



ToR for BIOVAL - Ecosystems Recovery Calculation

Preface:

Due to the evolving constraints of the COVID-19 pandemic the face-to-face events and/or milestones set in this ToR might need to be revised and changed. For further information, please contact the Project Manager(s) or send an email to the [IMPEL Secretariat](#).

ToR Reference No.: 2020/21	Author(s): John Visbeen (IMPEL) / Jan van den Berghe (EUFJE)
Version: 5	Date: 14/04/2020
TERMS OF REFERENCE FOR WORK UNDER THE AUSPICES OF IMPEL	

1. Work type and title

1.1 Identify which Expert Team this needs to go to for initial consideration	
Industry and air	<input type="checkbox"/>
Waste and TFS	<input type="checkbox"/>
Water and land	<input type="checkbox"/>
Nature protection	<input checked="" type="checkbox"/>
Cross-cutting tools and approaches	<input type="checkbox"/>
1.2 Type of work you need funding for	
Exchange visits	<input type="checkbox"/>
Peer reviews (e.g. IRI)	<input type="checkbox"/>
Conference	<input type="checkbox"/>
Development of tools/guidance	<input checked="" type="checkbox"/>
Comparison studies	<input checked="" type="checkbox"/>
Assessing legislation (checklist)	<input type="checkbox"/>
Other, (please describe):	<input checked="" type="checkbox"/>
Exchange of information, meeting of experts.	
1.3 Full name of work (enough to fully describe what the work area is)	
To develop a pricelist to calculate the damage that is caused by infringements to ecosystems and protected species. The pricelist gives an indication to prosecutors and judges to be used by prosecution and verdict or to calculate the payment for recovery of damage to the eco system and protected species.	



1.4 Abbreviated name of work or project

BIOVAL – Ecosystems Recovery Calculation.

2. Outline business case (why this piece of work?)

2.1 Name the legislative driver(s) where they exist (name the Directive, Regulation, etc.)

- Bird directive, 2009/147/EC.
- Habitats directive, 92/43/EEC.

2.2 Link to IMPEL MASP priority work areas

1. Assist members to implement new legislation.
2. Build capacity in member organisations through the IMPEL Review Initiatives.
3. Work on 'problem areas' of implementation identified by IMPEL and the European Commission.
4. Other, (please specify):

2.3 Why is this work needed? (background, motivations, aims, etc.)

There is still a lack of awareness of the impact of wildlife crime to ecosystems and protected species. The way to calculate this damage in order to become a useful and reliable instrument during prosecution and during court cases is a topic that needs to be further explored. There are already some good examples. For instance, in Finland the prosecutor is obliged to work with a 'pricelist' that calculates damage to ecosystems and protected species. This varies from smaller infringements to wildlife crime where heavy endangered species are involved.

During several conferences and workshops according to wildlife trafficking and wildlife crime the need to make the damage to ecosystems and protected species visible during court procedures is emphasized. This is important because it contributes to awareness raising to prosecutors and judges who are often not specialized. A good, objective and a comparable system to make the damage visible will increase the support to use a 'pricelist' during prosecution and court procedures.

Several aspects must be considered. First of all, the ecological aspect of the infringement. Is recovery possible or are the effects of the crime irreversible? What is the amount of time needed to restore? Is the state of conservation at stake? Therefore, biological knowledge and knowledge how ecosystems and protected species are functioning is necessary. Second, is it necessary to validate/calculate the ecological damage within the existing economic system. Here we need creative thinkers with knowledge about functioning of our economic systems. Third, we need knowledge of juridical procedures, administrative law and criminal law. How is it possible to implement the calculation of damage within investigation, prosecution and court procedures? Questions are whether to use the knowledge about the damage as part of the verdict (penal law) or as cost need for restoration of the damage (administrative or civil law) or simultaneously.



We must keep in mind and think about communication strategies in a later stage of this project because making the public aware of the damage to nature, expressed in Euros also contributes to raising awareness and, therefore, the prevention of wildlife crime.

2.4 Desired outcome of the work (what do you want to achieve? What will be better / done differently as a result of this project?)

- Overview of different approaches towards the calculation of damage to ecosystems and protected species as part of prosecution and court cases.
- Recommendation to find a unified approach/process to calculate damage to ecosystems and protected species.
- Develop a unified approach and process to calculate damage to ecosystems and protected species and the use during prosecution and court procedures.
- Develop the necessary tools (e.g. pricelist, database, etc.) to calculate the damage to ecosystems and protected species.
- Training/instruction sessions on the process and the use of the tools to calculate the damage to ecosystems and protected species.
- Implementation of the tools to calculate the damage to ecosystems and protected species and the use during prosecution and court cases.

2.5 Does this project link to any previous or current IMPEL projects? (state which projects and how they are related)

Not necessarily, but the topic about the need to make the damage to ecosystems and protected species visible has been pointed out during several (Life+) conferences and workshop and this topic was also presented and discussed during the joint networks conference in Oxford. This based on the example of the Finnish pricelist.

3. Structure of the proposed activity

3.1 Describe the activities of the proposal (what are you going to do and how?)

In 2019 a core team has been established with representatives of IMPEL, EUFJE, ENPE, University (KU Leuven and Lancaster University) and Birdlife International. During the core team meeting the aim of the BIOVAL project was explained and its aim is to create an instrument similar to the Belgian 'Indicative Table' to value biodiversity damage. The instrument the core team has in mind will not be legally binding. In a first stage, BIOVAL will focus on fauna / vertebrates.

In November 2019 a second workshop was held in Brussels . Here David de la Bodega from SEO Birdlife presented the LIFE project Nature Guardians. The aim of the presentation was also to look for synergies between this project and BIOVAL. David explained that Nature Guardians, action A.3 entails harmonising the different existing price lists in Spain and proposed a method for Portugal and some other EU countries. The action focusses on fauna. The aim is not to gather information about evaluation systems for environmental damage in all 27 Member States. Action A.3 aims at valuation of fauna for compensation / restoration, as well as for the adoption of (administrative) sanctions.



The value of species should be clearly distinguished from the use that will be made of it. There can be different uses of the value of species (for compensation, for determining sanctions), but there can only be one value of a species.

Under BIOVAL, we want to perform a meta-analysis with the data we collected e.g. why are mammals valued higher than birds, big birds higher than small birds, etc. Ngo's and judges often use the cost of a reintroduction program to determine the value of a bird, but this does not reflect the real value of a species. This is wrong from an economic point of view.

The restoration cost is a relevant criterion because Member States have obligations under the Birds and Habitats Directive to achieve certain numbers of species. We need an instrument that will be supported by the judiciary because the judiciary was involved in the creation of the instrument.

Proposed BIOVAL activities for 2020:

- 1) BIOVAL has a broader scope and want to send out questionnaires to all the members of the EUFJE, ENPE, IMPEL and EnviCrimeNet networks and gather information about the systems in as many Member States as possible. BIOVAL wants to work multidisciplinary and involve different stakeholders, not only judges and prosecutors, but also economists, biologists.
- 2) BIOVAL wants to examine many possible criteria and possibly a list of non-monetary restoration measures. The instrument could help inspectors, police, prosecutors, judges, experts to better understand what the impact is of the loss of a species. This could improve the quality of expert reports and of official reports.
- 3) The networks will publish, disseminate and organise trainings on the instrument.

SEO Birdlife and project BIOVAL members will consult and keep each other informed of the progress made. Probably workshops can be organized parallel or back to back. ENPE will be able to finance people's travel and accommodation costs.

Results of the project can be presented during the 4 Networks Conference in 2021 (tbc) and also one of the breakout sessions can be used as work sessions for the BIOVAL project.

3.2 Describe the products of the proposal (what are you going to produce in terms of output / outcome?)

- 1) Develop a questionnaire to be disseminated in the networks.
- 2) Summary report with the analysis of the results of the questionnaire.
- 3) Plan/proposal for the activities to take place in 2021.

3.3 Describe the milestones of this proposal (how will you know if you are on track to complete the work on time?)

- **July 2020:** Examination of the results of the questionnaire.
- **September 2020:** Teleconference core team meeting to discuss the results of the questionnaire and follow up.
- **November 2020:** Teleconference for the planning and organisation of activities for 2021.



3.4 Risks (what are the potential risks for this project and what actions will be put in place to mitigate these?)

Because of COVID-19 pandemic, in 2020, all activities will be organised by digital means, e.g. teleconferences, MS Teams, etc. In 2020 will work on the results of the questionnaire and aim to plan face-to-face meetings in 2021.

4. Organisation of the work

4.1 Lead (who will lead the work: name, organisation and country) – this must be confirmed prior to submission of the TOR to the General Assembly)

Co-led by:

- John Visbeen, Provincie Flevoland, The Netherlands, (IMPEL).
- Jan van den Berghe, Judge, Belgium (EUFJE).

4.2 Project team (who will take part: name, organisation and country)

Core team:

- Jan Van den Berghe (EUFJE).
- John Visbeen (IMPEL).
- Lars Magnusson (ENPE).
- PM University, Prof. Sandra Rousseau (KUL).

4.3 Other IMPEL participants (name, organisation and country)

Possible participation of experts from Finland and Spain and other experts on this specific topic who can give their contribution to the project.

4.4 Other non-IMPEL participants (name, organisation and country)

- Willem Vandenbossche, Birdlife International, Brussels.
- Sandra Rousseau, KU Leuven.
- Maribel Rodriguez Valero, Lancaster University.

5. High level budget projection of the proposal. In case this is a multi-year project, identify future requirements as much as possible

	Year 2020 (exact)	Year 2	Year 3	Year 4
How much money do you require from IMPEL?	N/a.			
How much money is to be co-financed?				
Total budget	N/a.			



6. Detailed other costs of the work for year 2020

6.1 Are you using a consultant?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6.2 What are the total costs for the consultant?	N/a.
6.3 Who is paying for the consultant?	N/a.
6.4 What will the consultant do?	N/a.
6.5 Are there any additional costs (NOT included in point 5)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe:
6.6 What are the additional costs for?	N/a.
6.7 Who is paying for the additional costs?	N/a.
6.8 Are you seeking other funding sources?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If your answer is 'Yes', please describe: Post doc of University, probably funded by the fund for scientific research.
6.9 Do you need budget for communications around the project? If so, describe what type of activities and the related costs.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If your answer is 'Yes', please describe:



7. Communication and follow-up (checklist)

	What		By when
7.1 Indicate which communication materials will be developed throughout the project and when? <i>(all to be sent to the Communications Officer at the IMPEL Secretariat)</i>	TOR ^{✓*} Interim report ^{✓*} Project report ^{✓*} Progress report(s) [✓] Press releases News items for the website ^{✓*} News items for the e-newsletter Project abstract ^{✓*} IMPEL at a Glance [✓] Other, (give details):	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	April 2020 November 2020 When necessary When necessary
7.2 Milestones / Scheduled meetings (for the website diary).	See 3.3.		
7.3 Images for the IMPEL image bank.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
7.4 Indicate which materials will be translated and into which languages.	N/a.		
7.5 Indicate if web-based tools will be developed and if hosting by IMPEL is required.	N/a.		
7.6 Identify which groups/institutions will be targeted and how.	N/a.		
7.7 Identify parallel developments / events by other organisations, where the project can be promoted.	Presentation of the results at the 4 Networks Conference in 2020.		

[✓]) Templates are available and should be used. ^{*}) Obligatory



8. Remarks

Is there anything else you would like to add to the Terms of Reference that has not been covered above?

This project does not aim to have a consultant, but it foresees the collaboration with universities who have the possibility to incorporate this topic and activities within their research programmes. It is aimed to have a project lead from a university.

Another possibility is for ERA (Malta) to take a role in this project (e.g. training sessions, combined with more general information according to wildlife crime).

In case of doubts or questions please contact the [IMPEL Secretariat](#).

Draft and final versions need to be sent to the [IMPEL Secretariat](#) in Word format, not in PDF.

Thank you.