National Strategy against the illegal use of poison baits in Greece

Antipoison Task Force

Draft

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1. INTRODUCTION

The illegal use of poison baits in Greece is quite widespread mostly as a means of eliminating animals that cause losses in livestock and plant production, stray animals and as a way of “solving” personal disputes. The fact that the European Commission has started an infringement procedure against Greece in relation to this matter (Infringement No. 2013/4154) confirms the significance gravity of the situation. It is a very complex problem that apart from the dramatic impact it has on protected species and biodiversity in general, it poses a serious risk to public health, since the substances used for the production of poison baits are highly toxic and in most cases banned. This practice also has negative consequences on countryside economic activities.

The use of poison baits is expressly banned by Greek law due to the extended negative consequences that this practice has on biodiversity and in particular wildlife especially on rare and endangered species. Special provisions that regulate issues related to the ban of poison baits use can be found in the Greek legal system (Ntemiri & Saravia 2016). These relevant provisions are of national, union and international origin and constitute a satisfactory protective net for the preservation of biodiversity and especially wildlife mainly with regard to the ban of poison baits use. However, it is during the implementation of the relevant legislation and especially with regard to the management poisoning incidents, that institutional gaps, practical difficulties or even interpretative contradictions come to light and as a result, the actual efficiency of the relevant protective provisions is hindered (Ntemiri et al. 2016).

In order to deal with the problem efficiently, it is necessary to design a comprehensive and integrated policy framework in the form of a National Strategy, which will drastically contribute to dealing with this phenomenon through specific aims and the participation of all authorities and bodies involved. This Strategy will put into practice and implemented by means of a detailed 5-year National Action Plan. The National Action Plan will specify among other things the measures for improving the existing knowledge, preventing and deterring the phenomenon, effectively coordinating the relevant authorities and bodies, effectively prosecuting, while by constantly updating and raising public awareness it will aim at cultivating zero tolerance to the crime of poisoning.

The present Strategy was drafted under the framework of the LIFE+ project “The Return of the Neophron” according to the guidelines for the prevention of migratory birds poisoning of the 11th Meeting of the Conference of the Parties to the Convention for Migratory Species (UNEP/CMS/COP11)\(^1\) and it was based on the

The Spanish National Strategy against the Illegal Use of Poison Baits in the Environment\(^2\). The Spanish Strategy was developed using a multi-stakeholder approach including public contribution and it was endorsed by the Ministry of Environment of Spain in 2004. The present Strategy also followed to a large extent the guidelines of the European Action Plan to combat illegal poisoning of wildlife that was drafted under the framework of the project “European Network Against Environmental Crime – ENEC”. The European Commission has included said Action Plan in the Roadmap towards eliminating illegal killing, trapping and trade of birds in order to promote joint and harmonized actions across the EU.

1.1. Legal framework for the ban of poison baits use

The ban of poison baits use is provided by many legislative acts, which are either of national origin (see mainly articles 252 par.5 and 261 of the Forest Code (Decree-Law 86/69), article 9 Presidential Decree 67/1981 “On the protection of indigenous Flora and Wild Fauna and on the determination of a coordination and Control procedure regarding their Research”, article 16 Law 4039/2012 for companion pets and stray animals, article 282 of the Penal Code), of EU origin (see mainly article 8 par.1 “Prohibited hunting gear/means” and article 9 of the Joint Ministerial Decision 37338/1807/E.103/01.09.10, through which the Directive 2009/147/EC on the conservation of wild birds was integrated to the national legal order; article 13, par.3 of JMD 33318/3028/11.12.1998, through which the Directive 92/43/EEC of the Council of May 21, 1992 on the conservation of natural habitats and wild fauna and flora was integrated to the national legal order, and article 3f of Law 4042/2012 through which the Directive 2008/99/EC on the penal protection of the environment) or of international law origin (article 8 of Law 1335/1983 through which Greece ratified the Convention on the conservation of wildlife and natural habitats of Europe (also known as the Bern Convention)).

1.2. Current situation

Poison baits are one of the main causes of non-natural death of many endangered species as it is a non-selective means of killing animals, especially carnivores and scavenging species which are more vulnerable to poisoning due to their feeding habits. Many scavenging birds of prey either went extinct in different areas of Greece or their populations have greatly declined due to poison baits. The Bearded vulture (Gypaetus barbatus) also known as “ossifrage, which is classified in the Red Data Book of Threatened Animals of Greece (Legakis & Maragkou 2009) as “Critically Endangered”, has gone extinct from mainland Greece and is now found only on Crete (Xirouchakis et al. 2001). The same thing happened to the Black vulture

\(^2\) http://www.mapama.gob.es/es/biodiversidad/publicaciones/pbl_estategia_venenos_tcm7-329679.pdf
(Aegypius monachus), classified as “Endangered” in the Red Data Book, whose distribution range has been reduced to the National Park of Dadia-Lefkimi-Soufli and the wider region of Thrace (Xirouchakis & Tsiakiris 2009, Vasilakis et al. 2016). The population of the Griffon vulture (Gyps fulvus) in mainland Greece, is characterised as “Critically Endangered” as it has shrunk, mostly because of poison baits, while the Egyptian vulture (Neophron percnopterus), also a “Critically Endangered” species, is at the brink of extinction due to the same cause (LIFE10 NAT/BG/000152).

One of the destructive effects of poison baits is the fact that a single poisoned animal or a single poisoning incident can lead to mass deaths or the local extinction of a species, as was the case at the Nestos Gorge in February 2012. This incident led the European Commission to start an infringement procedure against Greece in September 2013, calling the Greek authorities to better control this phenomenon throughout Greece and take the measures necessary for restoring the damage caused at the Nestos Gorge in 2012. Since measures for ensuring the complete compliance with Union law have yet to be taken, the Commission sent a reasoned opinion in September 2016, based on the fact that if the Greek authorities do not take measures within 2 months, the case may be referred to the EU Court.

The incident of mass poisoning at the Nestos Gorge led to the creation of the Antipoison Task Force. This Task Force consists of the environmental organizations ARCTUROS, Hellenic Wildlife Care Association ANIMA, Hellenic Society for the Protection of Nature, Hellenic Ornithological Society, Callisto, WWF Greece and the Natural History Museum of Crete – University of Crete. The Hellenic Ornithological Society is responsible for the coordination of this Task Force under the framework of the LIFE+ project “The Return of the Neophron”. The main aim of the Task Force is to promote proposals and institutional changes to eradicate wildlife poisoning and to highlight the problem on a local and national level.

The information available regarding poisoning incidents in Greece comes mostly from the Task Force which has developed a poisoning incident record protocol and a database for registering such incidents. More than 830 poisoning incidents that took place in the countryside have been registered to the database for the period 2000-2016. For the period 2012-2015 alone, 37 Griffon vultures, 6 Egyptian vultures, 6 bears, 48 Common buzzards etc. have been recorded as poisoned. The number of dogs, which were victims of poisoning (92 shepherd dogs and 66 hunting dogs), is particularly high for the same period. Despite this remarkable recording effort, these incidents constitute a very conservative estimation of the phenomenon due to the difficulty in detecting poisoned animals, but also mostly due to the lack of systematic recording of the incidents (Ntemiri & Saravia 2016). The compliance and the constant updating of an equivalent database by the competent authorities is expected to provide a substantiated and detailed description of the problem, which
will allow them to implement targeted actions in order to deal with this fatal practice.

The main motives for using poison baits are the losses caused by the so-called “harmful” species (wolves, bears, foxes etc.) to livestock and plant production, the pressure to game species, (e.g. hare predation by foxes) and the personal disputes between land users, usually between stockbreeders and hunters (Xirouchakis et al. 2000, Skartsi et al. 2014). In addition, poison baits often target dogs, especially stray ones but also shepherd and hunting dogs as a result of disputes between stockbreeders and hunters (Skartsi et al. 2014, Kret et al. 2015, Vavylis et al. 2016, Ntemiri & Saravia 2016).

Findings show that there are several types of poison baits, the most common being pieces of meat, bones or fat or even a complete carcass, depending on target species, which have been laced with poison. According to the toxicological analyses results of the poisoned animals and/or baits, the poisons used include a wide range of chemical substances (usually plant protection products, authorized or unauthorized), such as organophosphates, organochlorines and carbamate insecticides. Potassium cyanide baits coated with paraffin are also usually used. Toxicological analyses also reveal the widespread activities of an illegal trade network of unauthorized pesticides in Greece, as the most usual active substances of pesticides in poison baits (with the exception of the authorized form of Methomyl) are Carbofuran and Endosulfan that have been banned.

1.3. Addressing the problem

The difficulty in containing the phenomenon of illegal use of poison baits is due to a combination of factors which are presented in brief as follows:

- Legislation

The ban of the poison baits use is widespread in various provisions of national, union and international origin. However, during the application of the relevant legislation and in particular during the management of poisoning incidents, overlaps and ambiguities appear regarding the competence of services, as well as institutional gaps, practical difficulties or even interpretative contradictions which hinder the efficiency of the relevant protective provisions.

- Insufficient compensation system

The compensation system of the Greek Agricultural Insurance Organisation (ELGA in Greek) for the cover of the damage caused to livestock and plant production is not always effective. Farmers and stockbreeders are faced with practical difficulties during the compensation process and as a result they either do not claim it at all, or if they submit an application, the amount of money they receive is smaller than the
true value of the damages they suffered or the compensation is received with great delay. Furthermore, the compensation of damages by wild boars is applicable only in Ramsar sites which is insufficient because the overwhelming majority of insured producers is left without compensation in many areas of Greece. The aforementioned difficulties may lead certain producers to the illegal use of poison baits in order to protect their livestock and plant production.

- **Easy access to toxic substances by perpetrators**

Perpetrators, as is evident by the wide geographical range and the frequency of incidents combined with the results of toxicological analyses of poisoning incidents, have easy access to toxic substances and more specifically to plant protection products of high toxicity. These substances are available on the market for professional and non-professional users, not only legally as active components of a wide range of authorized pesticides, but also illegally as non-authorized products are available on the black market.

- **Inappropriate application of the law for pets**

The legislation for pets Law 4039/2012 (OGG A 15), as amended and in force, shall fight the phenomenon of abandoning pet animals. However, its application has been insufficient until now mostly in terms of marking, the operation of the web database for registering animals and their owners, as well as of the proper functioning of stray animals shelters.

- **Lack of a standard procedure for managing poisoning incidents**

The lack of a standard procedure and the absence of action protocols with regard to the detection of poison baits/animals, the collection, the shipping of samples to conduct toxicological analysis, the final disposal of carcasses, the use of findings for prosecuting, etc. cause a significant difficulty in effectively addressing the problem of the illegal use of poison baits. The absence of a targeted process leads to the failure in coordinating the authorities involved and to the lack of qualified staff, sources and infrastructure for managing poisoning incidents.

- **Wildlife poisoning’s reduced penal gravity**

A basic obstacle for effectively addressing the phenomenon of illegal use of poison baits is the lack of understanding and realization that wildlife poisoning is in fact a criminal act, not only in terms of state and institutions, but also with regard to society. On behalf of the state, the ineffective application of the law that is usually related to inadequate inspection and supervision of poisoning incidents and the inability or refusal to conduct judicial investigations in accordance with what is expressly defined by law (see Circulars of the Supreme Court Prosecutor 8/2013 and
testifies to the indifference of formal authorities regarding the elimination of the phenomenon. It should be noted that the nature of this crime makes the detection of perpetrators extremely difficult. Furthermore, even after identifying the perpetrators, the sanctions established in the existing legislation for the poisoning of wildlife are extremely mild and therefore can hardly act as a deterrent in order to avoid future incidents.

- Lack of environmental education and awareness

The illegal use of poison baits, in spite of being illegal and punishable, it is not usually considered as a crime against the fauna and the environment by the Greek society, including the competent authorities especially in the countryside who consider it as a “minor crime” lacking importance. This might be due to the absence of adequate knowledge and lack of emphasis on the adverse consequences that this practice has both on biodiversity and on public health. This absence of knowledge often leads to social acceptance of the offender to such an extent that sometimes he/she even promotes himself/herself as the punisher of “harmful” animals that he/she poisoned. Most of the times, that is tacitly accepted by a local society which condemns the destruction of environment, but at the same time refuses to help the state in protecting the environment.

- Lack of spatial planning

The absence of an appropriate siting of activities in the countryside often leads to conflicts between several land users, such as stockbreeders and hunters. This conflict can be expressed by using poison baits aiming at shepherd and hunting dogs.

2. PURPOSE AND AIMS OF THE NATIONAL STRATEGY

The purpose of this Strategy is to define the guidelines for the establishment of a comprehensive and integrated national framework of actions for the elimination of the illegal use of poison baits in the Greek countryside.

The Strategy will have as a scope the whole of Greece and will define the procedures for assessing the size of the problem of the illegal use of poison baits, adopting the appropriate proactive and preventive measures and coordinating more effectively the competent Services and involved bodies for the best management of poisoning incidents.

The Strategy is composed of five general aims, which are further analyzed in actions and will be specialized with the 5-year National Action Plan.
AIM 1: Increase and improvement of available information on the illegal use of poison baits

1.1. Improvement of information on the origin and the impact of poison baits

1.1.1. Improvement of information on the motives behind the use of poison baits (socio-economic reasons).
1.1.2. Detailed study of the impact of poison baits on biodiversity and mostly on endangered species.

1.2. Creation of baseline information and a risk assessment map

1.2.1. Establishment of a standard poisoning incidents recording protocol, in which all available data will be recorded: geographical location, date, poisoned species, information about the bait (type of bait, toxic substance etc.), motive of poisoning, actions (submission of complaint) etc.

1.2.2. Poisoning incidents and all relevant information recorded in the protocol will be registered in the national poisoning incidents record database, which will be managed and regularly updated by the competent Agency of the Ministry of Environment and Energy (MEE). This database will be linked to a risk assessment map indicating areas with high intensity of poison bait use, taking into account the number of incidents and the need for protecting biodiversity in a specific area.

1.2.3. The competent Agency of the MEE in cooperation with all involved agencies and bodies will collect all available information regarding the recorded poisoning incidents which will then publicize in annual reports.

1.3. Ensuring rapid data exchange among all involved parties

1.3.1. Identification of all agencies, bodies and parties involved in poisoning incidents to ensure direct and universal access to information and to improve cooperation and rapid data exchange.

1.3.2. Creation of channels of rapid data exchange and encouragement of cooperation between inspection authorities and law enforcement authorities for the prevention and detection of poison baits with the participation of environmental organizations and other bodies experienced in fighting against wildlife poisoning.

1.3.3. Cooperation of regional vet services, the Center of Veterinary Institutes of Athens (CVIA) and wildlife rescue centers with investigators and prosecuting authorities to notify and inform about poisoning incidents.
1.3.4. Complete and unrestricted flow of data between prosecuting authorities (police/forest service) that investigate the case, the CVIA that conducts the toxicological analyses and the prosecutors that deal with the case.

1.3.5. Direct notification of autopsy results and toxicological analyses to investigators and timely inclusion of the results in the case file.

1.3.6. Publication of all data related to poisoning incidents (except for pending cases), which will include the measures taken and the prosecution.

AIM 2: Prevention, deterrence and monitoring of the illegal use of poison baits

2.1. Adoption of preventive measures

2.1.1. Establishment and implementation of active protection programmes for livestock and plant production.

2.1.2. Subsidized supply of appropriate livestock guardian dogs (LGD), electric fences and other damage preventive measures.

2.1.3. Reinforcement of training programmes for livestock breeders on training methods for LGDs, appropriate health care etc.

2.1.4. Reinforcement of research on preventive methods and assessment of their effectiveness.

2.1.5. Adequate, timely and effective compensation of stockbreeders and farmers for damages in livestock and plant production respectively.

2.1.6. Proper implementation of legislation provisions for pets.

2.1.7. Conducting studies on species causing damages (e.g. foxes, corvids) to monitor their population and assess the extent of damage they cause.

2.1.8. Proper siting of hunting activity to avoid conflict with other activities, such as grazing.

2.1.9. Conducting of local land use plans.

2.1.10. Establishment and implementation of prescription of pesticides as a prerequisite procedure for selling pesticides.

2.2. Adoption of deterrent measures

2.2.1. Discouragement of poison baits use from possible perpetrators by imposing strict administrative and criminal sanctions.

2.2.2. Imposition of strict administrative and criminal sanctions for the illegal training of hunting dogs outside the designated training areas.

2.2.3. Cancellation/reduction of European subsidies under the framework of Cross Compliance of producers who either used poison baits or possessed non-authorized pesticides.
2.2.4. Establishment of enforcement of financial sanctions for the handling of environmental damages, under the form of confiscation of the perpetrators' movable and real estate property

2.3. Adoption of training and awareness raising measures

2.3.1. Training of officers of the different authorities involved in the management of poisoning incidents through specialized seminars.

2.3.2. Awareness raising among judges and prosecutors regarding the consequences of the illegal use of poison baits.

2.3.3. Informing and awareness raising of land users (farmers, stockbreeders, beekeepers and hunters) through meetings with representatives of the competent services with regard to the impact of poison baits use on public health and biodiversity, as well as the prescribed administrative and criminal sanctions.

2.3.4. Implementation of environmental awareness campaigns aiming at stockbreeders, farmers, hunters and other groups possibly related to poison baits use. These campaigns will provide information on the impact of poison bait use on endangered species, the risks for human health and the prescribed administrative and criminal sanctions. At the same time, these campaigns will highlight the important role that predators and scavengers play in the proper functioning of the ecosystem.

2.3.5. Conducting an information and awareness raising campaign in pesticide trading stores regarding the risks of poison baits for the environment and public health.

2.3.6. Implementation of a zero tolerance attitude among the general public towards the crime of wildlife poisoning by conducting a nationwide awareness raising campaign with the assistance of mass media and social networks and in cooperation with Environmental NGOs and other bodies experienced in this issue.

2.3.7. Environmental education programmes in schools regarding the illegal use of poison baits and the significant role of predators in ecosystems, mainly in areas of high risk.

2.3.8. Creation of a telephone line and relevant websites to inform the public and raise its awareness on how to handle poisoning incidents and the importance of denouncing them to competent authorities.

2.4. Adoption of inspection and supervision measures

2.4.1. Establishment of Poisoning Incidents Management Groups within law enforcement authorities that will conduct, among others, regular patrols in order to detect poison baits focusing on areas of high risk.
Creation within relevant competent authorities of poison baits detection units with specially trained dogs.

The Poisoning Incidents Management Groups will be in charge for the following:

- Operation coordination and conducting inspection and surveillance patrols in order to ensure the effective detection of poison baits and/or animals.
- Timely removal of poison baits and animals from the natural environment as well as collecting and storing evidence and samples to be sent for toxicological and other analyses.
- Investigation of poison baits incidents.
- Participation in wildlife conflict solving actions.
- Conducting inspections of the sales of products used to produce poison baits.
- Informing and awareness raising of the general public.

2.4.2. Implementation of local action plans against the illegal use of poison baits in areas of high risk.

2.4.3. Implementation of conservation management plans in Special Protection Areas (SPA) with scavenger birds of prey listed as trigger species.

2.4.4. Ensuring the existence of the needed resources, infrastructure and the appropriately trained staff in the relevant competent authorities.

AIM 3: Increase of prosecution effectiveness

3.1. Ensuring proper collection, conservation and custody of evidence and animal carcasses.

3.1.1. Establishment of a protocol for the collection, conservation and custody of evidence and animal carcasses.

3.1.2. Training of law enforcement authorities and staff that may be involved in the collection and preservation of evidence in poisoning cases.

3.1.3. Providing all of the relevant authorities with the appropriate equipment and infrastructure for the proper collection and preservation of evidence.

3.1.4. Active participation of Greek Police and implementation of its research methods in the investigation of poisoning incidents with special emphasis in high risk areas.
3.2 Conducting toxicological analysis of poison baits/animals

3.2.1. Establishment of a toxicological analysis protocol and the bases of a standardized expert’s report.
3.2.2. Ensuring the adequate staffing of the Center of Veterinary Institutes of Athens (CVIA) and the acquisition of appropriate equipment.
3.2.3. Conducting toxicological analysis on all poison baits/animals.
3.2.4. Ensuring close cooperation between CVIA and the prosecuting authorities.

3.3 Ensuring the establishment and the implementation of effective, proportionate and deterrent sanctions.

3.3.1. Coordination of competent services.
3.3.2. Posting sanctions on the Transparency Programme Initiative (Diavgeia).

AIM 4: Control of disposal of toxic substances which might be used for manufacturing poison baits

4.1. Increase in disposal control of legal substances used for manufacturing poison baits

4.1.1. Implementation of regular controls at pesticide trading stores.
4.1.2. Implementation of on-site controls of professional users (namely professional farmers).

4.2. Management of banned substances used in poison baits

4.2.1. Creation of a complete management system of non-authorized pesticides.
4.2.2. Establishment of a removal programme of non-authorized pesticides.
4.2.3. Creation of a control and monitoring plan for the removal of expired pesticides.
4.2.4. Implementation by the regional Directorates for Agricultural Economy and Veterinary of a pesticide amnesty scheme for the disposal of any leftover stock of presently non-authorized pesticides.

4.3. Elimination of illegal trafficking of non-authorized pesticides

4.3.1. Conducting regular controls in cooperation with customs authorities regarding the availability of non-authorized pesticides in the market and especially of those with foreign labels.
4.3.2. Intensification of border controls for the illegal import of pesticides from other countries.

4.3.3. Stricter administrative and criminal sanctions.

4.3.4. Training of professional users, distributors and agronomists with regard to the consequences of illegal pesticides and the methods for detecting them.

4.3.5. Informing and awareness raising of farmers and amateur users on the consequences of illegal pesticides use.

**AIM 5: Ensuring administrative action for the protection of biodiversity and improvement of coordination and cooperation among all competent services and involved bodies and parties.**

5.1. **Adoption of appropriate administrative measures for the protection of biodiversity from the use of poison baits**

   5.1.1. Adoption of an environmental liability approach to damages caused by poison baits use.
   
   5.1.2. Preparation of a list establishing the economic value of all wildlife species that may fall victim to poison baits. This will help to define the economic damage caused by poisoning and to claim the relevant environmental liability. Other factors such as the protection status of the species or the cost of conservation programmes must be taken into account.

5.2. **Promotion of coordination and cooperation among all competent services and bodies which are involved in the fight against poison**

   5.2.1. Organization of regular meetings for the coordination of actions in which representatives of the Ministries of Environment and Energy and Rural Development and Food, investigators and experts on issues of hunting, agricultural production and stockbreeding shall participate.
   
   5.2.2. Development of a system of cooperation among competent authorities and other society sectors involved in the problem, such as the agricultural sector, the hunting community or environmental NGOs.

3. **STRATEGY DEVELOPMENT, COORDINATION AND FUNDING**

The National Strategy will be implemented through an Action Plan which shall last five years. In order to achieve the aims of the Strategy, Greece can capitalize on European Union resources (National Strategic Reference Framework - NSRF), while also securing national resources (Green Fund), especially for the first years of the Strategy's implementation.
For the purpose of monitoring and supervising the National Strategy, a National Antipoison Task Force will be established.

3.1. Establishment of the National Antipoison Task Force

The National Antipoison Task Force will constitute the government’s advisory body on issues regarding the illegal use of poison baits. The purpose of the Task Force will be to inform and provide advice in order to monitor the problem of illegal use of poison baits and develop and implement this Strategy.

The National Antipoison Task Force will be composed of:

5. A representative of the Greek Police force.
6. A representative of Environmental NGOs having experience on the subject.
8. A representative of the Panhellenic Confederation of Unions of Agricultural Cooperatives (PAGESES).

In order to reduce the illegal use of poison baits, the Task Force will have the following tasks:

i. Encouragement, coordination and supervision of all actions defined hereby.
ii. Development of special protocols
iii. Provision of updates and advice with regard to actions which impact or affect significantly the poisoning problem.
iv. Drafting of an annual evaluation report which will include a risk assessment map and all data recorded to the database (respecting matters of privacy and current investigations). The annual report will also describe the situation and progress of the poisoning problem, the level of compliance etc.
4. EVALUATION AND MONITORING OF THE STRATEGY IMPLEMENTATION

The successful implementation of the National Strategy requires constant monitoring and evaluation of its implementation progress. The competent body, both for the implementation of the National Strategy and for the coordination of the involved ministries, is the Ministry of Environment and Energy. The National Strategy will be reviewed every five years according to the reports on its implementation progress that will be drafted by the National Antipoison Task Force. The National Strategy Against the Illegal Use of Poison Baits will be put into practice and implemented through a detailed Action Plan which shall be applied and updated every five years.
5. REFERENCES


References in Greek

