban areas. This potential displacement of the problem means that the resources and methods to tackle new and emerging threats will also have to shift in order to meet this new challenge. The achievements cannot be underestimated though and this is due to the hard work of individuals at the Corpo Forestale working in difficult and dangerous circumstances as well as the dedication of individuals working for NGOs in the area; but probably more importantly, the two groups working together in a coordinated way.

Corpo Forestale enjoys a highly motivated and highly skilled team of officers. They are very well equipped with access to boats, helicopters, integrated binoculars (with photographic and videography capability), off road vehicles and protective clothing like bulletproof vests. Looking around Europe, there are not many forces as well equipped as Corpo Forestale.

To some, organisational change can seem like a threat. The impending merger of Corpo Forestale with the Carabinieri in Italy can be seen in this light too but this would be a mistake. Clearly there are challenges ahead but the merger should be seen as an opportunity for the Corpo Forestale to utilise a wider number of highly trained officers in its operations to reduce and ultimately stamp out wildlife crime. The way in which the NOA utilises large numbers of officers during migration periods for specific operations like ADORNO and ROBIN could be a model to copy when working within the new Carabinieri structure.

Corpo Forestale must be proactive and take the initiative in the new structure in highlighting the importance of wildlife crime and to inform the colleagues in the Carabinieri of what to look for and what to do. Action can be taken such as using checklists, getting training on environmental crime on the training agenda for the Carabinieri and briefing senior managers. There is a potential threat to the work of the Corpo Forestale with the new organisational change if there is a reduction in officers, particularly those at the central, core units who are highly specialised in environmental crime issues like the NOA. It is extremely important to retain, and where possible, enhance the capacity of those units so that they can be the focus and gatekeepers of environmental issues in the newly formed police force. It is important that nature protection is not 'lost' in the new structure.

Corpo Forestale are doing a good job with the tools they have but the effectiveness and wider impact on poaching and illegal hunting throughout Italy is limited and restricted due to the low level of fines issued; in short, the deterrence value of their work is undermined. As in other European countries like Malta, bird species have an intrinsic value determined by scientific study (and agreed in concert with interest groups like environmental NGOs). This helps courts and enforcement authorities to properly address sanctions to the seriousness of the case. This 'price list' system changes over time too based on changes in numbers of birds and species. The index linking of fines for example over time (keeping up with inflation) is also worth considering because a € 100 fine in 1998 is very different to a € 100 fine today (!). Lastly, it was clear that the 'restoration' principle is applied in other parts of environmental law in Italy but it was less clear that that was applied with regard to

nature and wildlife crime. The review team felt that this principle should be highly considered going forward.

The review team felt that there was a knowledge gap on the on scale of the challenge with regards to poaching and illegal hunting. Information is not routinely collected in the regions and local areas of Italy, nor produced when it is collected in a standardised format. Given the impending structural re-organisation (Provincial level is to be abolished) there is an uncertainty over who will collect such data in future and how that will be compiled. The NGOs have rightly pointed this out to be a challenge that needs to be addressed and looking at this from a strategic point of view; understanding the scale of the issue helps to understand where resources should be placed and ultimately how to tackle the worst areas and cases first. It would also help to highlight for example where the low level of sanctions is undermining Corpo Forestale's efforts to reduce and deter further offences and ultimately uphold the law.

The review team concluded that the complex set of local, provincial and national laws all working underneath European law was unnecessarily challenging. The review team concluded that Corpo Forestale should examine other countries where single legal instruments covers the whole nature legislative acquis on a national level including for example protection of areas and protection of species, CITES, Birds & Habitats Directive. The review team recognised that this was not simple to do and nor was it in the Corpo Forestale's remit or ability to carry out; nevertheless it could influence lawmakers and other decision makers of the need for such an action.

A significant opportunity for development for Corpo Forestale lay with the development of its networking potential internationally with its peers such as other Environment Agencies, police and law enforcement authorities in other European countries (e.g. working with networks like [IMPEL](#)). It also includes facilitating and encouraging exchange of information between prosecutors and Judges in Italy and other countries through networks like the [European Network of Prosecutors for the Environment](#) and the [EU Forum of Judges for the Environment](#). By increasing awareness of similar legal cases elsewhere and exchanging information between officers, all parts of the compliance chain have the opportunity to become more effective in tackling bird and wildlife crime.

Throughout the course of the IRI, the review team identified several opportunities with Corpo Forestale for potential follow up work on issues such as developing an EU database network of traceable certificates (and looking at ways to streamline the process of obtaining certificates), microchips and DNA, and immovable / precise Ring sizes for birds. Such activities would benefit all European countries and would make sense if there were a high degree of coordination and networking on such matters.

The review team were highly impressed with the exceptional levels of cooperation between Corpo Forestale's Anti Poaching Unit and the NGOs working in the field in Messina Street for example. It is clear that Corpo Forestale have developed a relationship with several NGOs over a long period of time and there is a high degree of trust. There is a strong complementary relationship that has helped to prevent a significantly higher number of offences. Though it is underpinned by a Memorandum of Understanding, clearly the most impressive part is the day to day, active cooperation during migration periods in particular but also general information sharing about what is going on on the ground, who, where and why. The NGO's really are the 'eyes and ears' helping to make Corpo Forestale's work much easier and this should not be underestimated or undervalued. Again, looking around Europe, this level of cooperation is not seen in many other places and this is a cause for optimism.

Overall, the IRI review team from IMPEL were highly impressed with the operations of Corpo Forestale; a highly motivated and highly skilled team, well equipped that produce excellent results in the areas that they work in given the tools at their disposal. Corpo Forestale's engagement with NGOs is inspiring and is a model for others to follow. To achieve better results, the underpinning legislation should be examined and streamlined whilst more adequate sanctions and better planning of resources in other 'blackspot' areas that are not routinely tackled would go a significant way to improving the situation in Italy.

Annex 1: Terms of Reference - Green IRI in Italy

TOR Reference No.:	Author(s): John Visbeen
Version:	Date: 5-9-2014
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry	<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"/>
1.2 Type of work you need funding for	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input checked="" type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input type="checkbox"/>
Comparison studies	<input type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>
1.3 Full name of work (enough to fully describe what the work area is)	
IMPEL Review Initiative according to nature conservation in volunteering Member State(s).	
1.4 Abbreviated name of work or project	
Green IRI	

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

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

Birds Directive, Habitats Directive (Natura 2000)

2.2 Link to IMPEL MASP priority work areas

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

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

To make a picture of current situation within Member State or in certain area of the Member State or in certain area between Member States. To identify good practices and to identify opportunities for improvement

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?)

Awareness raising, extend the network of experts, know where knowledge can be found,

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

- Green IRI Romania 2013
- Follow-up Workshop Romania 2014

3. Structure of the proposed activity

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

Preparatory meeting with program and defined preparatory activities,
Execution of IRI,
Report on IRI,

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

Program
Presentations,
Report

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

May 2015 - Preparatory meeting
September 2015 - IRI Member state(s)

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

-lack of staff,
-need for qualified reporter and chair

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

John Visbeen

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

Florin Homorean, Romania,
MS, of volunteering country,
MS, candidate for next IRI,
MS, expert
MS, expert, (chair)
MS, expert (rapporteur)

4.3 Other IMPEL participants (name, organization and country)**4.4. Other non-IMPEL participants (name, organization and country)****5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible**

	Year 1 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	8100	8100	8100	8100
How much money is to be co-financed	8100	8100	8100	8100

Total budget	8100	8100	8100	8100
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6. Detailed event costs of the work for year 1

	Travel € (max €360 per return journey)	Hotel € (max €90 per night)	Catering € (max €25 per day)	Total costs €
Event 1	4X360 =	4X2X90 =	4X2X25=20	1440 + 720 +
<i>Preparatory meeting</i>	1440	720	0	200 = 2360
<i>May 2015</i>				
Event 2	7X360=2520	7x4x90 2520	7x4x25=700	2520+2520+
<i>IRI</i>				700=5740
<i>September 2015</i>				
Total costs for all events				

7. Detailed other costs of the work for year 1

7.1 Are you using a consultant?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7.2 What are the total costs for the consultant?	
7.3 Who is paying for the consultant?	
7.4. What will the consultant do?	
7.5 Are there any additional costs?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Namely:
7.6 What are the additional costs for?	
7.7 Who is paying for the additional costs?	
7.8. Are you seeking other funding sources?	<input type="checkbox"/> Yes <input type="checkbox"/> No Namely:
7.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs	<input type="checkbox"/> Yes <input type="checkbox"/> No Namely:

8. Communication and follow-up (checklist)

	What		By when
8.1 Indicate which communication materials will be developed throughout the project and when <i>(all to be sent to the communications officer at the IMPEL secretariat)</i>	TOR ^{✓*} Interim report ^{✓*} Project report ^{✓*} Progress report(s) [✓] Press releases News items for the website ^{✓*} News items for the e-newsletter Project abstract ^{✓*} IMPEL at a Glance [✓] Other, (give details):	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
8.2 Milestones / Scheduled meetings (for the website diary)	Preparatory meeting IRI		
8.3 Images for the IMPEL image bank	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
8.4 Indicate which materials will be translated and into which languages	-		
8.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required	-		
8.6 Identify which groups/institutions will be targeted and how			
8.7 Identify parallel developments / events by other organisations, where the project can be promoted			

[✓]) Templates are available and should be used. ^{*}) Obligatory

9. Remarks

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