

**ADDENDUM 1****SCIENTIFIC COUNCIL COMMENTS**  
(arising from ScC-SC6)**PREVENTING POISONING OF MIGRATORY BIRDS****UNEP/CMS/COP14/Doc.28.3****RECOMMENDATIONS TO COP14**

Recommended the adoption of the draft Resolution and draft Decisions with the proposed amendments listed below.

**GENERAL COMMENTS ON THE DOCUMENT**

The Scientific Council noted the numbering of the paragraphs of the draft Resolution have disappeared in the online document, and requests that they are put back for ease of referencing.

**COMMENTS ON SPECIFIC SECTIONS/ INCLUDING POSSIBLE PROPOSALS FOR TEXT REVISION**

A number of amendments were proposed.

Paragraph 9 (page 3) could be rephrased as follows:

“ECHA’s Committee for Risk Assessment (RAC) adopted its opinion on the restriction report in its meeting in May/June 2022. It supported the proposal to phase out lead gunshot for hunting and outdoor shooting but recommended a shorter transition period than that proposed by ECHA’s dossier submitters. Restrictions on lead bullets and fishing weights were also supported. Subsequently, in its meeting in December 2022, ECHA’s Committee for Socio-Economic Analysis (SEAC) adopted its opinion, also supporting the proposal. They agreed that a restriction under the EU REACH regulation (Registration, Evaluation, Authorisation and Restriction of Chemicals) would be the most appropriate measure to address the widespread risks to wildlife, people and the environment posed by the use of lead in hunting, outdoor sports shooting and fishing. The opinions of both committees were sent to the European Commission in February 2023. If approved by Member States within the EU REACH Committee and subsequently by the European Parliament and Council, the ban on lead ammunition and fishing weights will take effect in all EU and other European Economic Area countries and would be a major step towards combating the unintentional poisoning of migratory birds in the region.”

On page 8 (Resolution text) the following amendments to the preamble of the Resolution are proposed:

“~~Welcoming the proposal~~ introduction within the European Union ~~to introduce~~ of an EU-wide ban on the use of lead shot in wetlands under the REACH regulation (Registration, Evaluation, Authorisation and Restriction of Chemicals; Regulation (EC) No 1907/2006) in February 2023 to address the estimated one million waterbirds that succumb annually to lead poisoning within the EU”,

And the subsequent paragraph to be replaced with:

*“Welcoming the ongoing wider restriction process under the REACH regulation of the EU and the opinions adopted in 2022 by the expert committees of the European Chemicals Agency (ECHA) to enact restriction on lead use in outdoor shooting and fishing in the European Union, and further welcoming the similar REACH process being undertaken in the United Kingdom to restrict lead ammunition for outdoor shooting,”*

The Scientific Council proposed replacing Operative paragraph 5, in the introductory part of the draft Resolution, with:

5. *“Urges CMS Parties and invites Parties, Signatories and non-Parties of CMS Family instruments that are Range States of vultures and other scavenging raptors to:*
  - a) ensure safety testing of existing veterinary NSAIDs on live, captive Old World vultures, eagles and other scavenger birds;
  - b) withdraw licensing of vulture-toxic NSAIDs (including diclofenac) for veterinary use or implement comprehensive risk assessment with particular reference to known regional threats to vultures and other scavenging raptors;
  - c) ensure that safety testing on vultures of new veterinary NSAIDs is made a mandatory part of the protocol of research and development and wholly financed by the pharmaceutical industry, making licensing conditional on the results of these tests; and
  - d) contribute to identification and promotion of safe alternative drugs.”

### **Reasoning:**

Comment on 5.a) above:

The susceptibilities of other species are incomparable, so testing must be done on vultures. Typical avian species used for testing cannot be directly compared. Domestic chickens, for example, can tolerate doses 50-100 times larger than *Gyps* vultures before they suffer similar nephrotoxic effects (Naidoo et al., 2007). Even the New World vultures of the Americas are over 100 times less susceptible than Old World vultures to the effects of diclofenac (Rattner et al., 2008).

Comment on 5.b) above:

‘Adequate’ changed to ‘comprehensive’. ‘Adequate’ seems too vague.

The balance of threats facing vultures in different countries varies across Europe and Asia (Botha et al., 2017). Approaches must be tailored accordingly. A ‘one size fits all’ approach is not sufficient: a risk assessment in Spain will not yield the same results as one done in India, for example. NSAIDs remain the leading threat to South Asian vultures, while European vultures are currently at much greater risk from the illegal use of deliberately set poison baits (often laced with chemicals like aldicarb or carbofuran) and collision with human infrastructure (Botha et al., 2017). Deliberate setting of poison baits remains the leading threat to several Annex I species of the EU Birds’ Directive, including Eurasian Griffon, and Egyptian, Cinereous and Bearded Vultures (Directive 2009/147/EC), as well as to wild carnivores.

Comment on 5.c) above:

The burden of proof for NSAID safety testing should be shifted to the licence applicant. In other words, it should not be up to NGOs to fund and execute retrospective scientific studies to demonstrate that licensed drugs cause harm to vultures. Instead, pharmaceutical companies should have to demonstrate that their drugs are safe for non-target species before they are licensed, just as chemical companies now have to demonstrate that their pesticides are safe for use under EU law (Regulation (EC) No 1107/2009).

In principle, in vitro systems for testing the safety of NSAIDs for vultures could be developed in future (Botha et al., 2017). However, several complex factors affect toxicity, so developing reliable in vitro tests will be challenging. At present, safety testing on live captive vultures using established published protocols is currently the most robust option.

Sources:

Botha et al., 2017. *Multi-species Action Plan to Conserve African-Eurasian Vultures*.

Naidoo et al., 2007. <https://doi.org/10.1016/j.etap.2007.06.003>

Rattner et al., 2008. <https://doi.org/10.1897/08-123.1>