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#### NOTE

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To:	Council

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Subject:	Draft Council conclusions on the EU Action Plan against Wildlife Trafficking - Adoption
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1. On 11 February 2014, the Commission presented a Communication on the EU Approach against Wildlife Trafficking <sup>1</sup> which was followed by a public consultation on this topic.<sup>2</sup>
2. On 30 July 2015, the UN General Assembly adopted a Resolution on Tackling illicit trafficking in wildlife.<sup>3</sup>

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<sup>1</sup> Doc. 6351/14 - COM (2014) 64 final.

<sup>2</sup> Doc. 16184/14 - SWD (2014) 347 final.

<sup>3</sup> A/RES/69/314.

3. In light of the outcome of the public consultation and the call by the European Parliament to the Commission to present a EU Action Plan <sup>4</sup>, on 26 February 2016 the Commission presented a Communication on a EU Action Plan against Wildlife Trafficking <sup>5</sup> (EUAP).
4. The EUAP was presented to the Working Party on the Environment (WPE) on 11 March 2016. Because of its broad scope and the need for a comprehensive approach in terms of implementation, the EUAP was also presented in a number of other relevant Council Working Parties, such as CODEV, COAFR, COASI, WPIEI (CITES) and the Customs Cooperation. Inputs from these discussions were received and taken into account.
5. In light of the above, the Presidency drafted Council conclusions which were first discussed in the WPE on 3 May 2016 and then subsequently amended by the Presidency, taking into account delegations' comments.
6. On 25 May 2016, the WPE reached agreement on the text of the draft Council conclusions <sup>6</sup> as set out in the Annex to this Note.
7. The Committee of Permanent Representatives is therefore invited to confirm the agreement on the draft conclusions as set out in Annex and to submit them to the Council (Environment) for adoption at its meeting on 20 June 2016.

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<sup>4</sup> European Parliament Resolution of 15 January 2014 (2013/2747(RSP)).

<sup>5</sup> Doc. 6570/16 - COM (2016) 87 final + ADD 1.

<sup>6</sup> Doc. 9166/1/16 REV 1.

**EU Action Plan against Wildlife Trafficking****- draft Council conclusions -**

The Council of the European Union,

NOTING with deep concern that wildlife trafficking has become one of the world's most profitable organised criminal activities; that it is facilitated by corruption and weak governance structures; that in some regions it threatens national security and fuels conflicts by providing funding to militia and terrorist groups <sup>7</sup>; and that it occurs in a multitude of sectors, thus requiring a cross-cutting approach;

UNDERSCORING that wildlife trafficking has a devastating impact on biodiversity and very damaging effects on sustainable development and poverty eradication;

UNDERLINING that protecting wildlife and preserving biodiversity and ecosystems effectively contributes to eradicate poverty and provide a sustainable future for millions of people living in developing countries;

ACKNOWLEDGING that despite its comprehensive legal framework regarding wildlife protection <sup>8</sup>, the EU continues to play an important role as a transit point and end market for illegal wildlife trade, but also a source region for some endangered domestic species;

1. WELCOMES the UN General Assembly Resolution 69/314 on Tackling illicit trafficking in wildlife and the UN Environment Assembly Resolution 1/3 on Illegal trade in wildlife;

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<sup>7</sup> Council conclusions on The fight against the financing of terrorism of 12 February 2016 (doc. 6068/16).

<sup>8</sup> Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1) and European Parliament and Council Directive 2008/99/EC of 19 November 2008 on the protection of the environment through criminal law (OJEU L 328, 6.12.2008, p. 28).

2. WELCOMES the outcome document of the UN Sustainable Development Summit “Transforming our world - 2030 Agenda for Sustainable Development”, and in this context UNDERSCORES the commitment set out in its target 15.7 to take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products;
3. WELCOMES UNEA resolution 2/14 on Illegal trade in wildlife and wildlife products adopted at the second session of the UN Environment Assembly (Nairobi, 23-27 May 2016);
4. STRESSES the key importance of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as the major international instrument to regulate legal and counter illegal trade in wildlife and wildlife products, and LOOKS FORWARD to its 17<sup>th</sup> Conference of the Parties in South Africa (COP 17), as an excellent opportunity to further strengthening global efforts against wildlife trafficking, including through new listings of endangered species;
5. UNDERSCORES that combating wildlife trafficking in an effective manner requires a comprehensive, cross-sectoral approach at all levels and the use of all relevant EU and national policies and instruments, while respecting EU and Member States competences, building on existing initiatives and efforts by EU Member States <sup>9</sup>,
6. UNDERLINES the need to enhance dialogue and cooperation with source, consumer and transit countries as well as relevant international organisations, and to involve as appropriate local authorities in source countries as well as all relevant non-state actors, including local communities, non-governmental organisations and the business sector;

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<sup>9</sup> Such as the recent Save Wildlife Conference (The Hague, 1-3 March 2016: <http://www.savewildlife.nl/>).

7. WELCOMES the Commission Communication of 26 February 2016 on an EU Action Plan against Wildlife Trafficking (EUAP) <sup>10</sup> as an important instrument with concrete proposals to raise awareness and step up action at all levels, whilst noting that this is without prejudice to the Council's competence to exercise its policy-making and legislative functions under the Treaties and without prejudice to Member States' competence on matters covered by the EUAP;
8. SUPPORTS the three priority areas of the EUAP, ie.
- preventing wildlife trafficking and addressing its root causes,
  - implementing and enforcing existing rules and combating organised wildlife crime more effectively, and
  - strengthening the global partnership of source, consumer and transit countries against wildlife trafficking;
9. WELCOMES the wide scope of the EUAP, which targets not only wildlife products but also live specimens;
10. INVITES all relevant actors identified in the EUAP (the Commission, the High Representative, the Member States, Europol and Eurojust), within the scope of their respective competences to implement the relevant actions by the indicated timelines and in a coordinated and complementary manner;
11. INVITES all relevant actors to use and improve the efficiency of existing structures and resources for the implementation of the EUAP, and HIGHLIGHTS the need to ensure efficient, risk-based and proportionate in-country compliance monitoring and enforcement in order to improve the rate of detection of illegal wildlife-related activities;
12. URGES all relevant actors to give urgent consideration to those EUAP actions where concrete results are expected to be delivered by the end of 2016;

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<sup>10</sup> Docs 6570/16 - COM(2016) 87 final + ADD 1 - SWD(2016) 38 final.

13. CALLS ON the Commission and the Member States to actively promote the adoption by CITES COP 17 of international criteria on sustainable and legal trade of hunting trophies of CITES-listed species; and URGES Member States to ensure that imports of these trophies are of legal and sustainable origin in accordance with relevant EU legislation <sup>11</sup> taking account of the opinion of the Scientific Review Group;
14. URGES in particular Member States not to issue export or re-export documents for raw pre-Convention ivory from elephants on the basis of EU guidelines <sup>12</sup> and to consider further measures to put a halt to commercial trade in ivory from elephants.
15. EMPHASISES the importance of a well-regulated, responsible and sustainable wildlife management; RECOGNISES that sustainable use including the legal commercial trade in wildlife products can be beneficial to biodiversity conservation; and UNDERLINES the need to ensure that local communities in source countries are engaged in and benefit from wildlife conservation and to support the development of sustainable and alternative livelihoods for communities living in and adjacent to wildlife habitats;
16. CALLS ON Member States and the Commission to improve cooperation, coordination, communication and data sharing between their implementation and enforcement agencies, as well as with agencies in third countries and other wildlife enforcement networks, including through the promotion of existing tools such as the EU-Twix database and the EPIX database;
17. EMPHASISES the key role of customs control and customs authorities in combating wildlife trafficking;

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<sup>11</sup> In particular Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.

<sup>12</sup> Reference: EUAP, Action 2.

18. RECALLS that all actors involved in the fight against serious and organised crime must retain a margin of flexibility to address unexpected or emerging threats to EU internal security, in particular regarding environmental crime and energy fraud <sup>13</sup>; in order to better understand the level of those threats, INVITES Europol to consider the wildlife crime threats when preparing its next EU Serious and Organised Crime Threat Assessment (SOCTA); and INVITES Member States to provide relevant information on wildlife crime to Europol, including through the SOCTA questionnaire;
19. UNDERLINES the need to enhance awareness raising and education about wildlife protection and the impacts of illegal trade in wildlife, as well as to step up training for all parts of the enforcement chain in source, consumer and transit countries;
20. URGES all relevant EUAP actors to investigate the increasing illegal trade of wildlife and wildlife products via internet, including via the "dark web", with a view to developing guidelines on how to address this problem at EU level;
21. REAFFIRMS its intention to remain closely involved in the implementation process by adopting the necessary positions and decisions in the relevant policy areas, facilitating cooperation between the different actors both at EU level and with source, consumer and transit countries, and ensuring policy coherence;
22. INVITES the Commission and the Member States to ensure the regular monitoring of the implementation of the EUAP; and INVITES the Commission to keep the Council informed of progress made, and to prepare by 31 July 2018 a report assessing mid-term progress, as well as, in 2020, an evaluation of the EUAP to establish whether further measures are needed.

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<sup>13</sup> EU's priorities for the fight against serious and organised crime 2014-2017 (doc. 12095/13).