

**Profiles in Legal Approaches to IKB:
Spotlight on Albania, Cyprus and Hungary (Feb 2023)**



1. As part of its ongoing work related to the implementation of the [Rome Strategic Plan \(RSP\) 2020-2030](#), the key strategic framework for the [Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean \(MIKT\)](#), the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS Secretariat) has undertaken a series of activities related to combatting the illegal killing, taking and trade of wild birds (IKB).
2. RSP Objective No. 3—“[t]o ensure that the illegal killing of birds is addressed effectively and efficiently in national legislation”—lies at the heart of the present effort. Specifically, Action 3.1 calls for, *inter alia*, (a) an expert assessment of national legislation addressing IKB to identify possible gaps, and (b) the development of “guidelines on effective legislation including examples of model legislation on combating IKB that has proved effective.”
3. In order to complete this work, the CMS Secretariat developed a short questionnaire for MIKT Members to complete. The questionnaire solicited information regarding national legislation relevant to IKB.
4. The responses to the questionnaire, together with supplemental research, were used to prepare an initial set of Legislative Guidance materials and a Model Law on IKB.
5. In addition, the Secretariat has prepared a handful of national legislative profiles to enhance the MIKT community’s knowledge of different national approaches to IKB.
6. Apart from the present document, the Secretariat has completed national legislative profiles focusing on six countries: Bosnia-Herzegovina, Israel, Italy, Montenegro, Spain, and Syria, the latter of which focused on a draft hunting law.

7. In contrast to the aforementioned profiles, the present document focuses not on one but several countries. Specifically, the present document analyzes compelling legislative approaches in Albania, Cyprus and Hungary.
8. As detailed below, although each of these countries stands out for different reasons, they share the commonality of advancing unique approaches to IKB.
9. Specifically, in Albania, a complete moratorium on hunting has been implemented nationwide.
10. In the case of Cyprus, an “on the spot” fine system has been implemented to streamline penalization of hunting and trapping offenses.
11. In Hungary, a permit system has been established requiring foreign hunters to notify the necessary authorities before they begin hunting.
12. Due to differences in legislative systems worldwide, different interpretations, limitations with respect to translation capacity in the Secretariat, and the complexity of analyzing national laws, errors and/or omissions may exist.

Findings¹

Section 1—Albania’s Hunting Moratorium

1. Albania’s across-the-board hunting moratorium—in place since 2014—showcases an option that is sometimes overlooked or dismissed as too extreme. Nevertheless, in the context of countries experiencing rampant IKB, a moratorium on all hunting activity can be a powerful policy approach, especially when paired with committed enforcement.
2. Albania has had a hunting moratorium implemented since March 2014.² The Albanian Parliament recently extended the moratorium to last until July 2025.³ There are a few exceptions to this hunting ban. Hunting may be permitted (1) in cases of overpopulation, (2) if wild fauna is causing damage to crops, livestock, or human life, and (3) if done for scientific research.⁴

¹ Please note that the translation used in this document has been automatically generated.

² *Summary of National Hunting Regulations: Albania* (Nov. 2014), http://datazone.birdlife.org/userfiles/file/hunting/HuntingRegulations_Albania.pdf.

³ Law no. 60/2022 Announcement of the Hunting Moratorium in the Republic of Albania (approved July 21, 2022; not yet published).

⁴ *Id.*

3. Even with this hunting moratorium, illegal hunting is still occurring in Albania.⁵ In certain areas, there has been little to no hunting occurring.⁶ In many areas, however, hunting continues.⁷
4. Recent commentary suggests that even a complete ban on hunting is not perfect. Even a complete ban cannot compel enforcement.⁸ Some observers point to this lack of enforcement from authorities as one of the main problems for the continuation of illegal hunting in Albania.⁹

Section 2—Cyprus’s “On the Spot” Fine System

5. To relieve pressure on the criminal justice system, including docket loads in the courts, in 2017 Cyprus implemented a system of “on the spot” fines for a range of IKB and other hunting-related offenses.
6. In essence, the “on the spot” system authorizes enforcement officers to issue a ticket that gives offenders a choice: either they (a) pay a fine, fixed by legislation, within a short period of time, or (b) insist on their right to a trial, invoking the traditional prosecution process.
7. Specifically, within the Republic of Cyprus, the Wild Birds and Game Protection and Management Act 152(I) 2003 to 2020, provides that a person served with a ticket may not be prosecuted within 45 days of receiving the ticket.¹⁰ If the person served fails to pay the ticket within 30 days, the penalty is increased by 50%.¹¹ If the person served pays the fixed penalty, in addition to any increases, within 45 days of issuance they shall not be prosecuted for the offense.¹² The “on the spot” system is the same within the Sovereign Base Areas of Akrotiri and Dhekelia, U.K. territories, under the Fixed Penalty Ordinance

⁵ Fjori Sinoruka, *Hunting is banned in Albania, but animals are still being shot*, Balkan Insight (Feb. 15, 2021), <https://balkaninsight.com/2021/02/15/hunting-is-banned-in-albania-but-animals-are-still-being-shot/>.

⁶ Daniel Ruppert, *Assessing the Effectiveness of the Hunting Ban in Albania* 13 (2018), https://ppnea.org/wp-content/uploads/2021/12/Assessing-the-effectiveness-of-the-hunting-ban-in-Albania-by-Daniel-Ruppert_1-1.pdf.

⁷ *Id.*

⁸ Albanian Ornithological Society, *Albanian authorities turn a blind eye to the illegal killing of birds* (Dec. 7, 2020), <https://flightforsurvival.org/albanian-authorities-turn-a-blind-eye-to-the-illegal-killing-of-birds/>.

⁹ *Id.*

¹⁰ Wild Birds and Game Protection and Management Act 152(I)/ 2003 to 2020, Section 81, “http://www.cylaw.org/nomoi/enop/non-ind/2003_1_152/full.html.”

¹¹ *Id.* at Section 82.

¹² *Id.* at Section 81.

2010.¹³ Under the Fixed Penalty Ordinance 2010, penalties are dependent upon the method of hunting used and the species of bird hunted or trapped.

8. There are various advantages to this “on the spot” system. One potential benefit is the efficiency of the system. An “on the spot” system allows for efficient enforcement. In addition, this system may act as a deterrent for those engaging in illegal hunting and trapping. However, this latter advantage could morph into a drawback if the fine is not high enough. If a fine is particularly low, it may no longer deter illegal hunting or trapping because the “value” of the hunted species (whether measured in terms of profit in the case of a commercial transaction or pleasure in the case of sport) may outweigh the cost of the fine.
9. Recent dynamics surrounding the illegal use of mistnets and lime sticks seem to demonstrate the importance of calibration in the “on the spot” system. In the fall of 2020, trapping with mistnets was at a record low.¹⁴ However, there was an increase in the illegal use of lime sticks.¹⁵ Recent commentary suggests that Cyprus’s decision to reduce the fines pertaining to the illegal use of lime sticks has possibly led to an increase in such offenses.¹⁶ Fines pertaining to the use of lime sticks decreased from 2000 euros to 200 euros for up to 50 birds from 14 species, by the Parliament in December 2020.¹⁷ According to some observers, this large fine decrease has essentially decriminalized the use of lime sticks and has not acted as a sufficient deterrent.¹⁸

Section 3—Hungary’s Foreign Hunter Permit System

10. In order to better control illegal hunting, Hungary has implemented a specific permit system for foreign hunters.
11. Specifically, foreign hunters must notify the necessary hunting authority at least 24 hours before they plan to begin hunting.¹⁹ If the hunter is planning on hunting in a protected natural area, they must also notify the relevant nature conservation authority.²⁰

¹³ Fixed Penalty Ordinance 2010, Section 13, [“https://www.sbaadministration.org/home/legislation/01_02_09_04_INCON/F/20220318_AGLA_Fixed-Penalty-Ordinance-2010_CONSOL.pdf.”](https://www.sbaadministration.org/home/legislation/01_02_09_04_INCON/F/20220318_AGLA_Fixed-Penalty-Ordinance-2010_CONSOL.pdf)

¹⁴ *Illegal bird trapping: plugging one gap to create another*, BirdLife Cyprus (Mar. 18, 2021), <https://birdlifecyprus.org/illegal-bird-trapping-plugging-one-gap-only-to-create-another/>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Decree 79/2004 FVM on the Rules for the Implementation of Act LV of 1996 on Game Protection, Game Management and Hunting, Section 52(3), <https://net.jogtar.hu/jogszabaly?docid=a0400079.fvm>.

²⁰ *Id.*

12. This notification requirement for foreign hunters allows the necessary authorities to appropriately plan for and control hunting.

Annex – Legislation Analyzed

- I. Albania
 - A. Law no. 60/2022 Announcement of the Hunting Moratorium in the Republic of Albania (approved July 21, 2022; not published as of August 2022).
 - B. Summary of National Hunting Regulations: Albania (Nov. 2014), original text at http://datazone.birdlife.org/userfiles/file/hunting/HuntingRegulations_Albania.pdf
- II. Cyprus
 - A. Fixed Penalty Ordinance 2010, Section 13, original text at https://www.sbaadministration.org/home/legislation/01_02_09_04_INCON/F/20220318_AGLA_Fixed-Penalty-Ordinance-2010_CONSOL.pdf.
 - B. Wild Birds and Game Protection and Management Act 152(I) 2003 to 2020, Section 81-82, original text at http://www.cylaw.org/nomoi/enop/non-ind/2003_1_152/full.html
- III. Hungary
 - A. Decree 79/2004 FVM on the Rules for the Implementation of Act LV of 1996 on Game Protection, Game Management and Hunting, Section 52(3), original text at <https://net.jogtar.hu/jogszabaly?docid=a0400079.fvm>