

**From:** [REDACTED] (NE)  
**To:** [REDACTED] (ERG-BIO);  
**Subject:** RE: Licensed removal of birds of prey in conflict situations and Article 10 certificates  
**Date:** 26 November 2012 10:12:00

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[REDACTED]

Thank you for clarifying the Department's position.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]@naturalengland.org.uk

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**From:** [REDACTED] (ERG-BIO)  
**Sent:** 23 November 2012 15:31  
**To:** [REDACTED] (NE)  
**Cc:** [REDACTED] (NE); [REDACTED] (NE); [REDACTED] (BIO)  
**Subject:** RE: Licensed removal of birds of prey in conflict situations and Article 10 certificates

[REDACTED]

After our meeting on Wednesday when you followed up on the issue you have raised below, I felt I should write to clarify our position.

As I said it is essential that any policy review related to commercial use of wild birds taken into captivity for whatever reasons, is kept entirely separate from decisions which are made for licences under S16, and in particular that to be made on the outstanding buzzard licence application. We need to be very careful not to let individual licence applications drive policy development.

We're happy to engage in discussions around future policy for using wild birds, and where these are birds covered by the EU CITES regulations, the discussions will need to include my CITES policy colleagues. This subject needs thorough exploration which will take some time to conclude and will probably need to include a consultation process if any changes are eventually proposed.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

Defra

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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**From:** [REDACTED] (NE)  
**Sent:** 12 November 2012 17:06  
**To:** [REDACTED] (ERG-BIO)  
**Cc:** [REDACTED] (NE); [REDACTED] (NE); [REDACTED] (ERG-BIO)  
**Subject:** Licensed removal of birds of prey in conflict situations and Article 10 certificates

Dear [REDACTED]

As you are aware from know from conversations with [REDACTED] we are exploring options to resolve the outstanding buzzard application; there are currently three licensed options being actively considered:

1. Lethal control
2. Relocation to another area for release
3. Re-homing in captivity

I would be grateful for your assistance in respect to the third option. The prospects of finding a suitable home for a bird of prey appear – from discussions with stakeholders – to be far greater if it is agreed that an Article 10 certificate will be issued for the removed bird(s). Such a certificated could be restricted so that a removed bird could be exhibited, but only its (captive bred) offspring could be traded.

To date the prevailing view (as expressed in our discussions with Defra, AHVLA and JNCC) is, I understand, that issuing Article 10 certificates for any wild bird of prey, including those which are removed under NE licences in conflict cases, would be contrary to current government policy.

While we understand the rationale for the current policy as a general approach to this issue we believe that the situation in conflict cases is quite different from that envisaged when the policy was introduced and, as such, is deserving of different treatment.

We are talking about scenarios where a decision has already been taken to sanction the removal or (if this is not possible) destruction of adult birds, chicks or eggs as part of the resolution to a conflict situation (e.g. for preserving public safety, preventing damage to crops etc). These birds are going to be removed from the wild whether or not an Article 10 certificate is issued, and demand for wild birds from trade or falconry interests has (and can have) no influence on the decision to issue a licence.

There should not, therefore, be any risk to the conservation status of species or any risk of encouraging trade in wild birds from issuing Article 10 certificates in these cases.

Issuing certificates will, however, make it easier to find suitable homes for birds in captivity and thus offers a potential alternative to issuing licences to kill birds, at least in some cases. It is not, so far as I understand, government policy to discourage falconry as a pastime so showing flexibility here, which has benefits for both us (in dealing with conflict cases in a way that is likely to find wider public support than killing raptors) and for falconers (who say there is a demand for wild birds, e.g. to enhance genetic stock), has multiple benefits.

We remain open to being persuaded that our assessment of the risks is wrong, but to date we have yet to hear a strong argument for why these birds should not be issued with an Article 10 certificate. Without a clear rationale to justify the current position we feel that we are (collectively) at risk of significant criticism if challenged to explain why birds are killed instead of being re-homed.

There is a meeting to discuss this and related issues on 21 November. I hope that there will be support for our proposal (summarised below) to treat applications for Article 10 certificates for birds covered by 'conflict' licences differently.

Summary of proposal:

- Where a licence is going to be issued to kill a bird of prey, or destroy a nest with eggs or dependent young (for example, to public safety or prevent damage to livestock) then Natural England would be able to consider, in appropriate cases, to consider licensing the re-homing the birds (chicks or eggs) with a falconer or bird of prey centre as an alternative to licensing their destruction.
- To allow re-homing at facilities where birds are exhibited and to facilitate re-homing with falconers who may wish to breed from the birds we propose that there is a presumption in favour of issuing Article 10 certificates for these birds.
- We propose that the certificates are restricted so that the bird(s) which are taken from the wild cannot be traded, but their offspring can.
- Natural England will consider the suitability of the recipient and the welfare implications for the bird(s) and – if satisfied – will support the application for a certificate.
- A decision on the Article 10 would be made in parallel to the NE licence decision so there is regulatory certainty for the applicant and prospective recipient of the bird(s).

- It is proposed that the licence to take the birds will be issued to the applicant in the 'conflict' case. The recipient of the bird (e.g. the falconer) would be expected to provide details of the tag used to mark / identify the bird(s) taken from the wild which would be included in a possession licence or 'letter of comfort' that would accompany the birds as evidence of their lawful origin.
- In our view, this approach will have a neutral impact on the conservation status of the species (as they would otherwise be destroyed)

It would be good to be able to move this debate forward when we meet next week as swiftly as possible so this option is available for the outstanding licence application. It would be a pity if this option was ruled out without a very good reason.

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Regulation Team

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