



In a stand of trees within a residential area of A-town, near some apartment blocks and a kindergarten, a colony of rooks (*Corvus frugilegus* - a species of crows) has developed. By mid-March neighbours are complaining massively to the town administration: The colony is very noisy, the rooks are raiding open garbage cans and a waste dump some kilometres away. Moreover, they produce lots of bird droppings, in particular on cars parking under trees and on benches.

Visiting the site, the mayor of A-town announces "Operation Shock and Awe": The next day the municipal fire brigade will be dispatched to destroy the nests, members of the local hunting association had volunteered to patrol the area during the coming weeks to shoot any remaining rooks and poisoned bait will laid out.

The same day, the local chapter of the NGO "Friends of the Birds" appeals to your court and urgently requests an order to prohibit these measures. You are on duty for urgent matters and immediately convene the NGO and the mayor to your court.

The NGO claims that birds should enjoy freedom to nest wherever they want. They are particularly outraged that the use of poison and the destruction of nests are envisaged. As regards the issue of garbage cans, they could be fitted with closings to keep out the rooks and other birds. The waste dump should be managed more properly anyway. If the colony is not to be tolerated, the town should wait until it is abandoned for the winter and prevent its re-establishment the following year. At the very least the town should wait some weeks until the young rooks leave the nest and avoid the killing of birds. Finally, they suggest that the town could hire a falconer to employ peregrine falcons in the area to scare the rooks away. Conversely, they doubt that the presence of hunters for some weeks would scare the birds away permanently.

The mayor replies that NGOs do not have standing to introduce such requests. In substance he argues that something urgently needs to be done to combat the rooks are needed. He doubts that the measures suggested by the NGO would work; moreover, they would be too expensive.

If your court should grant an interim order he requests that the NGO is ordered submit a security of at least 500 000 Euros to cover any eventual damage the rooks cause in the interim if the final decision on the action confirms the legality of the planned measures.

- Please appreciate this case in the light of the Birds Directive.
- If there is time, please verify whether a mayor (the administration of a town) would be competent decide such issues in your legal system. Could you as judges raise the issue of the mayor's competence out of your own initiative if the NGO doesn't raise it?
- If there is even more time: Can NGOs introduce such an action in your legal system? Could they obtain interim relief? And could the Mayor require a security if interim relief is granted?
- Bonus question: Would your response change if it wasn't the rook but the rose-ringed parakeet (*Psittacula krameri*) that was causing the problems?



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