

When and where to apply for permits in Belgium when studying insects

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Abstract

In this paper we give an overview of the legislation that regulates the collecting activities of entomologists in Belgium. The rules are in general quite similar between the three regions but there are some minor differences. We clarify that protected species are not impossible to study in contrast to what is often believed. But the research needs to be justified and often permits need to be obtained to capture, disturb or collect specimen. This paper does not concerns import or export of specimen and (re)introduction of species.

Keywords: protected species, regional legislation, policy, conservation, permit

Samenvatting

In dit artikel geven we een overzicht van de wetgeving die de activiteiten van entomologen reguleren in België. Over het algemeen is de regelgeving vrij vergelijkbaar tussen de verschillende regio's maar er zijn wel kleine verschillen. We verduidelijken dat het niet onmogelijk is om beschermde soorten te onderzoeken in tegenstelling tot wat vaak gedacht word. Maar het onderzoek moet gerechtvaardigd worden en vaak moeten vergunningen bekomen worden om exemplaren te vangen, verstoren of verzamelen. Dit artikel behandelt niet de import en export van exemplaren en de (her)introduction van soorten.

Résumé

Dans cet article, nous donnons un aperçu de la législation régissant les activités entomologiques de récolte en Belgique. Les règles sont généralement assez similaires entre les trois régions, mais il existe quelques différences mineures. Nous clarifions ici qu'il n'est pas impossible d'étudier les espèces protégées contrairement à ce que l'on croit souvent. Cependant, la recherche doit être justifiée et il faut souvent obtenir des autorisations pour perturber, capturer ou collecter des spécimens. Ce document ne concerne ni l'importation ni l'exportation de spécimens, ni la (ré) introduction d'espèces.

Introduction

Based on an inquire of the Royal Belgian Entomological Society to its members, the board of the society realized that many members have questions about the legitimism of their collection and collecting activity. Consequently, they made 'legislation' the main topic of the entomologic symposium in 2017. In this article, we present an overview of the current status of different legislations and policies in Belgium. In Belgium, species conservation is mainly the responsibility of the regions, and consequently, this regulation differs between the three regions. However, each region gives a proper interpretation to international conservation objectives from which the European Habitats directive is the most important. The European Habitats directive is the main nature conservation directive of the European Union (besides the European Birds directive). It regulates the conservation of well-defined habitats and species (listed in several annexes) that needs to be implemented by the EU member states. Consequently, the protected species in the different regions and in neighboring countries contain these so called 'Habitats directive species' further discussed under direct species protection.

The following text is split up for each region. For each region, we present the same four topics: 1) permission of the owner, 2) indirect species protection (sampling of species), 3) direct species protection (sampling of protected species) and 4) permits.

Flanders

To enter private or enclosed areas, you always need to ask permission of the owner. For public areas (e.g. parks, forests opened up for the public regardless of the owner), you still need to ask permission to leave the paths or set up traps. For forests and reserves managed by Agentschap voor Natuur en Bos (ANB, Flemish government), you can find an overview of their domains at www.natuurenbos.be and the responsible forester. Recently, additional areas managed by ANB have been marked where you can leave the paths without a permit. For reserves managed by the ngo Natuurpunt, you can find the local conservator of each site at www.natuurpunt.be. Other parks, forests or reserves can be managed by Limburgs landschap vzw, Durme vzw or by the local town or province and hence permission needs to be asked there.

2) Indirect species conservation is covered by the Forest decree and the Nature decree. The Forest decree forbids to leave the paths, to capture or disturb any animal and to create constructions (including traps) in any forest (private and public). The Nature decree forbids to capture or disturb any animal, to create constructions or to meaningfully disturb Habitats directive species mentioned on annex II, III or IV (Table 1) in any nature reserve. Permits to overcome these are given by the forester of ANB. Normally the administrator of the nature reserve managed by Natuurpunt has a permit to capture or collect species for scientific purpose, so you can ask the local conservator to perform your study under their permit.

3) A number of insects of the Habitats Directive are protected in Flanders. Furthermore, the list of protected species includes species that were formerly protected at national level and species that have a red list status in Flanders. A list of the protected insect species in Flanders is included in Table 1. Concerning these protected species, it is prohibited to kill, capture (even if they are released again) or meaningfully disturb them. It is also forbidden to have, transport, trade or exchange them or to destroy their habitat. Furthermore, it is forbidden to place non-selective traps (e.g. pit fall traps, malaise traps, window traps) if the chance to capture protected species is not negligible.

4) Applying for a permit concerning protected species can be done by filling in the form which can be found at www.natuurenbos.be/formulieren and send to soortencel.anb@lne.vlaanderen.be. It is important to specify your motivation (contribution to science/conservation) to allow ANB to decide upon your application. Furthermore, it is advised to apply at project base or for an association rather than as a single individual. The settlement period is 30 days. This permit is used for existing collections as well as new projects and it combines the elements of direct and indirect species conservation, so a single application can cover all permits needed. A sampling permit needs to be

renewed yearly while a permit for an existing collection remains valid as long as the collection is not moved to a new address/owner.

Brussels

1) Permission of the owner is always needed unless for public areas if you will stay on the paths.

2) Observing insects in nature and forest reserves and in N2000 areas (<http://www.leefmilieu.brusselsthemas/groene-ruimten-en-biodiversiteit/acties-van-het-gewest/natura-2000/wat-natura-2000-cartoweb-applicatie>), without disturbing them, is possible. Otherwise a permit is needed.

3) Strictly protected species are listed in annex II.2 and II.3 of the Ordinance for Nature Conservation (Table 1). To collect, or maintain in your collection, species that are strictly protected in the whole region (annex II.2) or species strictly protected in some green areas (annex II.3), a permit is needed.

4) Collection permits are obtained from Brussels Environment (biodiv@leefmilieu.brussels, biodiv@environnement.brussels) and max. require 60 days as settlement period. Permits to leave the paths are also obtained from Brussels Environment and can maximally take up to 30 days as settlement period.

Wallonia

1) To enter in private or enclosed areas you need to get permission of the owner. For public areas, if you leave the paths or set up traps you need authorization from the local director of the Nature and forest Department (for contacts see <http://environnement.wallonie.be/dnf>). For the private reserves, you also need the authorization from the manager (often Natagora, www.natagora.be or Ardenne et Gaume, www.ardenne-et-gaume.be).

2) The Nature conservation law state that it is forbidden to use non selective traps to capture species, especially those that are listed in the annex V of the law. To use a non selective trap you need a permit. If you proceed to capture in a nature reserve (including capture of non protected species) you need to get a permit.

3) The nature conservation law set the list of protected insects (Table 1) which includes insects concerned by the Habitats directive and insects which have not a favorable conservation status in Wallonia. For these insects, it is prohibited to kill, capture (even if they are released again soon after) or meaningfully disturb them or their eggs, to transport, have with you, trade or exchange them, to destroy their mating or resting places. Note that the list of protected species as well as the law on protected species might change soon because a revision is in progress. A permit is needed for all actions that negatively affect protected species or their habitat, the case of collecting or disturbing species is explicitly mentioned. Permits are only granted if: 1) the goal is foreseen in the nature conservation act (which includes research and educational purposes), 2) no other satisfying alternative is available that has a lower impact on the species and 3) the conservation status of the species is not affected.

4) Permits are granted by the Département de la Nature et des Forêts (derogations.especes.dgarne@spw.wallonie.be). Forms can be filled in at <http://www.wallonie.be/fr/formulaire/detail/20546> after logging in.

It is important to explain your motivation (contribution to scientific research, education or conservation) to allow Nature and Forest Department to decide upon your application. Furthermore, it is advised to apply at project base for several scientists rather than as a single individual. The settlement period is of maximum three months so it is recommended to apply several weeks before the collecting activities. If you plan to collect in some nature reserves you have to explicitly mention it in the form. Besides, if your research implies the killing of some individuals you have to justify it. The permit may include some restrictions.

Discussion

It is clear that there is a lot of confusion by entomologist on which consequences the different laws enforce upon their activities. Hopefully, this contribution can take away some of these confusions and misinterpretations. It might now be clear that nature administration is responsible for delivering permits and not the police. Furthermore, it is not impossible to study protected species but a permit is needed which of course depends on certain restrictions (e.g. added value to science and conservation, report about activity, ...). Finally, permits are restricted to certain species, persons, areas and time periods; there are no permits that allow you to collect any species at any place.

In nearly all cases a report has to be made after the study has ended. We encourage all people to always make such a report and to pay attention to properly inform the owner, manager and licensing authority on what has been found and what this means concerning conservation and management of the area studied. It will likely improve the acceptance between conservationists and entomologist by allowing them to better understand our goal, methods and results. Furthermore, it might encourage you to also publish these results in a journal.

Also for animals collected in other countries or long before these laws were in play, a permit is needed to maintain these animals in your collection. But we are aware that entomologists might be restrained to declare their collection by the uncertainty of future policy rules regarding these species.

Note that there are national and international laws for importing and exporting specimen. Furthermore, the three regions have specific rules for (re)introductions and for breeding species in captivity. We haven't focused on these aspects as we found them a bit out of scope for most entomologist.

Acknowledgment

We like to thank Royal Belgian Entomological Society to bring up this team and allow us to give an overview on their symposium. We like to thank Jean-Yves Baugnée for comments on an earlier version of this manuscript.

Table 1. List of protected species in the three regions of Belgium (Fl: Flanders and Wal: Wallonia).

Species	Fl	Brussels		Wal*
		II.2*	II.3**	
Coleoptera				
<i>Abax carinatus</i>	X			
<i>Agonum ericeti</i>	X			
<i>Agonum gracilipes</i>	X			
<i>Amara brunnea</i>	X			
<i>Anisodactylus nemorivagus</i>	X			
<i>Anisodactylus poeciloides</i>	X			
<i>Anisodactylus signatus</i>	X			
<i>Anisosticta novemdecimpunctata</i>				X
<i>Aromia moschata</i>				X
<i>Bembidion ephippium</i>	X			
<i>Bembidion litorale</i>	X			
<i>Bembidion monticola</i>	X			
<i>Blethisa multipunctata</i>	X			
<i>Brachinus crepitans</i>	X			
<i>Bradycellus csikii</i>	X			
<i>Calathus ambiguous</i>	X			
<i>Calosoma inquisitor</i>				X
<i>Calosoma spp</i>	X			
<i>Calosoma sycophanta</i>	X			
<i>Carabus cancellatus</i>	X			X
<i>Carabus s.l. spp</i>	X			
<i>Cerambyx cerdo</i>				X

<i>Cetonia aurata</i>	X			X
<i>Chilocorus bipustulatus</i>				X
<i>Cicindela germanica</i>	X			
<i>Cicindela spp</i>	X			
<i>Cicindela sylvatica</i>	X			
<i>Coccinelidae</i>	X			
<i>Coccinella hieroglyphica</i>				X
<i>Cucujus cinnaberinus</i>				X
<i>Donacia en Plateumaris spp</i>	X			
<i>Dytiscus circumflexus</i>				X
<i>Dytiscus dimidiatus</i>				X
<i>Dytiscus en Cybister spp</i>	X			
<i>Dytiscus lapponicus</i>				X
<i>Dytiscus latissimus</i>				X
<i>Dytiscus marginalis</i>				X
<i>Dytiscus semisulcatus</i>				X
<i>Exochomus nigromaculatus</i>				X
<i>Gnorimus nobilis</i>				X
<i>Graphoderus bilineatus</i>				X
<i>Harpalus flavescens</i>	X			
<i>Harpalus honestus</i>	X			
<i>Harpalus neglectus</i>	X			
<i>Harpalus quadripunctatus</i>	X			
<i>Harpalus rupicola</i>	X			
<i>Hippodamia septemmaculata</i>				X
<i>Hippodamia tredecimpunctata</i>				X
<i>Hydrophilus piceus</i>	X			X
<i>Lamia textor</i>				X
<i>Lebia cruxminor</i>	X			
<i>Leistus piceus</i>	X			
<i>Lucanus cervus</i>	X	X		X
<i>Meloe autumnalis</i>				X
<i>Meloe brevicollis</i>				X
<i>Meloe proscarabaeus</i>				X
<i>Meloe rugosus</i>				X
<i>Meloe variegatus</i>				X
<i>Meloe violaceus</i>				X
<i>Melolontha melolontha</i>			X	
<i>Odontaeus armiger</i>	X			
<i>Osmoderma eremita</i>	X			X
<i>Oxythyrea funesta</i>	X			
<i>Perileptus areolatus</i>	X			
<i>Pogonus littoralis</i>	X			
<i>Pogonus luridipennis</i>	X			
<i>Polyphylla fullo</i>	X			
<i>Prionus coriarius</i>	X			X
<i>Protaetia cuprea/metallica</i>	X			X
<i>Pterostichus kugelanni</i>	X			
<i>Pterostichus longicollis</i>	X			
<i>Typhoeus typhoeus</i>	X			X
<i>Zabrus tenebrioides</i>	X			
Hemiptera				
<i>Cicadetta montana</i>				X

Hymenoptera				
<i>Ammobates punctatus</i>				X
<i>Ammophila campestris</i>				X
<i>Ammophila pubescens</i>				X
<i>Andrena agilissima</i>				X
<i>Andrena curvungula</i>				X
<i>Andrena fuscipes</i>				X
<i>Andrena labialis</i>				X
<i>Andrena marginata</i>				X
<i>Anthidium punctatum</i>				X
<i>Anthophora aestivalis</i>				X
<i>Anthophora bimaculata</i>				X
<i>Anthophora plagiata</i>				X
<i>Anthophora retusa</i>				X
<i>Astata boops</i>				X
<i>Bembix rostrata</i>				X
<i>Bombus distinguendus</i>				X
<i>Bombus humilis</i>				X
<i>Bombus jonellus</i>				X
<i>Bombus muscorum</i>				X
<i>Bombus sylvarum</i>				X
<i>Bombus veteranus</i>				X
<i>Coelioxys afrus</i>				X
<i>Coelioxys alatus</i>				X
<i>Coelioxys aurolimbatus</i>				X
<i>Coelioxys conoideus</i>				X
<i>Coelioxys echinatus</i>				X
<i>Coelioxys elongatus</i>				X
<i>Coelioxys emarginatus</i>				X
<i>Coelioxys inermis</i>				X
<i>Coelioxys mandibularis</i>				X
<i>Coelioxys obtusus</i>				X
<i>Coelioxys quadridentatus</i>				X
<i>Coelioxys rufescens</i>				X
<i>Colletes cunicularius</i>				X
<i>Dasygaster hirtipes</i>				X
<i>Dinetus pictus</i>				X
<i>Dolichurus bicolor</i>				X
<i>Ectemnius fossorius</i>				X
<i>Epeoloides coecutiens</i>				X
<i>Epeolus cruciger</i>				X
<i>Epeolus variegatus</i>				X
<i>Eucera longicornis</i>				X
<i>Eucera nigrescens</i>				X
<i>Formica rufa</i>	X			X
<i>Formica polyctena</i>				X
<i>Harpactus exiguus</i>				X
<i>Harpactus lunatus</i>				X
<i>Lestica alata</i>				X
<i>Lestica subterranea</i>				X
<i>Macropis fulvipes</i>				X
<i>Macropis europaea</i>				X
<i>Melecta luctuosa</i>				X
<i>Nomada obscura</i>				X
<i>Nysson niger</i>				X

<i>Osmia bicolor</i>				X
<i>Panurgus calcaratus</i>				X
<i>Panurgus banksianus</i>				X
<i>Panurgus dentipes</i>				X
<i>Podalonia affinis</i>				X
<i>Podalonia hirsuta</i>				X
<i>Rophites quinquespinosus</i>				X
<i>Trachusa byssina</i>				X
<i>Thyreus orbatus</i>				X
Lepidoptera				
<i>Aglais urticae</i>			X	
<i>Anthocharis cardamines</i>			X	
<i>Apatura iris</i>	X		X	
<i>Aphantopus hyperantus</i>			X	
<i>Araschnia levana</i>			X	
<i>Argynnis niobe</i>				X
<i>Argynnis paphia</i>	X			
<i>Boloria aquilonaris</i>				X
<i>Boloria dia</i>				X
<i>Boloria eunomia</i>				X
<i>Boloria euphrosyne</i>				X
<i>Callimorpha/Euplagia quadripunctaria</i>	X			X
<i>Callophrys rubi</i>	X			
<i>Celastrina argiolus</i>			X	
<i>Chazara briseis</i>				X
<i>Coenonympha glycerion</i>				X
<i>Coenonympha hero</i>				X
<i>Coenonympha pamphilus</i>			X	
<i>Coenonympha tullia</i>				X
<i>Colias alfacariensis</i>				X
<i>Colias croceus</i>			X	
<i>Colias hyale</i>			X	
<i>Colias palaeno</i>				X
<i>Conocephalus discolor</i>			X	
<i>Conocephalus dorsalis</i>			X	
<i>Erebia aethiops</i>				X
<i>Erebia ligea</i>				X
<i>Erebia medusa</i>				X
<i>Eriogaster catax</i>	X			X
<i>Erymnis tages</i>	X			
<i>Euphydryas aurinia</i>				X
<i>Euphydryas maturna</i>				X
<i>Glaucopsyche alexis</i>				X
<i>Gonepteryx rhamni</i>			X	
<i>Hesperia comma</i>	X			X
<i>Hipparchia semele</i>	X			X
<i>Inachis io</i>			X	
<i>Iphiolides podalirius</i>				X
<i>Issoria lathonia</i>	X			X
<i>Lasiommata megera</i>	X			
<i>Leptidea sinapis</i>	X			
<i>Limenitis populi</i>				X
<i>Lopinga achine</i>				X
<i>Lycaena dispar</i>				X

<i>Lycaena helle</i>				X
<i>Lycaena phlaeas</i>			X	
<i>Lycaena tityrus</i>	X			
<i>Lycaena virgaureae</i>				X
<i>Maculinea teleius</i>	X			
<i>Maculinea/Phengaris alcon</i>	X			X
<i>Maniola jurtina</i>			X	
<i>Melitaea athalia</i>				X
<i>Melitaea aurelia</i>				X
<i>Melitaea cinxia</i>	X			X
<i>Melitaea phoebe</i>				X
<i>Neozephyrus quercus</i>			X	
<i>Nymphalis antiopa</i>	X		X	X
<i>Nymphalis polychloros</i>	X		X	
<i>Papilio machaon</i>			X	
<i>Pararge aegeria</i>			X	
<i>Phengaris arion</i>				X
<i>Pieris brassicae</i>			X	
<i>Pieris napi</i>			X	
<i>Pieris rapae</i>			X	
<i>Plebejus argus</i>	X			
<i>Plebejus argyrognomon</i>				X
<i>Plebejus idas</i>				X
<i>Polyommatus bellargus</i>				X
<i>Polyommatus dorylas</i>				X
<i>Polyommatus icarus</i>			X	
<i>Polyommatus semiargus</i>	X			
<i>Polyommatus thersites</i>				X
<i>Proserpinus proserpina</i>	X	X		X
<i>Pseudophilotes baton</i>				X
<i>Pyrgus armoricanus</i>				X

*: This list includes all species mentioned on annex IV of the Habitats directive and annex II of the Bern conference but here only the species known to occur in respectively Brussels/Wallonia have been listed.

** : This list includes 99 insect species while here only the species known to occur in Brussels have been listed.