



POLICE INVESTIGATION PROTOCOL
if bird crime is suspected
(Applicable after January 1st, 2015)



Compiled by:
**OPERATIONAL POLICE, CORRUPTION AND ECONOMIC CRIME
UNIT OF THE NATIONAL BUREAU OF INVESTIGATION**



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www.parlagisas.hu



This protocol is part of the Procedure Protocol Package of the Anti-Poisoning Working Group. It is complemented by the *"FIELD INVESTIGATION PROTOCOL – if bird crime is suspected (part 3/1)"* (available at: parlagisas.hu) and the *"VETERINARY PROTOCOL - Established protocol for examining and using therapy to treat injured or dead birds of prey (part 3/2)"* (available only for the police on the police.hu intranet)

1. Articles of the Criminal Code relating to bird crime:

- Nature damaging

242. § (1) Whoever illegally acquire, keep, circulate, import or export to and from the country, transport through, trades with, damages or kills

a) an individual of strictly protected species,

b) an individual of a protected live animal or an animal or plant of Community importance in the European Union provided that the sum of their natural values reaches the lowest amount of natural value of a strictly protected organism,

c) individuals of any organism, which listed in Annex A and B of the EC Regulation on the protection of species of wild fauna and flora by regulating their trade.

shall be punished by a term of imprisonment of three years.

(2) Punishment shall be one to five years of imprisonment if nature damaging reaches such level of mortality of live organisms,

a) that in case of section (1/a or b) if the combined monetary values of their natural values, established by legislation, reach the double of the highest monetary value of a strictly protected live organism,

b) which in case of section (1/c) threatens the survival of the natural population of any live organism

(3) Whoever commits the crime defined by section (2) committed through negligence may be punished for misdemeanour with two year of imprisonment.

(4) Any individual of the species this § applies to:

a) all development stages, forms, states of the live organism,

b) natural or artificial hybrids of the live organism,

c) derivatives of the live organism, which applies to the dead organism, any of its parts, and any products or parts of those originating from the formerly mentioned forms.

243. § (1) Whoever illegally significantly alters a Natura2000 area, a protected cave, a protected natural area or the community of protected organisms as well as their habitats shall be punished with imprisonment up to three years.

(2) Punishment spans from one to five years, if nature damaging causes significant deterioration or the total destruction of a Natura 2000 area, a protected cave, a protected natural area or the community of protected organisms as well as their habitats.

(3) Whoever commits the crime, defined in section (2), through negligence shall be punished with up to three years. of imprisonment.

(4) For the purposes of this §, the definition of Natura 2000 is specified in the Law on the protection of Nature.

- Abuse of poisons

188. § (1) Whoever unduly prepares, stores, uses or circulates poisons or whoever fails to fulfil required measures provided to prevent wrongful use of poisons or to prevent the exclusion of danger to other persons, unless more serious crime was committed, shall be imprisoned for misdemeanour.

(2) For the purpose of this §, poison is referred to a dangerous material or mixture, which may threat human lives, cause serious injuries or result health-related harm due to its toxicological properties.

- Animal cruelty

244. § (1) Whoever

a) abuses or mistreats a vertebrate animal unduly in such manner that may cause lasting harm or its death,

b) leaves, abandons, dumps its vertebrate or dangerous animal shall be punished with up to two years' imprisonment.

(2) Punishment may be up to three years' imprisonment for felony

a) if it causes crucial pain to the animal or

b) leads to lasting harm or the deaths of more animals.

- Poaching

245. § Whoever

a) hunts or traps on hunting grounds without hunting licence or hunts on other club's hunting grounds as a hunter without permit,

b) kills or captures an individual of a species, which is subject to a ban by a separate legal legislation,

c) hunts or traps using illegal devices and means or conducts activity to kill or trap game animal, strictly protected or protected vertebrate species in prohibited area, shall be punished with up to three years' imprisonment for felony.

2. Other related regulations:

- **100/2012. (IX. 28.) VM Article** on the protected and strictly protected plant and animal species, the strictly protected caves as well as the modifications of the 13/2001. (V. 9.) KöM Article on the publication of plant and animal species of special nature conservation interest in the European Community and the 43/2010. (IV. 23.) FVM Article on the plant protection.
- **2000. évi XXV. Legislation on chemical safety**
- **3/2006. (I. 26.) EüM Article on the registry of the classified hazardous chemicals in the EU**
- **2007/416/EK Regulation** on withdrawing the use and trade of the carbofuran

3. Practicalities in relation to police procedures:

Reporting:

- common emergency call number: 112
- poisoning hotline 20/251-4404

Police on-site investigation:

- ... *(the full version available only at police.hu intranet)*

Elements of the police report:

- Who? Where? What? When? Why?
- nature damaging, misuse of poisons, animal cruelty
- to send to: prosecuting authority, inspectorate, government office
- refusing to file a report informer may submit a complaint

Investigation:

- ... *(the full version available only at police.hu intranet)*

Hearing of witness:

- ... *(the full version available only at police.hu intranet)*

Relations with the Prosecuting Authority:

- ... *(the full version available only at police.hu intranet)*

4. Order of the Deputy Commissioner of Police regarding strictly protected bird species:

Dr. Tibor Takács r. Major General, Deputy Commissioner, Director-General of Police

29022-18720/2014. ált. No. order

Subject: reporting requirements to the OPERATIONAL POLICE, NATIONAL BUREAU OF INVESTIGATION in case of poisoning of strictly protected bird species