

The regulatory regime for falconry in Hungary

2022



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"Falconry is a fixed star in the sky of European culture, the most traditional hunting method and cultural activity."

(Dr. János Aradi)

Preambulum

Falconry is a hunting method with a millennia-old tradition, in which the hunter (falconer) uses trained birds of prey to catch wild prey.

This is the short classical definition of falconry, which explains why, despite the different cultures and traditions, the falconry methods used in different countries of Europe are very similar and have not changed significantly over centuries, even millennia.

The most important reason for the persistence of falconry: the basic hunting tool of falconers, the bird of prey (falcon, hawk, eagle), has not changed in the last few thousand years (a few thousand years is an insignificant time in the 5 billion or so years of evolutionary history).

The attitude, the mentality, of falconers in different countries is very similar, almost identical. This fact is a compelling reason for a more intensive cooperation of European falconers, especially in the field of regulations and laws governing falconry, which should be the same or almost the same throughout Europe. This objective is to be achieved by the V4 countries joining forces in the field of falconry.

On falconry in general

Throughout its history, Europe has always been a home of different cultures and traditions. But falconry is one of those common heritages, with traditions that are identical in every way.

falconry is a community way of life that focuses on the love of birds of prey and nature, the knowledge of hunting, training and breeding of birds and the rearing of chicks. The mission of falconers is to preserve traditions, to educate and teach, and to pass on the knowledge of falconry.

This includes the love of birds of prey and nature, the knowledge of hunting as well as the training, breeding and rearing of birds, the preparation and use of traditional falconry equipment, the exploration of the historical past of falconry, the preservation of traditions, the shaping of attitudes and teaching, the transfer of solymetry knowledge, the organization and holding of falconry events, community building, the involvement of local communities and the representation of falconry at national and international events.



As an ancient tradition that is still alive today, falconry does the least harm to its environment, so whether it will survive depends on how widely we can communicate the mindset that goes with the cultivation of this tradition, and the need to protect the environment and nature.

In every country, there are associations to support the work of falconers and an international federation bringing together the world's falconry organizations.

Falconry dates back at least 4000 years, with evidence of its existence dating back to the earliest times. The nomadic hunter-gatherer kept, bred and tamed birds of prey somewhere in the wilds of Inner Asia, which instinctively hunted and returned to man. Thus began the conquest of falconry.

Falconry in Hungary

The Hungarian falconry past goes back more than a thousand years, it is part of the Hungarian consciousness and as such it has been present throughout its history.

At the time of the conquest, people highly cultivating falconry arrived in the Carpathian Basin, and it flourished in our country from the founding of the state until the 1600s. Later on, numerous records, written monuments and reliefs bear witness to the flourishing of the art of falconry in Hungary, and it has been practiced by kings and rulers throughout Hungarian history, and played a dominant role in Hungary until the 17th century, but it has survived to this day.

The largest number of traditional hunters worldwide are falconers, and the most prestigious recognition to date is that of falconry as a UNESCO World Heritage Site, and in many countries it is part of the national cultural heritage.

In our country, it has been on the National Register of Intangible Cultural Heritage since 2010, the "Living Heritage of Falconry" since 2012, can be found on the UNESCO Representative List of the Intangible Cultural Heritage of Humanity as a multinational nomination and is part of the HUNGARICUM Heritage since 2013.

The Hungarian Falconers Club believes that nature conservation is part of the activities of all falconers, past and present. Throughout its history, falconry has demonstrated the principle of "sustainable development", which is so much sought after in other activities.



Falconry and nature conservation

Falconry has many links with nature and the preservation of nature. The knowledge of birds of prey, the observation of them in their habitat, the coexistence with birds of prey, their breeding in confined areas, provide the falconer with scientific knowledge that cannot be acquired in the wild, or only rarely and superficially. This knowledge can be put to good use in the conservation of birds of prey and in nature conservation.

Over the millennia, falconers have learnt that wild populations of birds of prey can only be utilized to the extent that they do not cause a decline in the population of birds of prey, while ensuring that future generations of falconers can continue to hunt with them.

In the years of the 20th century, the rapid development of industry and agriculture, the occupation of land, the introduction of new and powerful insecticides, especially DDT, have heavily affected most species of birds of prey. Falconry has adapted flexibly to the altered situation and has developed indoor breeding and rearing of birds of prey.

With the general introduction of bred birds of prey, the practice of falconry was put on a firm footing, and the knowledge gained from breeding was used - especially in western countries - to rapidly increase the population of birds of prey, which had declined significantly in the wild, in bird of prey reintroduction programs.

Our aim is to prove that nature conservation, bird of prey conservation and falconry are not contradictory, but compatible activities with many opportunities for mutual cooperation! Our aim is also to identify the directions for the development of the Hungarian falconry - without affecting nature conservation interests, with particular reference to the practice of falconry in the EU's leading countries.

General rules in Hungary

- The keeping of protected species requires a permit from the nature conservation authority, which may be granted for a period specified in the application, but not exceeding five years.
- The crossing of protected species or the breeding of their hybrids may only be authorized in the interests of nature conservation.



- A permit for breeding protected species does not entitle one to keep breeding stock. It has to be requested separately from the nature conservation authority. A breeding permit may be granted only if the permit holder can provide for the housing of the breeding stock defined by law and submits a declaration of intention to this effect with his application.

Key rules for falconry

(enter into force on 1 August 2022)

1. The system is based on prior application, whereby all falconry activities must be applied for in advance from the authority and can be carried out after obtaining a permit.
Import permit, keeping permit, presentation permit, utility permit for keeping birds. Breeding permit, transfer permit, export permit and notification of the transfer of the bird, for newly bred birds. The permits are issued by the authority by decision.
2. DNA testing of birds is mandatory. Genetic profile: a laboratory result based on genetic markers that can be used for individual identification or to confirm the descent of a specimen
3. This legislation covers
 - a) protected species, species of special conservation concern or species of conservation importance in the European Community
 - b) species of animals not covered by the previous point which are protected under international conventions on priority species;
 - (c) hybrids resulting from crosses between animal species as referred to in the previous points and animal species not protected under the protection of nature.
4. Only those birds of the species listed in the following point which are kept for the purpose of falconry shall be considered to be birds used for falconry.
5. For falconry purposes - with the exception of specimens from abroad taken into Hungary for an International Falconry Gathering - a permit can be issued to natural persons for keeping, utilization and presentation for the purpose of cultural and historical preservation of the traditions only for goshawk (*Accipiter gentilis*), sparrowhawk (*Accipiter nisus*), golden eagle (*Aquila chrysaetos*), Harris hawk (*Parabuteo unicinctus*), gyrfalcon (*Falco rusticolus*), lanner falcon (*Falco biarmicus*) and peregrine falcon (*Falco peregrinus*). No authorisation may be granted for capture from the wild and use for falconry.



6. A natural person granted a permit for keeping, utilizing or exhibiting birds for falconry purposes may be authorized to
 - (a) the keeping, utilization and display of specimens of species of priority conservation interest covered by international conventions, for public interest and biological control of pests,
 - (b) biological control of pests using licensed birds of prey.
7. For the purpose of organizing an International Falconry Gathering a permit for keeping, utilizing or exhibiting birds of prey can also be issued to organizations established for falconry purposes for specimens of goshawk (*Accipiter gentilis*), sparrowhawk (*Accipiter nisus*), golden eagle (*Aquila chrysaetos*), Harris hawk (*Parabuteo unicinctus*), gyrfalcon (*Falco rusticolus*), lanner falcon (*Falco biarmicus*) and peregrine falcon (*Falco peregrinus*) belonging to foreign falconers who take their birds to the gathering, but only for the duration of the event.
8. The practice of falconry in accordance with nature conservation legislation, along with the breeding of the necessary number of birds to maintain the number of birds in the country, the training and the practical demonstration of falconry as a hunting method for educational purposes at organized events are considered as cultural and historical preservation of traditions.
9. A natural person is entitled to keep a maximum of 2 goshawks (*Accipiter gentilis*) and 2 sparrowhawks (*Accipiter nisus*) taken from the wild at any one time.
10. The permit to keep a bird of prey also entitles the owner to export the bird from the country to a Member State of the European Union and to return it within 30 days, provided that the transport is carried out by the holder of the permit in person.
11. A permit to keep, utilize or exhibit for the purpose of falconry may be granted to a natural person if his/her activity is in the public interest; he/she is of legal age; and
 - a) has passed a nature conservation examination entitling him/her to engage in falconry activities or has passed the theoretical part of the supplementary hunter's exam entitling him/her to hunt with birds of prey in accordance with the Regulation on the pre-hunting course, the hunting examination and the supplementary examinations after 1 August 2022,
 - b) declares that he/she intends to keep, utilize or exhibit the bird of prey for the purpose of preserving cultural and historical heritage, and



- (c) in the case of an application for breeding purposes, have at least 5 years of experience in keeping birds of prey.
- 12.** A permit to keep birds of prey for falconry purposes is issued on condition that a genetic profile, based on the microsatellite markers published on the Ministry's website, is submitted to the nature conservation authority. A genetic profile is not required for a license to keep a Harris hawk (*Parabuteo unicinctus*). In the case of imports of birds of prey from abroad, the genetic profile must be submitted within a maximum of 60 days from the date of import. A genetic profile shall not be required for a permit to keep falconry birds applied for in order to organize an international falconry meeting.
 - 13.** An exam in a Member State of the European Union, in another State party to the Agreement on the European Economic Area or in a State whose nationals enjoy the same status as nationals of a State party to the Agreement on the European Economic Area under an international treaty concluded between the European Community and its Member States and a State not party to the Agreement on the European Economic Area may be considered equivalent to the exam on falconry.
 - 14.** The birds of prey have to be housed in voliers with a minimum area of 28 m² and a height of 3 m for the golden eagle (*Aquila chrysaetos*) and at least 12 m² in area and 2 m height in case of the gyrfalcon (*Falco rusticolus*), the lanner falcon (*Falco biarmicus*), the peregrine falcon (*Falco peregrinus*), the Harris hawk (*Parabuteo unicinctus*) and the goshawk (*Accipiter gentilis gentilis*). A maximum of 2 birds and the offspring of the breeding pair may be kept in a single aviary until they become independent.
 - 15.** In the case of birds of prey kept for falconry purposes, the traditional methods of keeping birds in a garden perch, high perch or flywire housing may be used with regular free flights.
 - 16.** The deadline for the submission of the genetic profile for birds already kept before 1 August 2022 under a permanent permit is 31 December 2022.
 - 17.** The application to keep the breeding stock must be submitted to the nature conservation authority within 30 days of the hatching of the offspring.
 - 18.** In order to prove professional competence, a theoretical and practical exam in hunting and falconry must be passed, and a nature conservation exam must be passed before 31 August 2022.



Regulation and practice of falconry abroad

(Comparative analysis, detail)

1. Sources of supply of birds
 - Wild birds USA 10%, Europe 1%
 - In Hungary, captive-bred birds are privately owned
2. The situation of huntable species and the impact of hunting laws
 - In our country, this does not affect falconry (unfortunately)
 - Abroad, mainly in the USA, England and partly in Belgium, there are special hunting seasons for falconry
3. The impact of tradition
 - This aspect is less taken into account
 - It is particularly relevant if one wants to introduce falconry in a country where there has not been falconry for ages.
4. Sourcing birds of prey from the wild
 - Possible in Austria, Belgium, France, Germany, Hungary, Ireland, Austria, Belgium
 - USA - compulsory (in several states in the USA, a novice falconer must catch a red-tailed hawk, train it and demonstrate his or her knowledge of the falconr and of the bird itself.)
5. Specificities for the 21st century
 - Flying with little real hunting
 - Small-scale breeding for own use and the circle of friends
 - Profit-oriented breeding
 - Problems with hybrids
 - Identifying birds
 - Telemetry
6. What needs to be regulated?
 - Acquisition (breeding) of birds
 - Owning birds
 - Bird keeping conditions



- Transport of birds
 - Hunting with birds
 - Returning birds to the wild
- 7.** How to regulate?
- With minimal administration (Hungary is not good at this! The USA has done it excellently)
- 8.** Characteristics of the USA
- From the age of 14, you can start as a "beginner class falconer" under the supervision of an older person (2 years). After that, you can continue as a "general class falconer" for 5 years. After that, you become a "master grade falconer". Every stage is tied to an exam.
 - Wild-caught birds may be kept, but catching Harris hawks, peregrine falcons and gyrfalcons for falconry purposes must be licensed and appropriately marked. Only one of these species may be caught each year by a master falconer. No other birds of prey require a license to be obtained.
 - Captive-red birds must be fitted with a closed ring. The breeding of hybrids is not restricted. Special falconry seasons. Licenses are issued on a state-by-state basis, with minor variations in regulations.
- 9.** European specificities
- In EU countries, the regulation of falconry is usually done by Ministerial Decree to allow for flexible regulation. In Belgium and the UK, there are specific regulations on falconry. All bird captures require a permit.
 - No Europe-wide code has been developed. The only general feature is that it is stricter and more bureaucratic than in the USA.
- 10.** There are many reasons for the differences in the regulation of falconry, the most important of which are:
- Is falconry a traditional activity or not?
 - Political establishment.
 - The status of the country's bird of prey population.
 - The socio-economic structure of the country.
 - Professional standards of nature conservation.
 - Individual characteristics of legislators



- The IAF (International Association for Falconry and Conservation of Birds of Prey) has 63 member organizations from 48 countries. The regulation of falconry as hunting and the keeping of birds of prey varies enormously from country to country

The main problems of falconry in Hungary

1. The relevant laws are different
 - keeping birds: animal welfare and nature conservation law (strict, bureaucratic, unviable, financially unnecessary, burdensome)
 - social: regulated by hunting law and legislation (legally regulated)Conservationists tend to confuse the two.
2. The fundamental problem: captive-bred birds are treated as if they were in the wild.
 - contrary to EU legislation, Hungarian nature conservation regulations do not differentiate between specimens, the same legislation applies to captive-bred and wild birds
3. Only birds of prey bred in captivity may be used for falconry. A 1,100-year-old tradition of using wild birds, hawks and falcons for falconry has been abolished by the nature-conservation government with a stroke of the pen - the new regulations.
4. You can't hunt with a hybrid falcon in Hungary, but you can in other parts of the world.
5. Birds of prey of a species defined by nature conservation may be used for falconry. Several traditionally used species are missing from the list.
6. The hunting authority can issue a hunting permit to a foreigner if he/she has obtained the import or export permit for the bird from the nature conservation authority (at great expense). This procedure is contrary to the EU directive, which states that we should not impede the free movement of goods with customs-type items.
7. Legally kept birds of prey can be moved freely throughout the EU. Except Hungary. This puts us last in the process of European modernisation.

EU citizens are not allowed to enter our country with a bird legally kept in an EU country if the species is not one of the 5 authorized species.



8. The number of species on the banned list (saker falcons and hybrid birds) affects a very large percentage of our raptor species. In most of the civilized world, there are no such restrictions. If a fellow falconer from a foreign country (Arabia, Slovakia, Germany, Austria, EU, non EU etc.) wishes to travel with such species, his application for a very expensive import and export permit will be refused and he will not be allowed to travel into our country with his bird.
9. Few real hunts
10. Breeding is only for one's own and his/her circle of friends, for profit
11. Bird identification - DNA sample

In summary

The domestic regulation of falconry is very outdated compared to similar regulations in other nations. Unfortunately, for decades Hungarian nature conservation has been hampering the lives of Hungarian falconers with completely unnecessary bureaucracy, making it impossible to build and maintain relationships abroad. It takes a fundamentally flawed approach to the status of protected species and captive-bred specimens in the licensing procedure.

Proposals for solutions

1. Alignment with EU legislation:
 - Only birds captured in the wild should need a permit for capture, keeping etc., not captive-bred ones. As these birds have never been part of nature, Hungarian nature conservation should not have any licensing powers over them.
 - They are not owned by the Hungarian state, but by private owners, so their status is effectively similar to that of cultivated crops or farmed hobby animals.
 - For non-native species, as they are not protected species, the bureaucracy of keeping and breeding is solved. The same should apply to the keeping of captive-bred specimens of protected species native to Hungary. In this case, too, the suitability for hunting should be separated.
 - For birds kept as a hobby, only the animal protection laws should be taken into account, and for hunting, the hunting law.
2. To create a modern regulatory framework:
 - A strictly scientific decision and
 - A fair consideration following the logic of common sense is needed.



3. Falconry affects nature from two sides:
 - The tools of the hunt, birds of prey, can also come from nature.
 - Prey animals are part of nature
4. The regulation should take into account the following aspects:
 - The natural status of the bird of prey population used for falconry.
 - Sources of supply of birds.
 - The status of huntable species and hunting laws.
 - The hunting traditions of the area or country.
 - Specificities for the 21st century.



Sources

- Act LIII of 1996 on the Protection of Nature
- Decree 348/2006 (XII. 23.) on the detailed rules for the protection, keeping, utilization and presentation of protected animal species
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- DIRECTIVE 2009/147/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2009.
- Dr. János Aradi: The practice of regulating falconry abroad; Comparative analysis